



Goulburn Mulwaree Council

**Planning Proposal to rezone and amend Minimum Lot Size on Lots
along Brisbane Grove Road, Goulburn**

REZ_0005_2122

(PP-2024-291)

April 2024

Pre-gateway Version

(Inclusive of Water NSW Referral)

Version	Comment	Date
1	Pre-gateway	March 2024
2	Pre-gateway (inclusive of Water NSW Referral)	April 2024

Contents

Introduction	6
1.1 Intended Outcomes	11
Part 2- Explanation of Provisions	11
Part 3- Justification	14
Section A- Need for a planning proposal	14
3.1 Is the planning proposal a result of any strategic study or report?.....	14
3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way?	15
Section B- Relationship to Strategic Planning Framework	15
3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?.....	15
3.3.1 South East and Tablelands Regional Plan	15
3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036.....	17
3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?	19
3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)	19
3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)	20
3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?.....	21
3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment	21
3.5.2 State Environmental Planning Policy (Primary Production) 2021	24
3.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4 Remediation of Land.....	25
3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?	27
3.6.1 Direction 1.1 Implementation of Regional Plans	27
3.6.2 Direction 1.3 Approval and Referral Requirements	27
3.6.3 Direction 1.4 Site Specific Provisions	28
3.6.4 Direction 3.1 Conservation Zones	28
3.6.5 Direction 3.2 Heritage Conservation	31
3.6.6 Direction 3.3 Sydney Drinking Water Catchments	37
3.6.7 Direction 4.1 Flooding.....	45
3.6.8 Direction 4.3 Planning for Bushfire Protection	66
3.6.9 Direction 4.4 Remediation of Contaminated Land	71

3.6.10	Direction 5.1 Integrating Land Use and Transport.....	76
3.6.11	Direction 6.1 Residential Zones	78
3.6.12	Direction 9.1 Rural Zones	80
3.6.13	Direction 9.2 Rural Lands	81
Section C-	Environmental, Social and Economic Impact.....	85
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?	85
3.8	Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	85
3.9	Has the planning proposal adequately addressed any social and economic effects?	87
Section D-	State and Commonwealth Interests	87
3.10	Is there adequate public infrastructure for the planning proposal?	87
3.11	What are the views of State and Commonwealth public authorities` consultation in accordance with the Gateway determination?	88
Part 4-	Mapping	88
Part 5-	Community Consultation	89
Part 6-	Project Timeline.....	89
Part 7-	Appendices	89
Figure 1:	Site location plan.....	6
Figure 2:	Current land use zoning of the subject site	11
Figure 3:	Proposed zoning of subject site	12
Figure 4:	Current Minimum Lot Size of subject site.....	12
Figure 5:	Proposed Minimum Lot Size on subject site.....	13
Figure 6:	Extract from Urban and Fringe Housing Strategy	14
Figure 7:	Extent of riverine flood planning area and probable maximum flood in relation to subject site (1)	22
Figure 8:	Drainage Path Map	22
Figure 9:	Overland Flow Modelling- sourced from overland flow modelling and maps (1).....	23
Figure 10:	State Significant Agricultural Land Map (1)	25
Figure 11:	Biodiversity Values Map.....	29
Figure 12:	Terrestrial Biodiversity Map.....	29
Figure 13:	Native Vegetation and Habitat Survey Study Area: Source Native Vegetation and Habitat Survey.....	30
Figure 14:	Location of Heritage Items in proximity to the subject site	32
Figure 15:	Photo of Sofala Heritage Item- sourced form Heritage NSW	33
Figure 16:	Places of Aboriginal Significance: Source Goulburn Mulwaree Development Control Plan.....	35
Figure 17:	NSW Aboriginal Heritage Information Management System findings- access 12.1.2022... ..	36
Figure 18:	Aboriginal Cultural Heritage Assessment Study Area: Source Due Diligence Investigation for the Protection of Aboriginal Objects.....	36

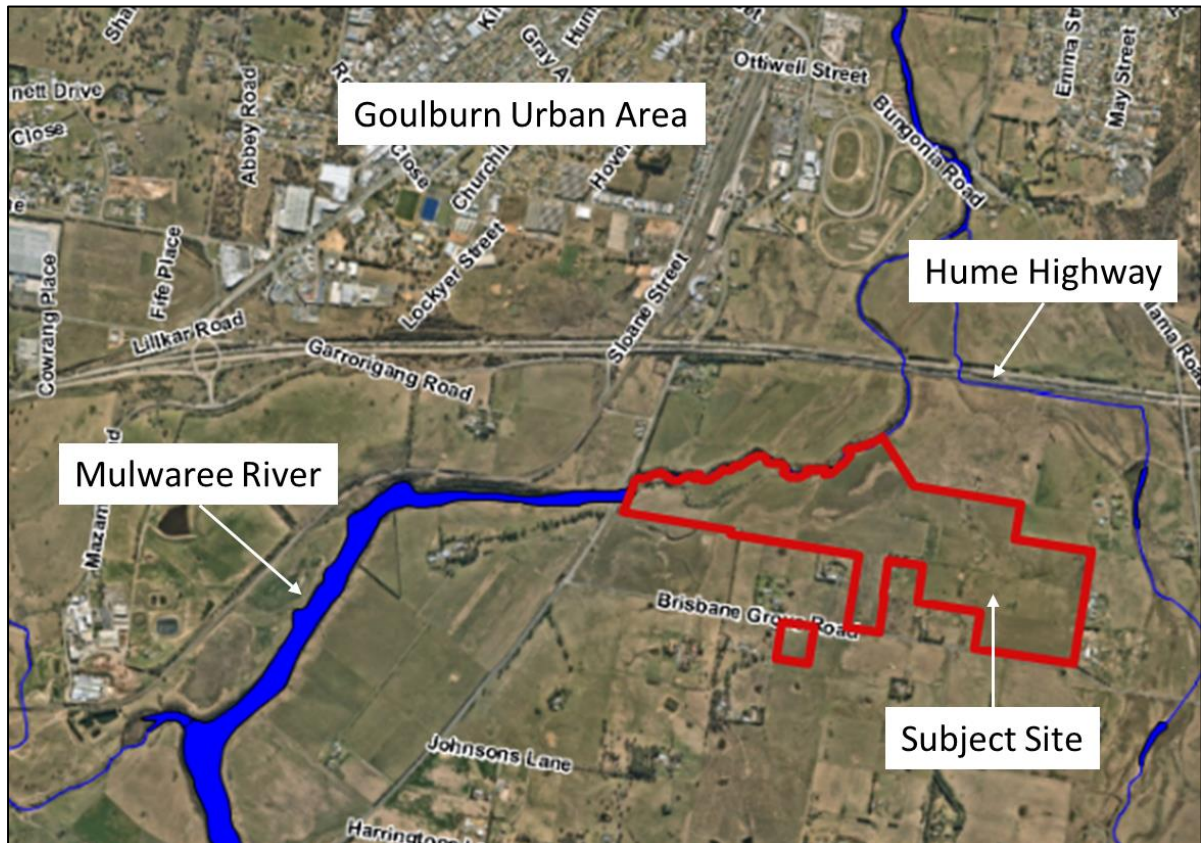
Figure 19: Extent of riverine flood planning area and probable maximum flood in relation to subject site (2): Source Goulburn Floodplain Risk Management Study and Plan	39
Figure 20: Drainage Path Map	39
Figure 21: Overland Flow Modelling- sourced from overland flow modelling and maps (2)	40
Figure 22: Water NSW Groundwater Database illustrating location of registered groundwater bores	40
Figure 23: Wastewater Management Site Plan	42
Figure 24: Strategic Land and Water Capability Assessment	44
Figure 25: Map illustrating extent of study area for the Goulburn Floodplain Risk Management Study and Plan	47
Figure 26: Extent of riverine flood planning area and probable maximum flood in relation to subject site (3): Source Goulburn Floodplain Risk Management Study and Plan	50
Figure 27: Comparative map illustrating the extent of the riverine and overland flow flood planning area	51
Figure 28: Map illustrating flood inundation of roadways: Source Goulburn floodplain Risk Management Study and Plan	52
Figure 29: Comparative map illustrating riverine and overland flow flood planning area and proposed land use zoning	54
Figure 30: Wastewater Management Site Plan	55
Figure 31: Existing Conditions- Flood Function Map	56
Figure 32: Existing Conditions- PMF- Flood Depth/Level and Hazard: Source: Brisbane Grove Flood Impact and Risk Assessment	60
Figure 33: Brisbane Grove Flood Evacuation Route: Source Brisbane Grove Flood Impact and Risk Assessment	61
Figure 34: Category 3 Bush fire prone land map	67
Figure 35: Strategic Bushfire Study Plan	69
Figure 36: Preliminary Site Investigation- Contamination Study Area	73
Figure 37: Strategic Agricultural Land Map (2)	84
Figure 38: Proximity to Potential Noise Sources	86
Figure 39: Map of Electricity easement crossing subject site	87
Figure 40: Location of power poles in relation to subject site	88
Table 1: Timeline of previous Planning Proposal (PP_2021_7390)	9
Table 2: Correlation between Plume Maps and current lot and DP number references	41
Table 3: Flood Planning Constraint Categories	47
Table 4: Frequency, depth and duration of inundation of Braidwood Road: Source Brisbane Grove Flood Impact and Risk Assessment	61
Table 5: Approximate time from the end of a rainfall burst to a flood peak for the 5%, 1% and PMF Flood Events	62

Introduction

The Site

This planning proposal seeks to rezone an area of approximately 83 hectares of rural land situated to the south of the Hume Highway, approximately 2km from the southern edge of the Goulburn urban area, with part of the northern site bounded by the Mulwaree River. A site location plan is illustrated in [Figure 1](#).

Figure 1: Site location plan



The site comprises 22 existing lots (Lots 2-5, DP 62157, Lot 2, DP 1180093, Lots 10-19, 39, 43, 44, 45 and 54, DP 976708, Lot 29, DP 750015 and Lot 2, DP 1279715) with all but one of these lots located to the north of Brisbane Grove Road.

The site has been historically and is currently pastureland used for animal grazing. The subject site is undeveloped with no residential buildings on site but several existing farm dams are present.

The site is unserved by Goulburn's reticulated water and sewer system and will rely on on-site effluent management and rainwater collection.

The site experiences riverine flood inundation from the adjacent Mulwaree River over large sections of the site, particularly Lot 2, DP1180093. The site also experiences inundation from overland flow from a drainage channel.

The "Sofala" locally listed heritage item stands on Lot 1, DP 1279715 which is proposed to be surrounded on three sides by the future subdivision but is not included within the subject site.

The Proposal

The planning proposal is proponent-led and seeks to rezone land identified in the Brisbane Grove precinct of the *Urban and Fringe Housing Strategy* from RU6 Transition and RU1 Primary Production to R5 Large Lot Residential and C2 Environmental Conservation. The proposal also seeks to amend the minimum lot size from part 100 hectares and part 10 hectares to part 2 hectares for R5 zones with no minimum lot size for the C2 zoned land. A copy of the submitted planning proposal document is available to view in **Appendix 2**.

The planning proposal includes a concept subdivision layout (**Appendix 3**) which identifies a potential 21 lot subdivision of the site with all lots exceeding 2 hectares in area. The site is proposed to be accessed by two new internal access roads from Brisbane Grove Road, sited approximately 550 metres apart. The western access will serve 9 lots and the eastern access will serve 7 lots with the remaining lots accessed directly from Brisbane Grove Road. Existing Lot 54, DP796708 (south of Brisbane Grove Road) will maintain its existing access from Brisbane Grove Road. This arrangement avoids the need for a road crossing over flood prone land.

It must be noted that the submitted concept plan does not include the full extent of Lot 2 DP1180093 and the extension of the planning proposal boundaries was undertaken by Council. The extended area is proposed to be zoned C2 Environmental Conservation where development is largely prohibited, and where no development is being proposed. As such the concept plan submitted by the proponent illustrating proposed lot layouts is still applicable.

The *Urban and Fringe Housing Strategy* identifies that areas of the Brisbane Grove precinct are subject to flooding and recommends that an environmental zone be applied to flood prone land. A large part of the subject site is subject to riverine flooding with the addition of an overland flow corridor running south to north through the eastern third of the site. The *Goulburn Floodplain Risk Management Study and Plan* identifies particularly constrained areas of riverine flooding which alongside overland flow modelling illustrates the areas unsuitable for most types of development. The flood planning areas of riverine and overland flood are proposed to be rezoned C2 Environmental Conservation. This serves to reduce development potential in flood prone areas and improve water quality outcomes. The areas affected by riverine and overland flooding have been modelled and identified in the submitted Flood Impact and Risk Assessment accompanying the proposal (**Appendix 15a**).

The flood planning areas of riverine and overland flooding affecting the site have been identified for a C2 Environmental Conservation Zone and the entire precinct is proposed to be subject to the GM LEP Special Flood Consideration clause. This approach serves to limit development potential in flood prone areas, improve water quality outcomes and ensure consideration of safe occupation and efficient evacuation for future development applications. The proposed zoning of the subject site is illustrated in **Figure 2**, **Figure 3**, **Figure 4** and **Figure 5** and **3.6.7 Direction 4.1 Flooding** provides further detail on flooding.

Previous Planning Proposal (PP_2021_7390)

This current planning proposal (PP_20224_291) is a revision and resubmission of a planning proposal submitted to Council on 20 December 2022. A copy of the original planning proposal submission from the proponent is presented in **Appendix 4** alongside the original concept layout plan in **Appendix 5**.

The original proposal sought a 27 lot subdivision of the site with all but one lot (lot south of Brisbane Grove Rd) provided access via a new internal access road from Brisbane Grove Road, creating a loop. The original proposal sought the rezoning of the current RU6 Transition

and RU1 Primary Production zoned land to R5 Large Lot Residential and a change to minimum lot size from 10ha to 2ha in accordance with the *Urban and Fringe Housing Strategy*.

The previous planning proposal was authorised to proceed to preparation stage and gateway submission by Council on 15 March 2022 (**Appendix 6a**). The proposal was subject to pre-gateway consultation with Water NSW with a referral response received on 9 May 2022 (**Appendix 10d**) with a further response received on 26 September (**Appendix 10e**). The proposal was submitted to the Department of Planning and Environment for its adequacy assessment and Gateway determination on 2 November 2022 with a conditional Gateway determination granted on 29 November 2022 (**Appendix 7a**).

The Gateway determination included the following conditions:

1. Undertake public exhibition
2. Consult with the following public authorities:
 - Rural Fire Service
 - Water NSW
 - Department of Planning and Environment- Biodiversity and Conservation Division (Floodplain team), and
3. A Public Hearing is not required
4. Authorises Council as the Local Plan-making Authority subject to the following:
 - All the conditions of the gateway are satisfied
 - The planning proposal is consistent with the Ministerial Directions
 - There are no outstanding objections from public authorities
5. The LEP should be completed by 29th November 2023.

Council undertook post gateway consultation with the above listed public authorities with referral responses received from Water NSW, The Rural Fire Service and the Department of Planning and Environment- Biodiversity and Conservation Division (Floodplain Team).

Water NSW raised no objection to the planning proposal proceeding to public exhibition but presented a number of suggested improvements to the planning proposal and the accompanying precinct-specific DCP chapter. A copy of the post gateway referral response from Water NSW is presented in **Appendix 10f**.

The Rural Fire Service raised no objection to the planning proposal. A copy of the post gateway referral response from The Rural Fire Service is presented in **Appendix 13c**.

The Department of Planning and Environment - Biodiversity and Conservation Division post gateway referral response raised significant objections to the planning proposal, summarised as follows:

- Issues with the adequacy of flood investigations and consistency with Ministerial Direction 4.1- Flooding.
- No Flood Risk Impact Assessment accompanying the planning proposal and the following issues had not been assessed:
 - The impact of flooding on the proposed development across the full range of floods including the probable maximum flood
 - The impact of the development on flood behaviour
 - The impact of flooding on the safety of people for the full range of floods including issues with evacuation
 - The implications of climate change on flooding.
- Council should consult with NSW Department of Natural Resources Access Regulator
- No consultation with NSW SES.

A copy of the post gateway referral response from DPE- Biodiversity and Conservation Division is presented in **Appendix 15c**.

The objection raised by the Biodiversity Conservation Division highlighted the deficiencies in the assessment of flood impacts, evacuation and consultation and recommended that a Flood Impact and Risk Assessment (FIRA) be prepared to support future revisions of the planning proposal.

Council met with the proponent on 1 March 2023 to discuss the objection and request the submission of a FIRA to demonstrate compliance with the Floodplain Manual, Ministerial Direction 4.1 Flooding and ultimately resolve the outstanding objection.

Subsequent to this meeting Council also met with SES on 15 March 2023 to discuss constraints around evacuation of areas to the South of the Hume Highway, including the subject site. Council also met with the proponent and their flood consultant GRC Hydro on 27 June 2023 and 24 August 2023 to discuss requirements of the FIRA and examine secondary flood risks.

Condition 4 of the gateway determination required outstanding objections to be resolved, Condition 1 required public exhibition and Condition 5 required completion of the planning proposal process by 29 November 2023. These conditions could not be met until the proponent prepared a FIRA addressing the concerns of DPE and resolving the outstanding objection. A FIRA had not been received by October 2023 and it became clear that the conditions of the gateway determination could not be met by the expiry date of 29 November 2023. As such the Department of Planning and Environment issued a Gateway Alteration on 29 October 2023 which amended the authorisation to proceed to do not proceed (**Appendix 7b**). The Gateway Alteration correspondence identified DPE considered it necessary to finalise the FIRA and for it to be considered by council before seeking a new gateway determination.

A timeline of events up to the resubmission of this current planning proposal is presented in **Table 1** below.

Table 1: Timeline of previous Planning Proposal (PP_2021_7390)

Timeline of Previous Planning Proposal- PP_2021_7390		
Event	Date	Appendices
Planning proposal submitted on portal PP_2021_7390	20 December 2021	Appendix 4
Council authorise PP to proceed to Gateway	15 March 2022	Appendix 6a
Pre-gateway referral response from Water NSW	9 May 2022	Appendix 10d
Council authorise change to MLS approach on C2 land	20 September 2022	Appendix 6b
Additional Pre-gateway referral response from Water NSW	26 September 2022	Appendix 10e
Proposal submitted for Gateway determination	22 November 2022	
Gateway granted	29 November 2022	Appendix 7a
Post gateway referral response from Water NSW	17 January 2023	Appendix 10f
Post gateway referral response from DPE- BCD	7 February 2023	Appendix 15c

Proponent meeting to advise of flood issues & FIRA requirement	1 March 2023	
Post gateway referral response from the Rural Fire Service	13 March 2023	Appendix 13c
Council meeting with SES	15 March 2023	
Additional Post gateway referral response from DPE- BCD	18 April 2023	Appendix 15d
Flood Prone Land Policy and Flood Risk Management Manual gazetted	June 2023	
Meeting- Council, proponent & flood consultant	27 June 2023	
Meeting- Council, proponent & flood consultant, Ambulance NSW & RFS-secondary risks	24 August 2023	Appendix 15a
Goulburn Flooding Technical Working Group 1 st meeting	26 October 2023	Appendix 15e
Gateway Alteration- do not proceed	29 October 2023	Appendix 7b
Planning Proposal- PP_2021_7390 Closed on Planning Portal		
Goulburn Flooding Technical Working Group 2nd meeting	2 November 2023	Appendix 15e
Revised Planning Proposal (PP_2024_291) submitted on Planning Portal	14 February 2024	Appendix 2

Since the expiry of the Gateway determination on the previous planning proposal, the proponent has undertaken revision to the original concept layout plan to assist in flood risk management as follows by:

- Reducing the number of lots from 27 to 21
- Locating all dwelling pads outside all flood prone land including the PMF and overland flow corridor.
- Replacing the internal connection road with two cul-de-sac internal roads

In addition to the above, the proponent also commissioned GRC Hydro to prepare a Flood Impact and Risk Assessment (**Appendix 15a**) to accompany the revised planning proposal. Further detail on the FIRA is presented later in this report.

Part 1- Objectives

1.1 Intended Outcomes

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

Part 2- Explanation of Provisions

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

- Amending the land use zoning map of the GM LEP 2009 for Lot 29, DP 750015, Lots 2, 3 & 4, DP 62157 and Lots 11, 13,14 & 18, DP 976708 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
- Amending the land use zoning map of the GM LEP 2009 for Lot 2, DP 1180093 from part RU1 Rural Production and part RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
- Amending the land use zoning map of the GM LEP 2009 for Lots 10,12,13,15,16, 17, 19, 39, 43,44,45 and 54, DP976708 and Lot 5, DP62157 and Lot 1, DP1279715 from RU6 Transition to R5 Large Lot Residential.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 29, DP 750015, Lots 2, 3 & 4, DP 62157 and Lots 11, 13,14 & 18, DP 976708 from 10 hectares to part 2 hectares and removal of the minimum lot size for the proposed C2 zone.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 2, DP 1180093 from part 100 hectare and part 10 hectare to part 2 hectare and removal of the minimum lot size for the proposed C2 zone.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lots 10,12,13,15,16, 17, 19, 39, 43,44,45 and 54, DP976708 and Lot 5, DP62157 and Lot 1, DP1279715 from 10 hectares to 2 hectares.

Figure 2 and **Figure 3** illustrate the current and proposed zoning and **Figure 4** and **Figure 5** illustrate the current and proposed minimum lot size amendments to the GM LEP 2009.

Figure 2: Current land use zoning of the subject site

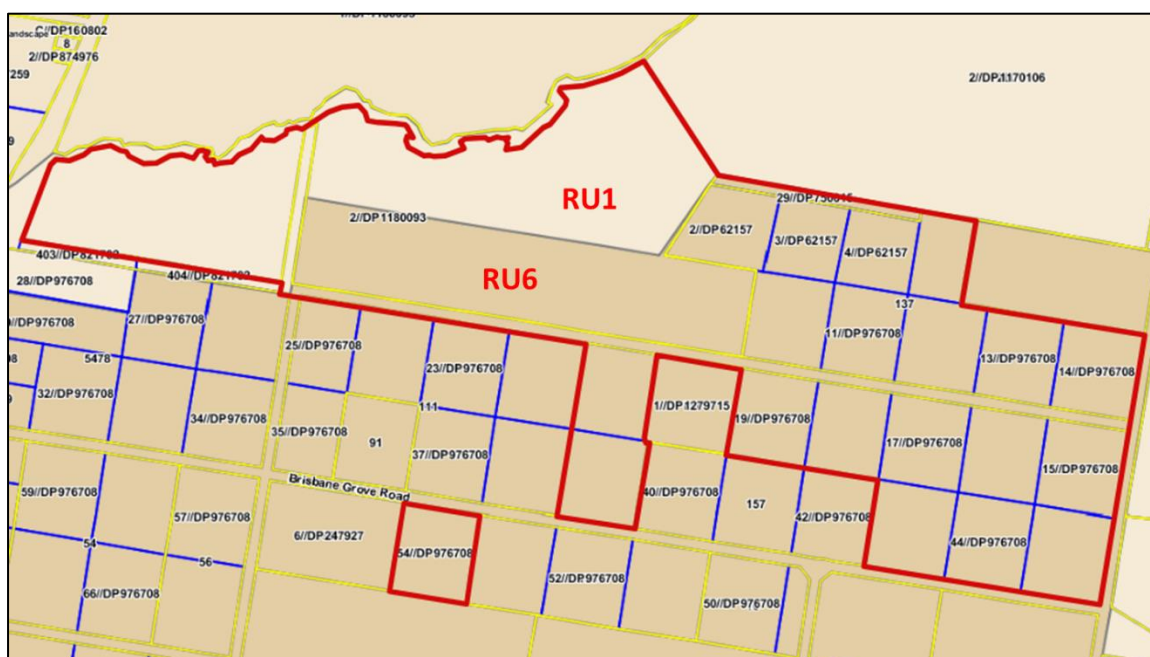
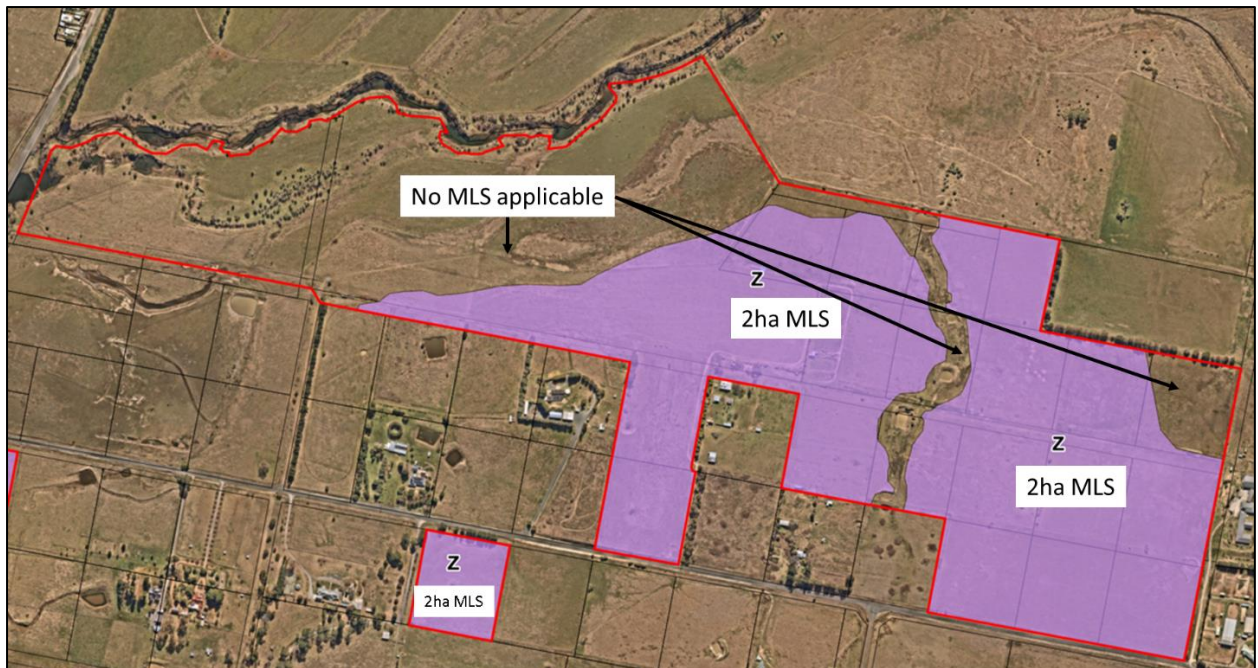


Figure 5: Proposed Minimum Lot Size on subject site



In support of these proposed amendments to the *Goulburn Mulwaree Local Environmental Plan, 2009* (GM LEP), additions are proposed to Part 8: Site Specific Provisions of the *Goulburn Mulwaree Development Control Plan* which applies to the entire Brisbane Grove and Mountain Ash Precincts. The draft Brisbane Grove and Mountain Ash Precinct-specific development control chapter is presented in **Appendix 1**.

Part 3- Justification

Section A- Need for a planning proposal

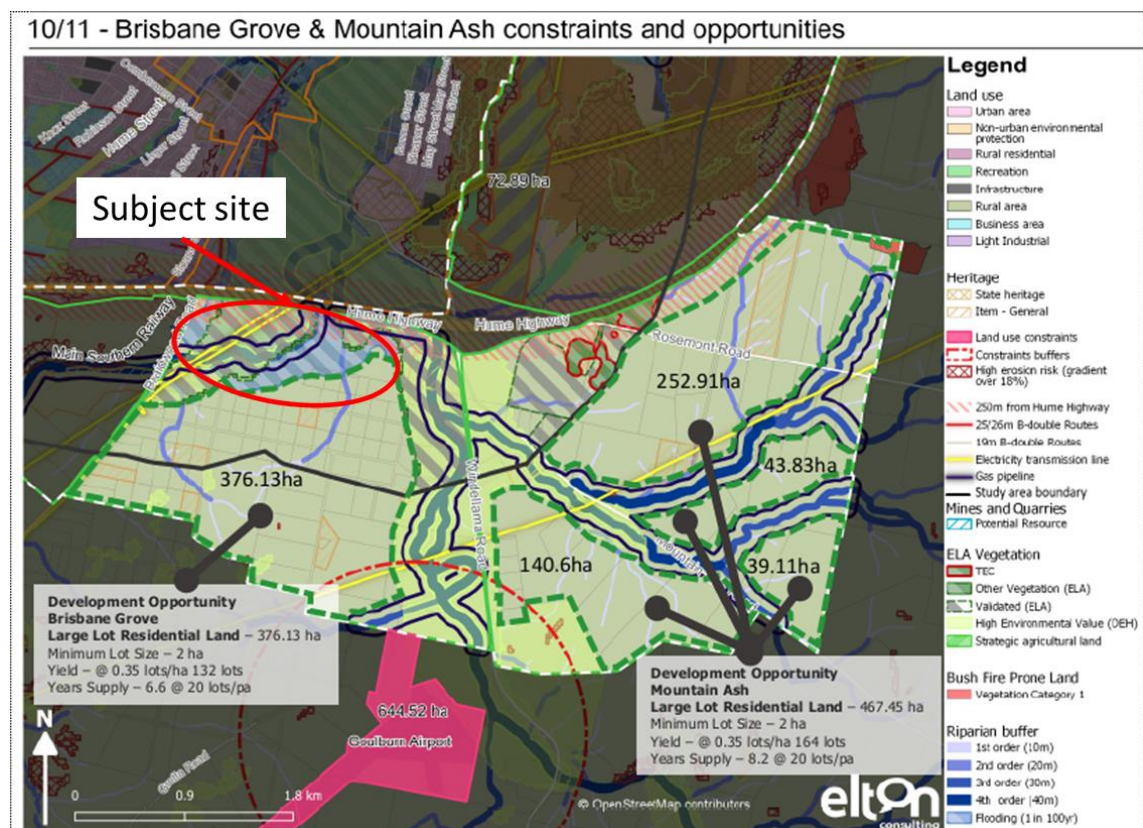
3.1 Is the planning proposal a result of any strategic study or report?

The subject site stands on the northern edge of Precinct 11: Brisbane Grove of the *Urban and Fringe Housing Strategy*, as illustrated in **Figure 6**. Precinct 11 is identified as a rural and rural transition area south of the Hume Highway, west of Mountain Ash Road. The strategy recommends land in the precinct which is least constrained by topography and environmental constraints be rezoned to large lot residential with a minimum lot size of 2 hectares. The Strategy identifies the lots are to be un-serviced by Council's reticulated water and sewer system and recommends consideration of a suitable environmental zone for flood affected land.

This planning proposal is seeking R5 Large Lot rezoning with a 2 hectare minimum lot size accompanied by a C2 Environmental Conservation Zone for land within the riverine and overland flow flood planning area. The planning proposal is consistent with the Goulburn Mulwaree *Urban and Fringe Housing Strategy*.

Goulburn Mulwaree Council resolved to proceed with a planning proposal to amend the GM LEP 2009 following the consideration of a report on this matter presented to Council on 15 March 2022 a copy of the Council Report and Resolution is available in **Appendix 6a**.

Figure 6: Extract from *Urban and Fringe Housing Strategy*



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

The planning proposal to amend the RU6 Transition & RU1 Primary Production zoning to large lot residential with a minimum lot size of 2 hectares is the best means of achieving the objectives of the planning proposal and the *Urban and Fringe Housing Strategy*. The large lot zoning provides for rural character, the ability to accommodate effluent management areas and to ensure areas of flooding can be avoided. The planning proposal also seeks to apply a C2 Environmental Conservation Zone to the flood planning area. This approach seeks to maintain buffer distances between development and watercourses, maintain water quality, improve biodiversity and reduce soil erosion.

The C2 zone land was initially proposed to be accompanied by a 100 hectare minimum lot size as reported to Council on 15 March 2022 (**Appendix 6a**). Further assessment and application of this approach identified some unintended consequences such as irregular and unmanageable lot arrangements, difficulties in access provision and reduced maintenance of drainage channels. As a result, the approach was reconsidered through a report to Council on removing minimum lot sizes for C2 zoned land within the Brisbane Grove and Mountain Ash Precincts on 20 September 2022 (**Appendix 6b**). Council endorsed this alternative approach to remove the 100ha MLS from the C2 zoned land to provide additional flexibility, overcome many of the identified issues and result in a better planning and water quality outcome than the previously proposed approach.

The proponent's original submission excluded a large part of the western Lot 2, DP1180093 with the only the eastern portion included. The excluded section would retain its RU1 zoning and 100ha minimum lot size and part of its RU6 zoning and 10ha minimum lot size. After the application of an R5 zoning on the included eastern portion of the lot (as originally proposed) through this process, Lot 2, DP1180093 would be subject to three different zones and minimum lot sizes. As a result, the proponent would be unable to subdivide Lot 2, DP1180093 under the provisions of the GM LEP. The proposed C2 zoning over the flood planning area with no minimum lot size alongside the 2ha R5 zoning would enable the subdivision of this lot under the GM LEP and serve to better safeguard water quality and the environment.

Section B- Relationship to Strategic Planning Framework

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

3.3.1 South East and Tablelands Regional Plan

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

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

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

Areas within the riverine and overland flow flood planning areas are proposed to be rezoned as C2 Environmental Conservation to limit development and ensure the impacts of the most severe and frequent flood events are avoided. The identification of the most frequent and severe flood prone areas are derived from the [Goulburn Floodplain Risk Management Study and Plan](#) and overland flow modelling, undertaken concurrently. This approach seeks to incorporate the best available hazard information into the zoning of the Local Environmental Plan which is consistent with current flood studies and floodplain risk management plans. The C2 Environmental Conservation zoning seeks to manage the flood risk associated with the growth of the Brisbane Grove Precinct. In addition, the concept plan illustrates all dwelling pads can be located both outside the overland flow corridor and the areas affected by riverine flooding up to the Probable Maximum Flood (PMF). To ensure the siting of dwellings outside the PMF affected areas, the GM LEP Special Flood Consideration clause 5.22 will also be applied to the entirety of the Brisbane Grove and Mountain Ash Precincts.

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

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

Direction 23: Protect the region's heritage

Direction 23 of the *South East and Tablelands Regional Plan* seeks to protect the regions heritage with particular regard to consulting with Aboriginal people to identify heritage values and to conserve heritage assets during the strategic planning stage.

The planning proposal site stands within a Potential Aboriginal Artefacts layer and within an area identified as places of Aboriginal significance, identified in consultation with the Aboriginal community. In response, the proponent has submitted an Aboriginal Cultural Heritage Assessment (**Appendix 8b**). The Aboriginal Cultural Heritage Assessment has sought to identify potential heritage values on the site and has been prepared with engagement from the local Aboriginal Community. In addition, the locally listed "Sofala" heritage item will be surrounded by the proposed subdivision with a number of other locally listed heritage items standing in relatively close proximity. The proponent has submitted a Heritage Impact Statement (**Appendix 9a**) which has assessed the heritage values of the heritage items and its surrounds and proposes a series of recommendations to conserve these heritage items and their rural context. These recommendations have been reinforced through provisions within the Development Control Plan.

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

- Undertaking and implementing heritage studies including Aboriginal Cultural heritage studies;

- Consulting with Aboriginal people to identify heritage values at the strategic planning stage, and
- Conserving heritage assets during strategic planning and development.

Direction 28: Manage rural lifestyles

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

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

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

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

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

- Enabling rural residential development which is identified in the local housing strategy;
- Locating rural residential development as close as practical to an existing urban settlement to maximise the use of existing infrastructure, and
- Minimising land use conflicts and avoid areas of high significance, important agricultural land and natural hazards where possible.

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The *Tablelands Regional Community Strategic Plan* identifies priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Infrastructure
- Civic Leadership

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

- **Environment Strategy EN1-** *Protect and enhance the existing natural environment, including flora and fauna native to the region which includes maintaining our rural landscape*
- **Environment Strategy EN3-** *Protect and rehabilitate waterways and catchments.*
- **Environment Strategy EN4-** *Maintain a balance between growth, development and environmental protection through sensible planning*
- **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 within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. This planning proposal has sought to protect waterways and catchments by prescribing a 2 hectare minimum lot size to reduce the intensity of potential uses, siting effluent management areas at suitable distances from watercourses and drainage paths and rezoning the flood planning area as C2 Environmental Conservation to reduce development potential and improve water quality outcomes. The ability of the planning proposal to achieve a neutral or beneficial outcome on water quality has been demonstrated through the Water Cycle Management Study submitted with the planning proposal (**Appendix 10a**). This planning proposal is consistent with Environment Strategy EN3.

The planning proposal recognises and seeks to protect areas of built and cultural heritage through the Aboriginal Cultural Heritage Assessment (**Appendix 8b**) and Heritage Impact Statement (**Appendix 9a**). No impacts have been identified regarding Aboriginal cultural heritage and the heritage values of the adjacent "Sofala" heritage item and nearby heritage items have been safeguarded through a series of recommendations incorporated into the precinct-specific Development Control Plan chapter (**Appendix 1**). This planning proposal is consistent with Our Community Strategy CO4.

The subject site is not of high biodiversity significance, outstanding biodiversity value or is a declared critical habitat. The Native Vegetation and Habitat Survey (**Appendix 11a**) submitted with the planning proposal identifies that site has been significantly modified due to clearing, grazing and cropping, is highly disturbed with limited native vegetation and concludes the proposal would unlikely have a significant impact on biodiversity values in the locality. The site size at 83.8 ha is relatively small compared to the overall Brisbane Grove Precinct but consequential rezoning over the entire precinct will result in an overall change to this rural landscape. The potential impact on the landscape's rural character has been minimised by the large 2 hectare lots sizes, extensive environmental zoning and the precinct-specific Development Control Chapter. This DCP chapter includes provisions to ensure generous building setbacks, a maximum site coverage, rural-style fencing and landscaping to maintain a rural landscape setting. This planning proposal is consistent with Environment Strategy EN1.

This planning proposal has sought a balance between residential development and environmental protection through large lot sizes to accommodate on-site effluent management systems and ensure water quality. It has adequately demonstrated there would be no significant impact on biodiversity values, includes recommendations to preserve adjacent and nearby heritage items and has no identified impact on

Aboriginal cultural heritage. Flooding impacts have been identified and the most frequent and severe impacts have been avoided through the proposed C2 Environmental Conservation zone. In addition, the site's location stands in accordance with the recommendations of the *Urban and Fringe Housing Strategy*. The site is located in an area suitable to provide lifestyle lots within relatively close proximity to Goulburn's concentration of employment services and facilities. This planning proposal is consistent with Environment Strategy EN4.

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

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

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

The LSPS includes **Planning Priority 4- Housing** which establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. It also highlights that a key land use challenge is to meet the housing supply and type required for a growing population. A primary action in meeting this challenge is the implementation of the *Urban and Fringe Housing Strategy* which sets out housing growth areas.

This planning proposal seeks the rezoning of an area of predominately RU6 Transition Zone land identified in Precinct 11 of the *Urban and Fringe Housing Strategy* for R5 large lot residential development. This area is situated approximately 2 kilometres from the Goulburn urban area. This precinct forms one of 20 precincts identified for residential growth focused in and around the Goulburn urban area. This proposal ensures Goulburn remains the focus of housing growth and seeks to implement recommendations in the *Urban and Fringe Housing Strategy*. This planning proposal is consistent with Planning Priority 4- Housing.

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

The subject site is within a category 3 (medium bushfire risk) landscape but this proposal forms one of the first parts of a wider rural residential precinct and the proposal includes suitable bushfire protection measures to mitigate potential impacts and increase resilience. The Development Control Plan also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through the *Goulburn Floodplain Risk Management Study and Plan* and through overland flow modelling and planned for through appropriate zoning of the flood planning area. 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 to ensure the

preservation of Aboriginal heritage and culture both at the strategic and development assessment stages.

The locally listed “Sofala” heritage item is located directly adjacent the site with a number of other locally listed heritage items standing in relatively close proximity (**Figure 14**). The planning proposal includes large 2 hectare+ lots for subdivision throughout the Brisbane Grove precinct assisting in maintaining the rural setting and context of heritage items in the locality. Additional provisions are provided through the precinct-specific Development Control Plan chapter (**Appendix 1**) which seeks to limit the impact of the proposal on the wider landscape setting. This planning proposal actively seeks to conserve the setting and rural context of nearby heritage items.

The planning proposal is consistent with Planning Priority 9: Heritage.

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

As previously noted, the subject site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. The Native Vegetation and Habitat Survey (**Appendix 11a**) submitted with the planning proposal identifies that site has been significantly modified due to clearing, grazing and cropping. The site is highly disturbed with limited native vegetation and concludes the proposal would unlikely have a significant impact on biodiversity values in the locality.

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

The planning proposal is consistent with Planning Priority 8: Natural Hazards.

Overall, this planning proposal is consistent with the planning priorities, vision, principles, and actions of the *Goulburn Mulwaree Local Strategic Planning Statement*, specifically planning priorities 4, 8, 9 and 10.

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

The subject site is directly identified in the [Urban and Fringe Housing Strategy](#) (UFHS) as an urban release area in the Brisbane Grove Precinct, as illustrated in **Figure 6**.

The recommendations for this precinct are:

- Rezone land that is least constrained by topography and environmental constraints to large lot residential zone (un-serviced);
- A comprehensive Aboriginal Cultural Heritage Assessment is required;
- Consider suitable Environmental Zone for flood affected land;

- Any development within the Sydney Drinking Water Catchment must have a neutral or beneficial effect (NorBE) on water quality, and
- High priority.

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

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

This planning proposal to rezone and amend the minimum lot size for a portion of the Brisbane Grove urban release area is consistent with the recommendations of the *Urban and Fringe Housing Strategy*.

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

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

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

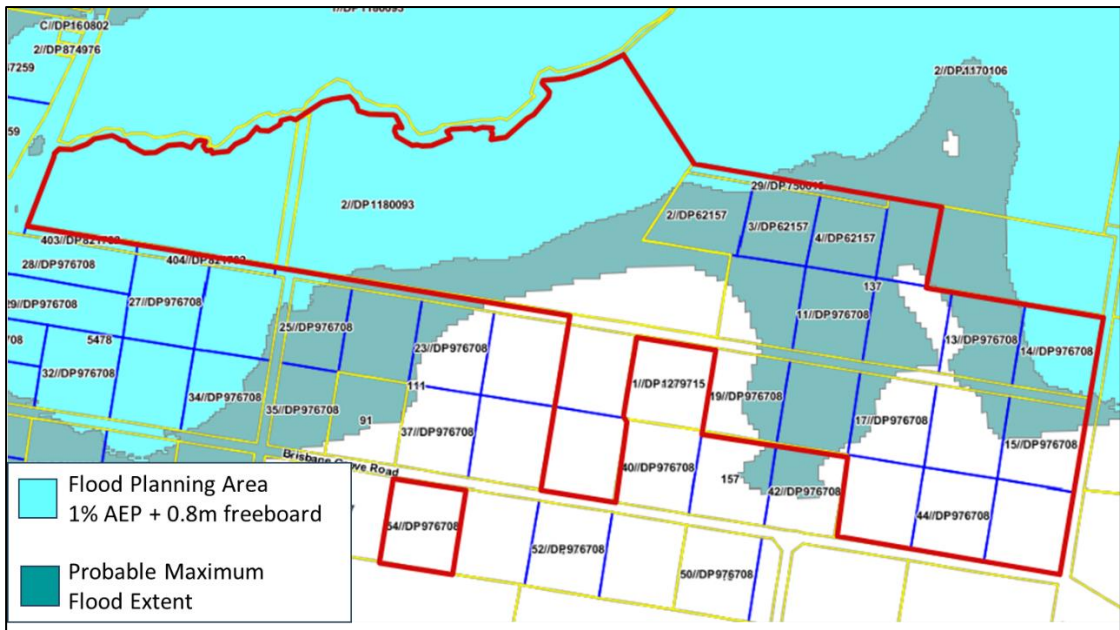
- a) To provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and
- b) To provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.

Comment: The subject site stands within the Sydney drinking water catchment, located approximately 2km south of the Goulburn urban area which is un-serviced by the town's reticulated water and sewage system. There are no plans to extend the towns water and sewer network to this area. All lots created within the Brisbane Grove precinct will be required to provide on-site rainwater collection and on-site effluent management systems.

The proposal seeks the rezoning to facilitate later subdivision of a total of 22 existing lots with a combined area of 83.8 hectares into a total of 21 lots at 2 hecatres or greater in area. These figures belie the fact that approximately 33.7 hectares of the site are proposed to be rezoned to C2 Environmental Conservation.

The north western part of the site, encompassing a large part of Lot 2, DP 1180093 is severely flood affected by riverine flooding as illustrated by the extent of both the flood planning area and the PMF in [Figure 7](#).

Figure 7: Extent of riverine flood planning area and probable maximum flood in relation to subject site (1)



A natural drainage path runs through the site, ([Figure 8](#)) flowing south to north into the Mulwaree River. This drainage path is also identified as an overland flow corridor through the overland flow modelling undertaken concurrently with the [Goulburn Floodplain Risk Management Study and Plan](#), illustrated in [Figure 9](#).

Figure 8: Drainage Path Map

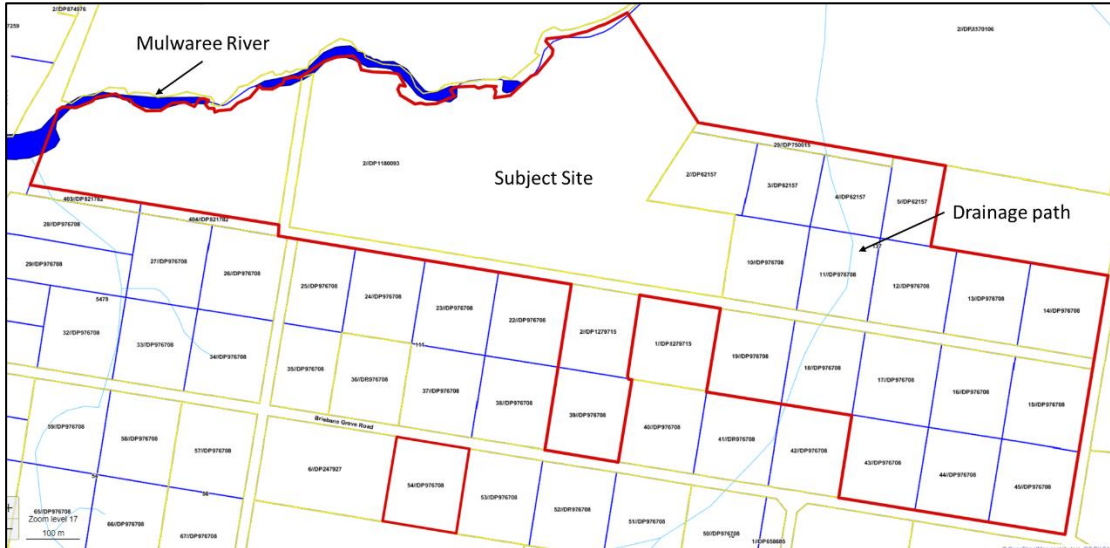
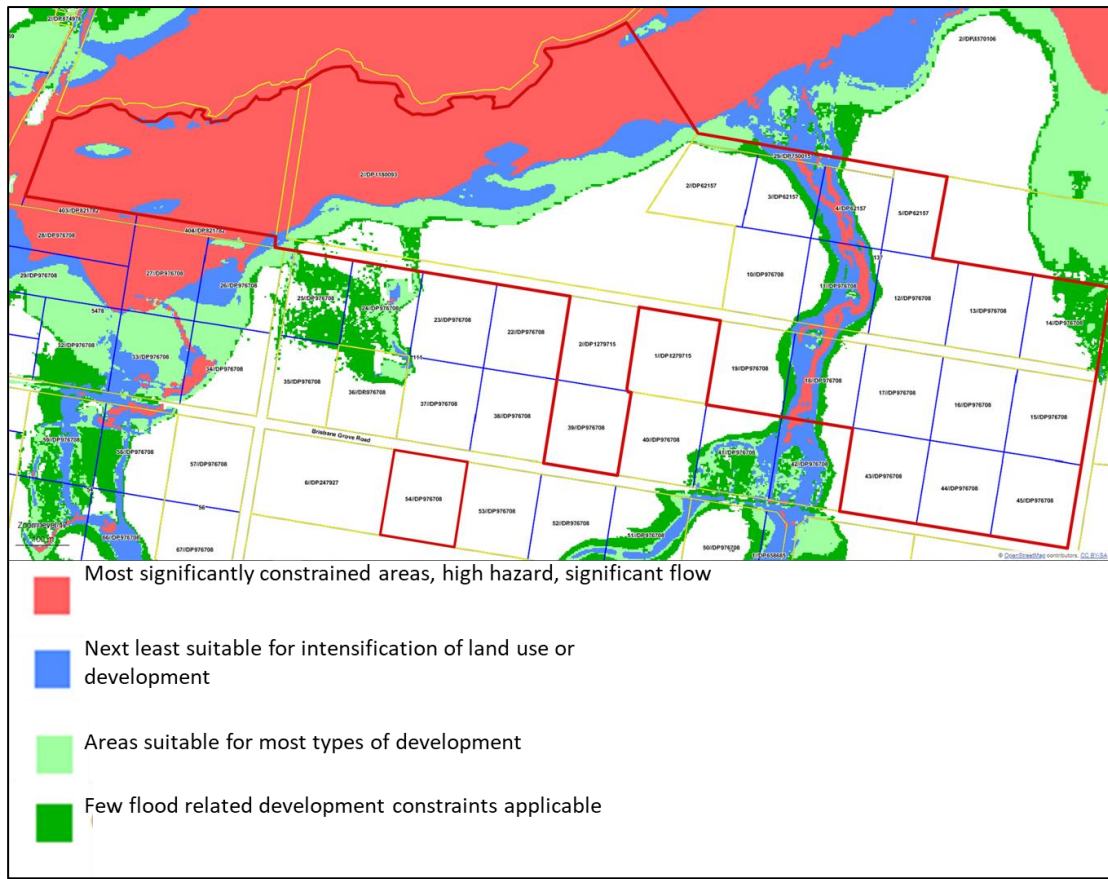


Figure 9: Overland Flow Modelling- sourced from overland flow modelling and maps (1)



The flood planning area (including riverine and overland flooding) is proposed to be rezoned as C2 Environmental Conservation. The proposed R5 Large Lot Residential lots are planned to have minimum lot sizes of 2 hectares or greater. These provisions serve to make clear from a water quality perspective that effluent management can be sited away from areas of inundation.

The proponent has submitted a Wastewater Management Site Plan (**Appendix 10b**) to demonstrate the proposal's ability to accommodate the proposed development on site whilst avoiding all flood prone land and ensuring suitable buffer distances.

The proponent has submitted a Water Cycle Management Study (**Appendix 10a**) alongside a Wastewater Management Site Plan (**Appendix 10b**) and Stormwater Management Site Plan (**Appendix 10c**) which collectively seek to demonstrate the proposals ability to achieve a neutral or beneficial impact on water quality outcomes.

The submitted Water Cycle Management Study and associated plans illustrate a concept layout plan and the approximate location of new dams, dwelling envelopes and effluent management areas. The large overall site size at 83.8 hectares and the large 2 hectare minimum lot size, alongside the comparatively small area affected by overland flow and exclusion of the most constrained riverine flood prone areas from development, all indicate the ability of the proposal to achieve a neutral or beneficial effect on water quality outcomes.

An assessment on water quality to determine neutral or beneficial effect will be undertaken as part of a future development application which will require Water NSW

concurrence. In addition, the development should ensure Water NSW's current recommend practice are incorporated.

The Water NSW Pre-gateway referral response received on 5 April 2024 (**Appendix 10g**) confirms this proposal has addressed Part 6.5 of the SEPP.

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:

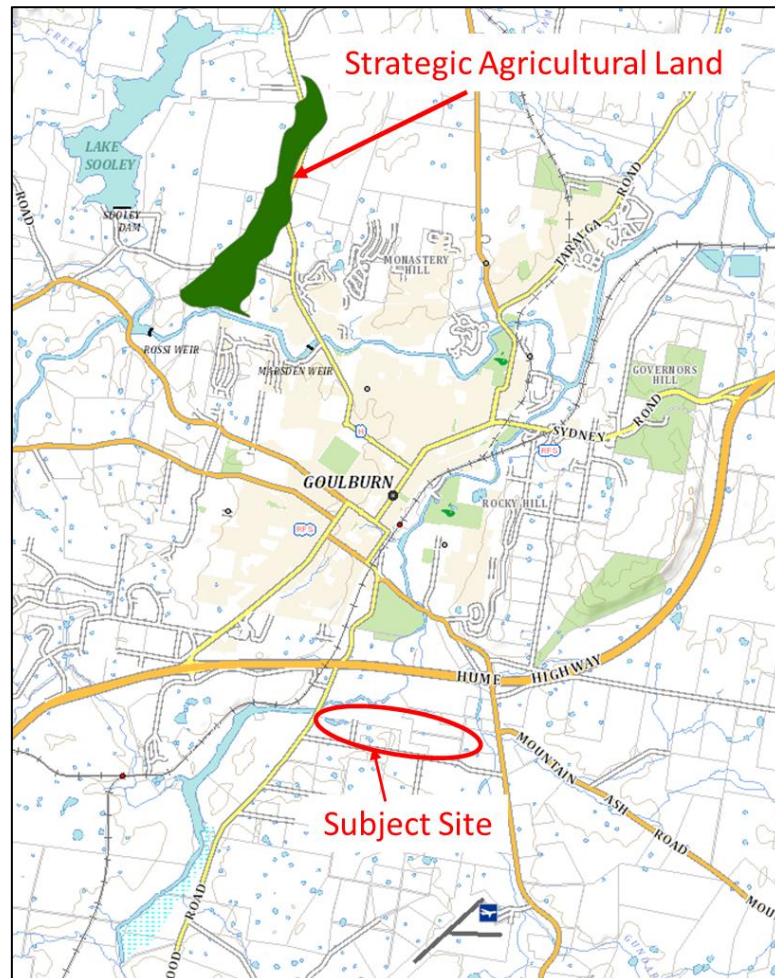
- (a) facilitate the orderly economic use and development of lands for primary production,
- (b) reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) identify 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 [Urban and Fringe Housing Strategy](#) considered the significance of primary production when determining suitable opportunity areas for housing growth in the local government area. The Strategy focuses more than 80% of the anticipated housing growth up to 2036 in and directly adjacent to the urban areas of Marulan and Goulburn with most lots prescribed a 700 sq.m minimum lot size. This seeks to concentrate the majority of growth in existing service centres with only a relatively small volume of growth planned as larger lot rural residential developments. This strategy facilitates the orderly development of rural land; minimising sterilisation of rural land for primary production to those areas closest to urban service centres whilst enabling a variety of residential development types to meet demand.

The subject site has limited coverage of native vegetation, is considered highly disturbed and has low biodiversity value. Whilst the subject site will not be served by Goulburn's reticulated water and sewage system, the proposal includes suitable provisions for water storage, effluent management and demonstrates the ability to achieve a neutral or beneficial effect on water quality.

The subject site is not impacted by State Significant Agricultural land as illustrated in **Figure 10**.

Figure 10: State Significant Agricultural Land Map (1)



The primary purpose of the proposal is the rezoning of land outside the flood planning area for large lot residential. However approximately 33.7 hectares of flood prone land within the site are proposed to be zoned C2 Environmental Conservation where agricultural uses are permissible.

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

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

The object of this policy is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.
2. In particular, this policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment-
 - a. By specifying when consent is required, and when it is not required, for remediation work, and

- b. By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- c. By requiring that a remediation work meet certain standards and notification requirements

Comment: The subject site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the *contaminated land planning* guidelines.

The planning proposal has been supported by an initial Preliminary Site Investigation (PSI) (contamination) report June 2021, presented in **Appendix 12a** and an updated Preliminary Site Investigation (PSI) (contamination) report August 2022, presented in **Appendix 12b**. These reports examined the entire subject site including the entirety of Lot 2, DP1180093.

The PSI's identified two potential sources of contamination on site and associated contaminants of potential concern (COPC), namely:

- S1- Waste materials scattered across the site surface including bricks, ceramic pipes, old metal barrels, metal sheeting and old fencing with associated COPC's which include metals, total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons and asbestos
- S2- Potential use of pesticides associated with grazing agriculture at the site with associated COPC's including arsenic, organochloride and organophosphate pesticides.

It was noted however that the likelihood of contamination resulting from the waste materials and the accumulation of significant quantities of pesticides in the soil are considered to be low.

The PSI presented the following two recommendations:

- A Construction Management Plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site, and
- Any fill material required to be disposed off-site, must first be assessed in accordance with NSW EPA (2014) *Waste Classification Guidelines, Part 1: Classifying Waste*.

The Goulburn Mulwaree Development Control Plan addresses contamination in relation to water quality but further precinct-specific guidance has been included within the precinct-specific development control plan chapter to ensure the above recommendations are included within a subsequent development application at subdivision stage.

This planning proposal has assessed the potential for contamination on the subject site and no remediation requirements have been identified. Suitable provisions are in place to ensure any potential risk to human health or the environment, as a result of contamination, are adequately reduced via the development application stage.

Further information on contamination is available in **Section 3.6.9 Direction 4.4 Remediation of Contaminated Land** this report.

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

3.6.1 **Direction 1.1 Implementation of Regional Plans**

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

Comment: The *South East and Tablelands Regional Plan* is applicable to this planning proposal and this has been considered in **Section 3.3.1 South East and Tablelands Regional Plan** of this report. This planning proposal is consistent with this regional plan.

3.6.2 **Direction 1.3 Approval and Referral Requirements**

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

When this direction applies a planning proposal must:

- Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- Not contain provisions requiring concurrence, consultation or referral to a minister or public authority unless the relevant planning authority has obtained the approval of:
 - The appropriate Minister or public authority, and
 - 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
- Not identify development as designated development unless the relevant planning authority:
 - 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
 - Has obtained the approval of the planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP & A Act.

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

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

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

3.6.3 **Direction 1.4 Site Specific Provisions**

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

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

Comment: This planning proposal seeks the rezoning and minimum lot size amendment of the subject site to R5 Large Lot Residential to enable dwelling entitlements in an area identified for development in the *Urban and Fringe Housing Strategy*. Dwellings are a permissible use within the R5 Large Lot Residential zone and no development standards or requirements are proposed in addition to those already contained in the zone and in the Goulburn Mulwaree Local Environmental Plan, 2009.

3.6.4 **Direction 3.1 Conservation Zones**

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

This Direction requires:

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

Comment: The Mulwaree River which forms the sites north western boundary is identified on the Biodiversity Values map as illustrated in [Figure 11](#).

The north western corner of the subject site stands in an area identified under the Terrestrial Biodiversity mapping layer in the Goulburn Mulwaree Local Environmental Plan as illustrated in [Figure 12](#). This layer indicates the potential for biodiversity values within the site and may indicate the land to be an environmentally sensitive area, as defined in the Goulburn Mulwaree Local Environmental Plan.

Figure 11: Biodiversity Values Map

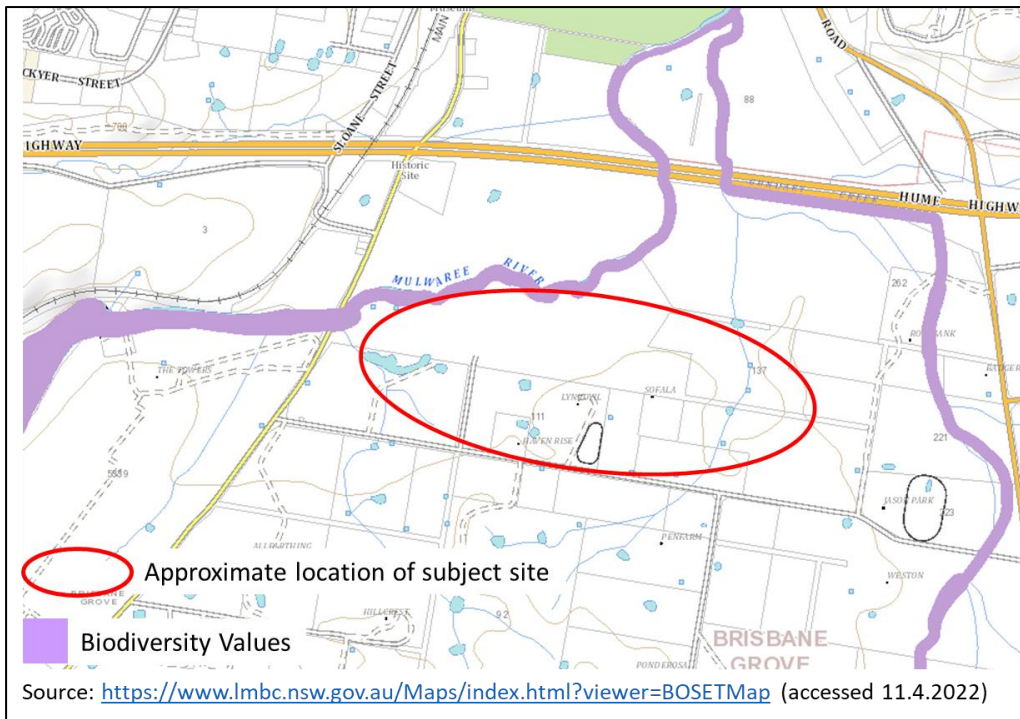
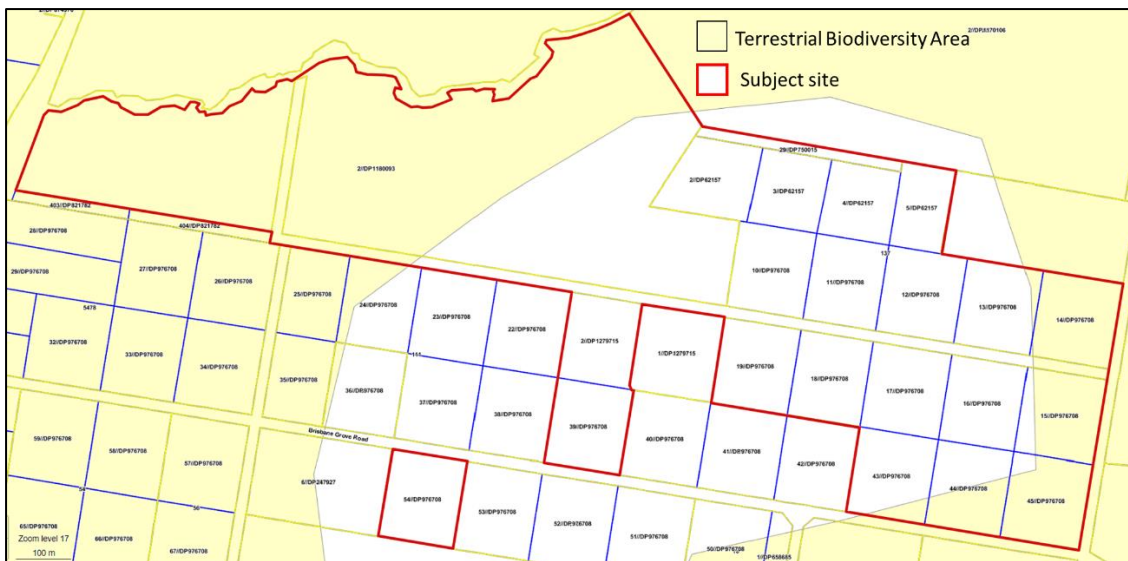


Figure 12: Terrestrial Biodiversity Map

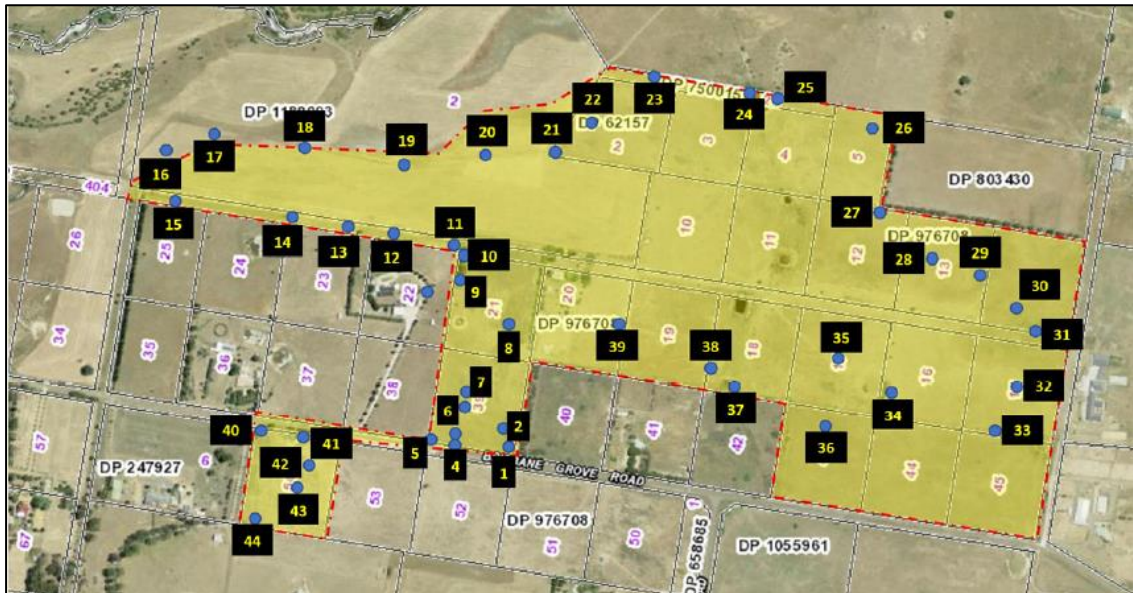


The planning proposal has been accompanied by a Native Vegetation and Habitat Survey prepared by Hayes Environmental (**Appendix 11a**). This survey included a botanical survey conducted by ecologist Daniel Clarke on 8th July 2021 and a fauna habitat inspection conducted by Rebecca Hogan on 13th August 2021.

It should be noted that the study area of the survey did not include the full extent of the large northwestern lot (Lot 2, DP 1180093)(**Figure 13**) as this area wasn't initially proposed to be included within the planning proposal by the proponent due to the extent of flood inundation. This planning proposal, as revised by the Council, extends the subject site to include all of Lot 2, DP 1180093 to enable all areas of the site within the flood planning area to be zoned as C2 Environmental Conservation and facilitate

later subdivision. Whilst the full lot has not been included in the Native Vegetation and Habitat Survey, the proposed zoning prevents the significant majority of built development, including residential uses and this land will remain in its current agricultural use (albeit rezoned to C2). Other C2 zoned areas identified in the Precinct specific DCP Chapter (**Appendix 1**) will be affiliated with a R5 residential lot and will no longer will be utilised for agricultural purposes.

Figure 13: Native Vegetation and Habitat Survey Study Area: Source Native Vegetation and Habitat Survey



*The above Concept Plan does not identify the full extent of the proposal area to include the entirety of Lot 2, DP 1180093. For clarity, the entire site encompassing all of Lot 2, DP 1180093 to the west was reviewed by Council's Biodiversity Officer.

A summary of the Survey's findings are presented below:

- Entire site is characterised as 'open managed paddocks';
- No native tree canopy;
- No native shrub layer;
- Large areas of the site are actively managed and were bare ground during the survey. Groundcover which is present is dominated by exotic grass and weed species;
- Foliage cover of native species across the site is generally well below 15% with two small patches (400m² & 250m²) of groundcover that would meet the native vegetation definition under the Biodiversity Assessment Method 2020;
- No threatened plant species were recorded or are considered likely to occur within the site;
- Fauna habitats are highly modified grasslands with occasional exotic shrubs and farm dams;
- The proposal would not exceed the Biodiversity Offset Scheme Entry Threshold (BOSET), and
- A Biodiversity Development Assessment Report would not be required.

Council's Biodiversity Officer, has reviewed the Native Vegetation and Habitat Survey and conducted a site visit (entire site including Lot 2, DP1180093) on 12 January 2022 which confirmed the findings of the survey. The Biodiversity Officer confirmed that groundcover is dominated by exotic grasses with native groundcover estimated to be less than 5% and no native tree species, threatened flora or fauna or ecological communities observed on site. Council's Biodiversity Officer considers the proposal is

not likely to have any significant adverse impacts on local biodiversity values and the proposal would not require Biodiversity off-sets or a Biodiversity Development Assessment report.

Comments from Council's Biodiversity Officer are available in **Appendix 11b**.

The Native Vegetation and Habitat Survey alongside the site assessment undertaken by Council's Biodiversity Officer illustrate that the subject site is not considered of high biodiversity significance, outstanding biodiversity value or a declared critical habitat.

In addition to the above, the subject site does not include any other potential environmentally sensitive areas, as defined in the *Goulburn Mulwaree Local Environmental Plan*, as follows:

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

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

3.6.5 Direction 3.2 Heritage Conservation

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

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

- i. 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.
- ii. Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- iii. 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.

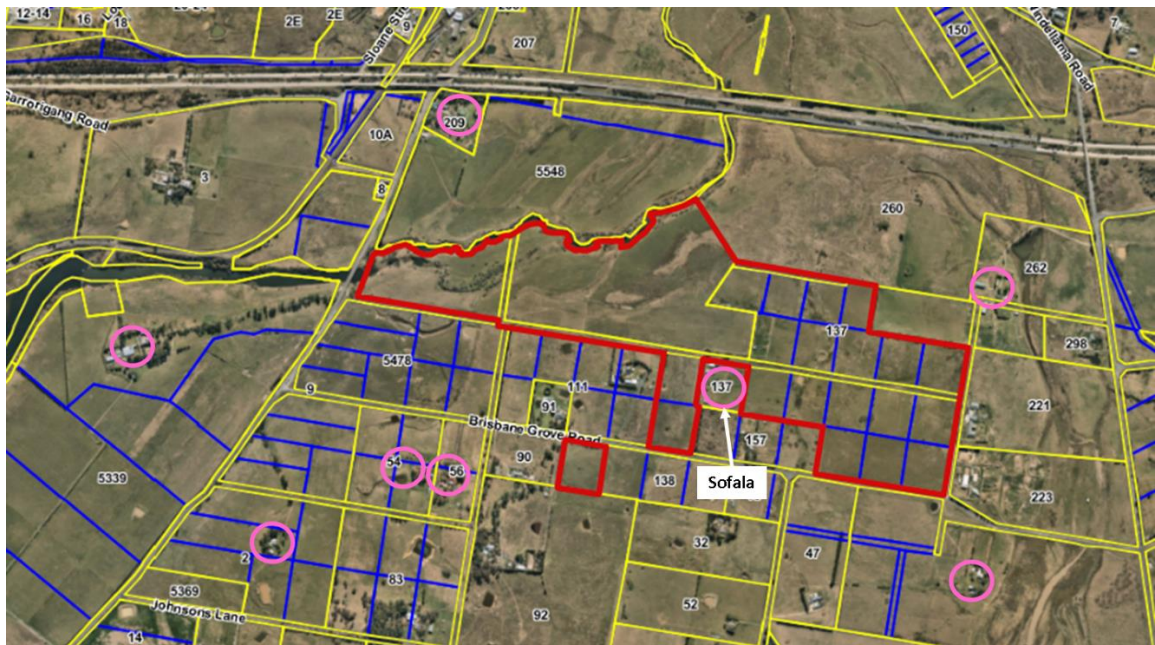
European Cultural Heritage

Comment: The “Sofala” locally listed heritage cottage is located on Lot 1, DP 1279715 which is proposed to be surrounded on three sides by the proposed subdivision, as illustrated in **Figure 14**. Whilst the heritage item is not included within the subject site, the proposal will change the rural setting of this heritage item and the landscape character of the area through additional bulk and scale of development. In addition, a number of other locally listed heritage items stand in relatively close proximity to the site, namely:

- “Wyadra” and outbuildings at 54 Brisbane Grove Road;
- “Brigadoon” at 56 Brisbane Grove Road;
- “Garroorigang” at 209 Braidwood Road, and
- “Rosebank” at 262 Windellama Road
- “The Towers” at 5339 Braidwood Road

Figure 14 illustrates the location of heritage items in relation to the subject site.

Figure 14: Location of Heritage Items in proximity to the subject site



○ Heritage Item □ Subject Site

This proposal is seeking the subdivision of the existing 22 RU6 Transition lots (one lot has a split RU1 & RU6 Zone) into 21 large residential lots at a minimum of 2 hectares in area. This will change the rural setting of “Sofala” through the introduction of additional dwellings in the immediate vicinity. The proposal will change the landscape character of the area through additional bulk and scale of development.

Due to the potential impact of the proposal on the context and setting of “Sofala” and other nearby heritage items, the proponent submitted a Heritage Impact Statement (**Appendix 9a**). The Heritage Impact Statement has been prepared in accordance with guidelines outlined in the *Burra Charter* and the *NSW Heritage Manual* with the objective of determining the suitability of the proposal and its heritage impact.

The Heritage Impact Statement identifies “Sofala” as a late Victorian property with typical features for the period but also highlights some detracting alterations including steel frame windows, square profile gutters etc. The item is sited on a 5 acre block

(2.27ha), encircled by trees and enjoying a large visual catchment of extensive views over surrounding rural land but does not have a line of sight to any other locally listed properties in the Brisbane Grove locality.

The Statement explains that “Sofala’s” significance lies in its historical link to the adjoining Hume family property Garroorigang, also previously known as the Mulwaree or Black Swan Inn. The Statement presents an extract from the NSW State Heritage Inventory’s statement of significance in relation to “Sofala” as follows:

“Sofala was built for Cribbs Clark c.1890. The residence is of local heritage significance because of the relative intactness of its late nineteenth century Queen Anne Style architecture and importantly, because of its association with other historical rural residential properties in the area including the Broughton/Hume property, Garroorigang.”

Figure 15: Photo of Sofala Heritage Item- sourced form Heritage NSW



Due to the potential impacts of the proposed subdivision on the rural setting of the locality, the Heritage Impact Statement has presented a number of recommended mitigations as follows:

- Inclusion of a covenant (88b Instrument) to accompany the subdivision certificate to provide a suitable context for the heritage item. The recommendations for the covenant are:
 - Open rural style fencing along lot boundaries
 - Retain existing established trees
 - Rural style timber gate to each new driveway entrance
 - Plant and maintain a continuous tree/hedgerow along all lot boundaries
 - Single and one and a half storey dwellings only (upper level contained with a sloping roof line)
 - Minimum 30-degree pitch for dwelling roofs
 - Roof to be corrugated or standing seam profiles in a prescribed colour palette
 - Walls to be rendered or weatherboard paint finished in a prescribed colour palette or clay bricks from a prescribed palette.

The overall recommendation of the Heritage Impact Statement is “*the proposal will have an acceptable heritage impact and will be consistent with the heritage requirements and guidelines of Goulburn Mulwaree Local Environmental Plan 2009, Goulburn Mulwaree Development Control Plan 2009, and the NSW Heritage Council guideline Statements of Heritage Impact.*”

The Heritage Impact Statement has been reviewed by Council’s Heritage Consultant (**Appendix 9b**) in which the proposed mitigation measures and design guidelines were generally supported. However, the Heritage Consultant made some additional recommendations including:

- Limits to site coverage to avoid overly large outbuildings;
- Generous setbacks from lot boundaries;
- Outbuildings to be subservient in scale and mass to the primary dwelling, and
- New dwellings should be traditional Australian rural homestead style with double pitched roofs and typical attached verandah’s.

The mitigations proposed by the proponent’s and Council’s heritage consultants are integral to ensuring that the proposed subdivision reflects an open rural character which draws upon the heritage significance of nearby heritage items.

The *Goulburn Mulwaree Development Control Plan* currently includes provisions relating to development in the vicinity of heritage items, materials, colours, rural fencing, landscaping and rural subdivision. These provisions serve as general controls and are not site specific.

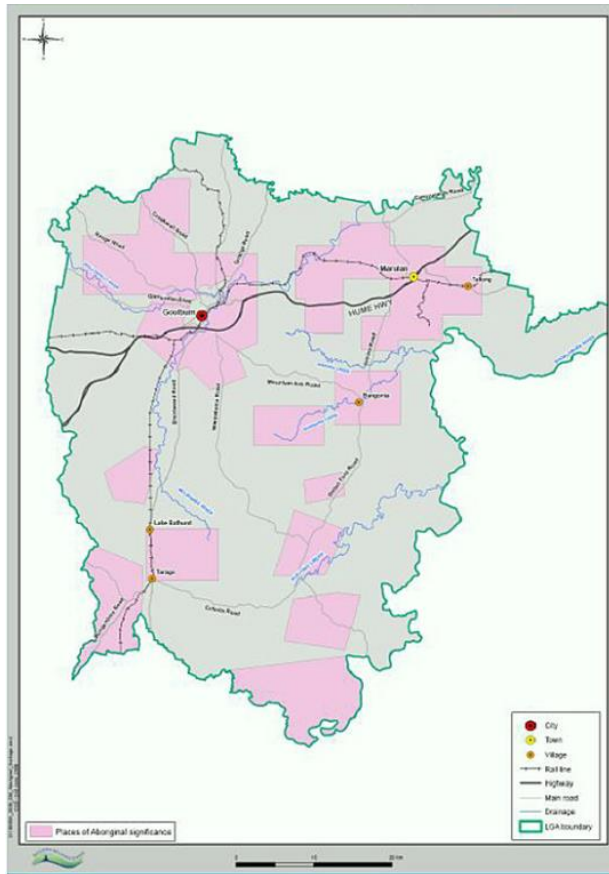
To ensure tailored, site-specific controls which can be incorporated into the assessment of a subsequent development application, the recommendations from both the proponents and Council’s heritage consultants have been included in a precinct-based Development Control Chapter, alongside a requirement for recommendations within a Heritage Impact Statement to be incorporated into a design (**Appendix 1**).

This approach will ensure the conservation of European heritage significance in the Brisbane Grove Precinct.

Aboriginal Cultural Heritage

The subject site’s northern boundary stands directly adjacent the Mulwaree River and stands within an area mapped as a place of Aboriginal significance within the *Goulburn Mulwaree Development Control Plan*. This map, illustrated in **Figure 16**, was produced in consultation with the Pejar Aboriginal Land Council and highlights areas with potential for Aboriginal sites and/or objects.

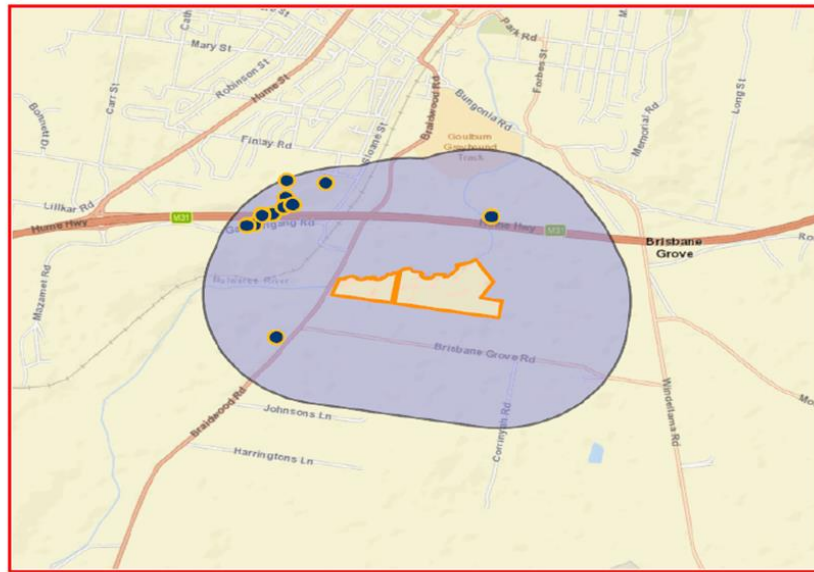
Figure 16: Places of Aboriginal Significance: Source Goulburn Mulwaree Development Control Plan



The subject site's location within an area identified as potentially significant indicates the potential discovery of Aboriginal finds, as such the proponent submitted an Aboriginal Due Diligence Report for the protection of Aboriginal Objects, available in **Appendix 8a**. This assessment did not find any Aboriginal sites or objects within the development area and identified the area as disturbed with low archaeological potential to contain Aboriginal sites and objects.

A basic Aboriginal Heritage Information Management System (AHIM's) search was undertaken by Council on 12 January 2022. This search did not identify any Aboriginal sites or objects on the subject site. The search did however identify a recorded 12 Aboriginal sites within 1000m of the site, predominately located to the west of Braidwood Road, as illustrated in **Figure 17**.

Figure 17: NSW Aboriginal Heritage Information Management System findings- access 12.1.2022



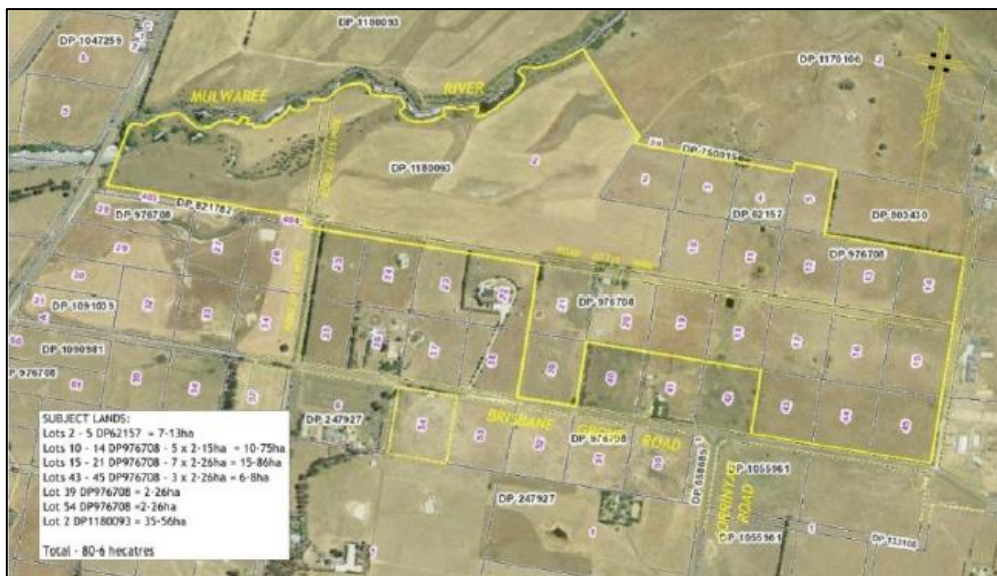
A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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

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

In light of this requirement, the proponent submitted a full Aboriginal Cultural Heritage Assessment (ACHA) with the previous planning proposal (PP_2021_7390). This has been resubmitted with this revised planning proposal and is presented in **Appendix 8b**. The ACHA reviewed the entire site (including the entirety of Lot 2, DP1180093) as illustrated in **Figure 18**.

Figure 18: Aboriginal Cultural Heritage Assessment Study Area: Source Due Diligence Investigation for the Protection of Aboriginal Objects



The ACHA listed the policies and guidelines considered in the preparation of the report as:

- *Aboriginal cultural heritage consultation requirements for proponents (2010)*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010)*
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010)*
- *Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW (2010)*

The ACHA included a site visit with a Pejar Local Aboriginal Land Council representative on 13 May 2022 accompanied by an archaeologist. On site discussion with the Pejar representative did not raise any objections to the proposal.

Overall the survey did not locate any objects or sites within the development area and no specific areas of Potential Archaeological Deposit (PAD) were identified or discernible.

The planning proposal has considered Aboriginal cultural heritage through the Aboriginal Cultural Heritage Assessment with no impacts identified. The planning proposal is consistent with Direction 3.2 Heritage Conservation.

3.6.6 Direction 3.3 Sydney Drinking Water Catchments

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

This Direction requires:

1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
 - a. New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and
 - b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
 - c. The ecological values of land within a Special Area should be maintained
2. When preparing a planning proposal, the planning proposal authority must:
 - a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
 - b. Ensure that the proposal is consistent with 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. Include a copy of any information received from Water NSW as result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP & A Act.

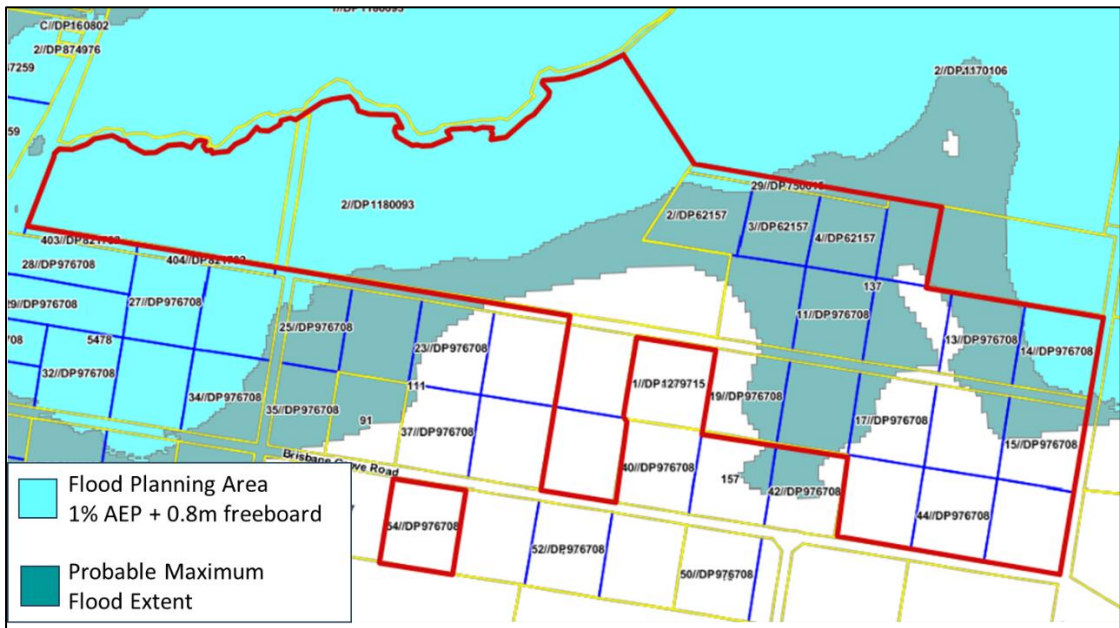
Comment: The subject site stands within the Sydney drinking water catchment, as such this Direction applies.

The subject site stands approximately 2km to the south of the Goulburn urban area and the north western boundary of the large northern lot stands adjacent the Mulwaree River. The site stands in a location which is not serviced by the Goulburn’s reticulated water and sewage system. There are no plans to extend the town’s water and sewer network to this area. Domestic water and sewer requirements are proposed to be provided through on-site rainwater collection and effluent management systems.

The proponent is seeking the rezoning of an area of approximately 83.8 hectares from RU1 Rural Production and RU6 Transition to R5 Large Lot Residential on 2 hectare lots with all land within the flood planning area proposed to be zoned as C2 Environmental Conservation.

The north western part of the site, encompassing a large part of Lot 2, DP 1180093 is severely flood affected by riverine flooding as illustrated by the extent of both the flood planning area and the PMF in [Figure 19](#).

Figure 19: Extent of riverine flood planning area and probable maximum flood in relation to subject site (2): Source Goulburn Floodplain Risk Management Study and Plan



The site is also affected by overland flow inundation around the natural drainage path flowing South to North into the Mulwaree River as illustrated in [Figure 20](#) and [Figure 21](#).

Figure 20: Drainage Path Map

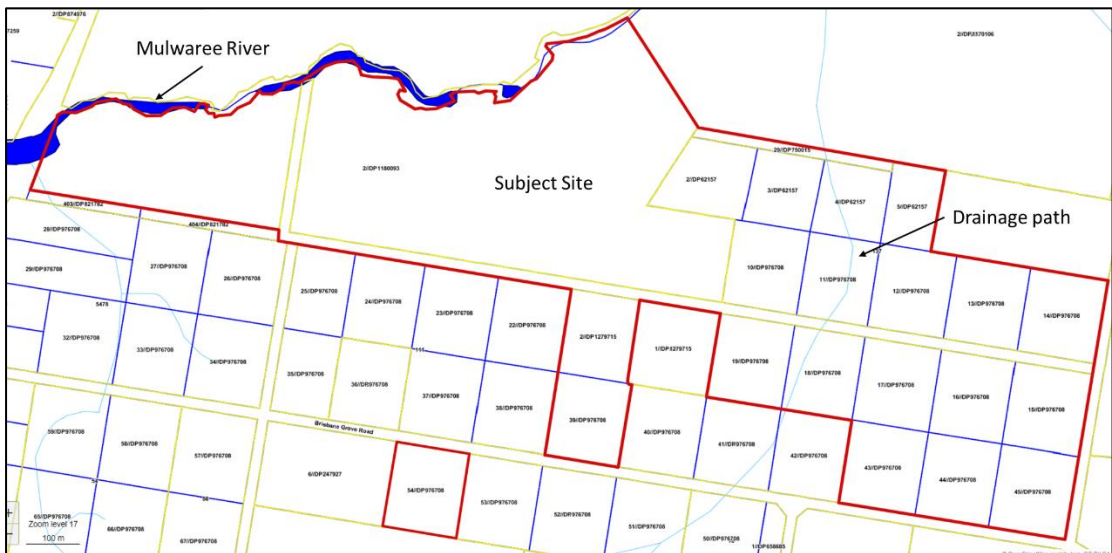
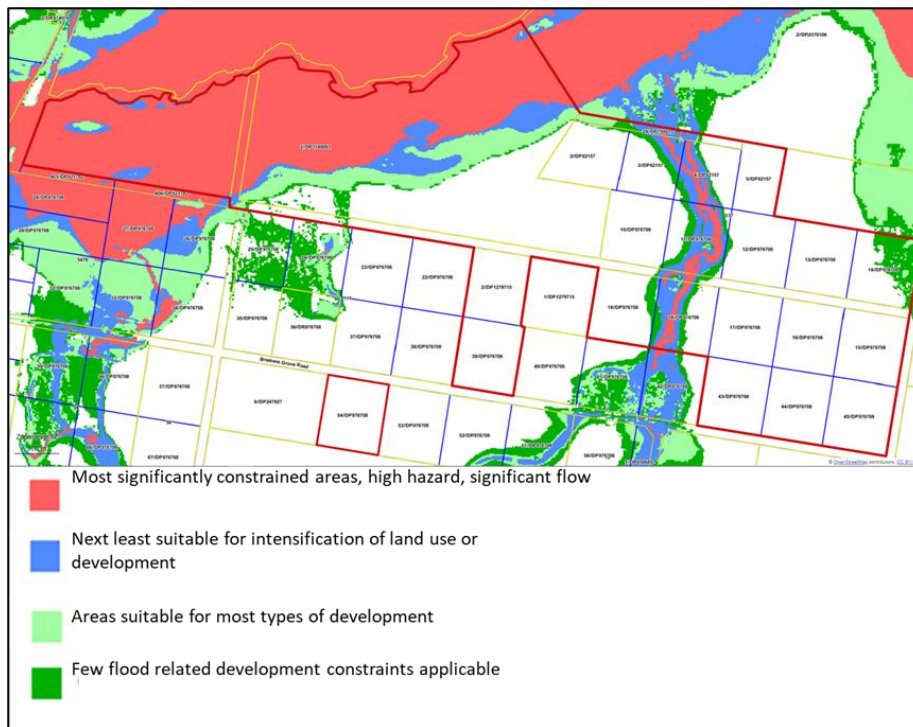
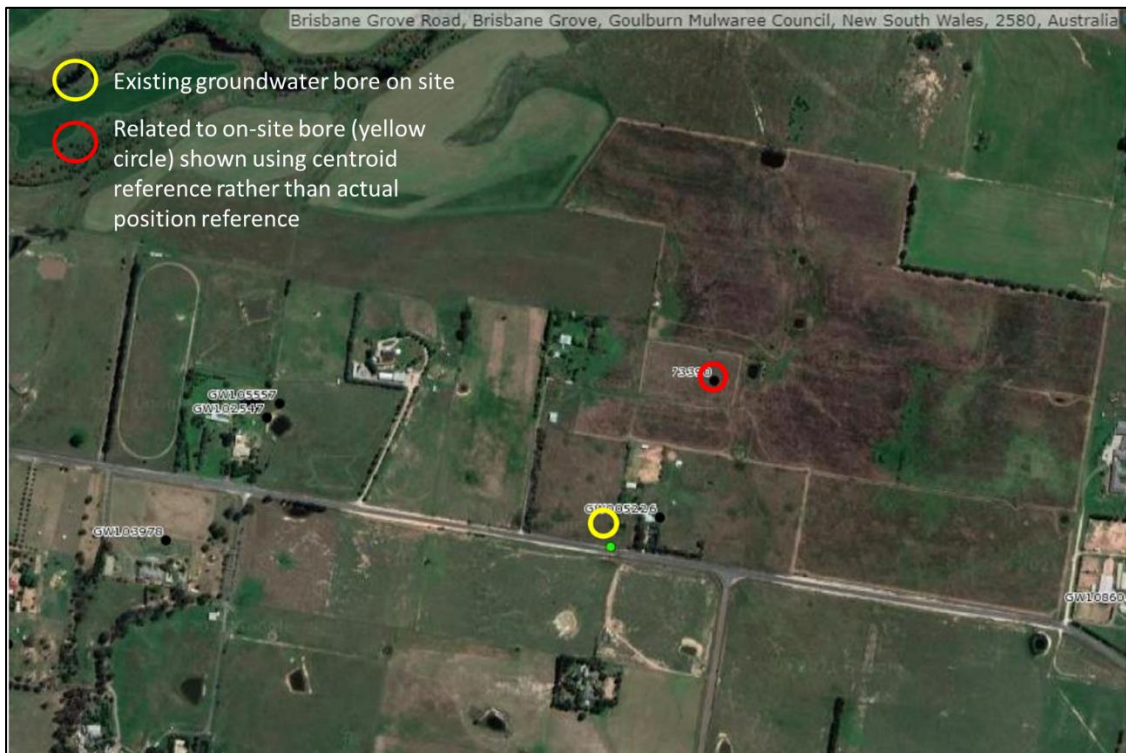


Figure 21: Overland Flow Modelling- sourced from overland flow modelling and maps (2)



The site includes 9 existing farm dams with 5 of these dams sited along the existing drainage channel. The site has one registered groundwater bore sited on proposed Lot 1 (existing Lot 39, DP 976708). **Figure 22** and **Appendix 10a** illustrate the location of known groundwater bores within proximity to the site.

Figure 22: Water NSW Groundwater Database illustrating location of registered groundwater bores



The proposal is seeking the rezoning of an area of approximately 49.1ha from RU6 Transition and RU1 Primary Production to R5 Large lot Residential on 2 hectare lots alongside a C2 Environmental Conservation zone for the land within the riverine and overland flow flood planning area (approx. 33.7ha). The lots will be serviced by on-site water and effluent management systems. The current groundwater bore on site is proposed to be decommissioned alongside the nearby dam to enable the construction of the western internal access road. The five on-site dams lining the course of the drainage channel are proposed to be retained.

The proposal includes nine new dams with a surface area of 250m² each and a storage volume of 200m³. These are proposed to be constructed lining the new internal western and eastern access roads (4 along each road) which alongside drainage swales facilitate stormwater management.

The proponent submitted a Water Cycle Management Study (WCMS) (**Appendix 10a**) in support of the proposal which is based on the concept plan, presented in **Appendix 3** of this proposal. The WCMS has included:

- a stormwater quality assessment for the civil works associated with the proposal and satisfying the Neutral or Beneficial Effect requirements;
- an assessment of the potential or likelihood for overland stormwater drainage and flood impacts to affect the proposed subdivision;
- a wastewater management assessment for each of the proposed lots, and
- a conceptual subdivision plan- Waste Water Management Site Plan (**Appendix 10b**) illustrating the indicative location of the new dwelling pads, the approximate location of on-site effluent management systems and the location of new and existing dams.

In addition, the Water Cycle Management Study includes a waste effluent model with plume map summaries. The plume map summaries indicate the approximate proposed location of effluent management areas after subdivision but these have been illustrated using existing lot boundaries. **Table 2** below correlates the newly proposed lot numbers presented on the plume maps with the current lot and DP number references.

Table 2: Correlation between Plume Maps and current lot and DP number references

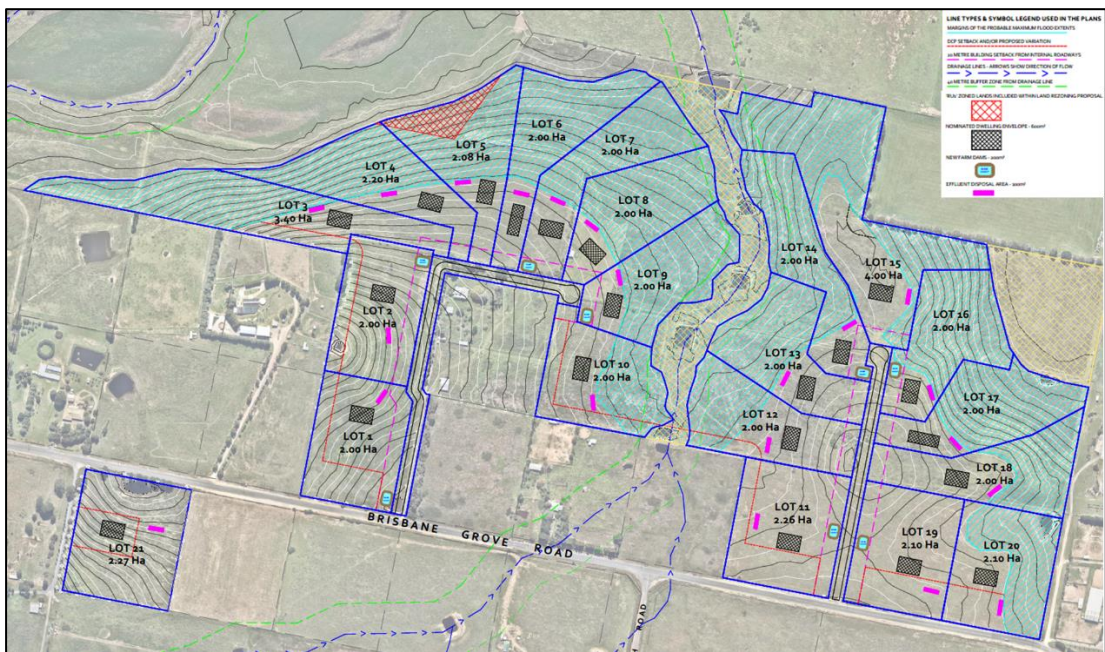
<i>Proposed lot number (correlates between concept plan and plume summaries)</i>	<i>Existing Lot and DP numbers</i>
Lot 1	Lot 39, DP976708
Lot 2	Lot 2, DP1279715
Lot 3	Lot 2, DP1180093
Lot 4	Lot 2, DP1180093
Lot 5	Lot 2, DP1180093
Lot 6	Lot 2, DP1180093
Lot 7	Lot 2, DP1180093
Lot 8	Lot 10, DP976708
Lot 9	Lot 10, DP976708
Lot 10	Lot 19, DP976708
Lot 11	Lot 43, DP976708
Lot 12	Lot 17, DP976708
Lot 13	Lot 17, DP976708
Lot 14	Lot 12, DP976708
Lot 15	Lot 13, DP976708
Lot 16	Lot 16, DP976708

Lot 17	Lot 16, DP976708
Lot 18	Lot 15, DP976708
Lot 19	Lot 44, DP976708
Lot 20	Lot 45, DP976708
Lot 21	Lot 54, DP976708

The Study highlights the northern and north western portions of the site are flood liable lands but notes that all affected lots would ensure dwelling envelopes and effluent management areas would be located above the 1 in 100 year flood event including freeboard provisions (the flood planning area). The Study also identifies a defined drainage depression running through the eastern third of the site which conveys surface water run-off through a corridor into the Mulwaree River to the north of the site.

The proponent's Water Cycle Management Study (**Appendix 10a**) alongside the Wastewater Management Site Plan **Figure 23** and **Appendix 10b** highlight the approximate locations of new dams, dwelling envelopes and effluent management areas. All dwelling pads, dams and effluent management areas are proposed to be sited outside any areas of flood inundation including the PMF flood extent.

Figure 23: Wastewater Management Site Plan



The proposed 2 hectare lots and the size of the overall site, coupled with the relatively limited coverage of the overland flow corridor and identification of the riverine flood extents ensures that dams, dwellings and effluent management areas and other associated structures can be sited away from areas of concern.

In addition, to ensure the flood planning area for riverine and overland flow inundation is prevented from being developed, these areas are proposed to be zoned C2 Environmental Conservation.

The C2 zone prohibits residential development and ancillary effluent management areas and wastewater systems. In addition, the draft precinct-specific Development Control Plan chapter in **Appendix 1** establishes policy provisions which explicitly prevent the siting of effluent management areas and other ancillary residential structures within the C2 Environmental Conservation Zone. The draft DCP also

requires the C2 zone to be separately fenced from the remainder of the lot to safeguard against encroachment.

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

The proponents Water Cycle Management Study concluded that:

'The conceptual subdivision as proposed in the accompanying plans meets the Neutral or Beneficial Effect (NorBE) criteria, and each of the new lots are deemed suitable to support a residential development incorporating an on-site wastewater management facility.'

Water NSW pre-gateway referral response on the current planning proposal was received on 5 April 2024 (**Appendix 10g**). This response confirmed the planning proposal was consistent with Direction 3.3.

Previous Planning Proposal (PP_2021_7390)

The previous planning proposal consulted with Water NSW during the preparation of the original report. Water NSW provided both an initial pre-gateway referral response on 9 May 2022 and a secondary pre-gateway response on 26 September 2022.

Water NSW's initial pre-gateway referral response was received on 9 May 2022 which stated:

- The planning proposal includes a comprehensive response to Direction 3.3 which takes into account information in the Flood Risk Management Strategy and Water Cycle Management Study.
- The Strategic Land and Water Capability Assessment has been provided with Water NSW's referral response
- Water NSW generally agree that the conceptual subdivision design is able to meet NorBE with each new lot being able to accommodate appropriate on-site wastewater management.

A copy of the Water NSW initial pre-gateway referral response is available in **Appendix 10d**.

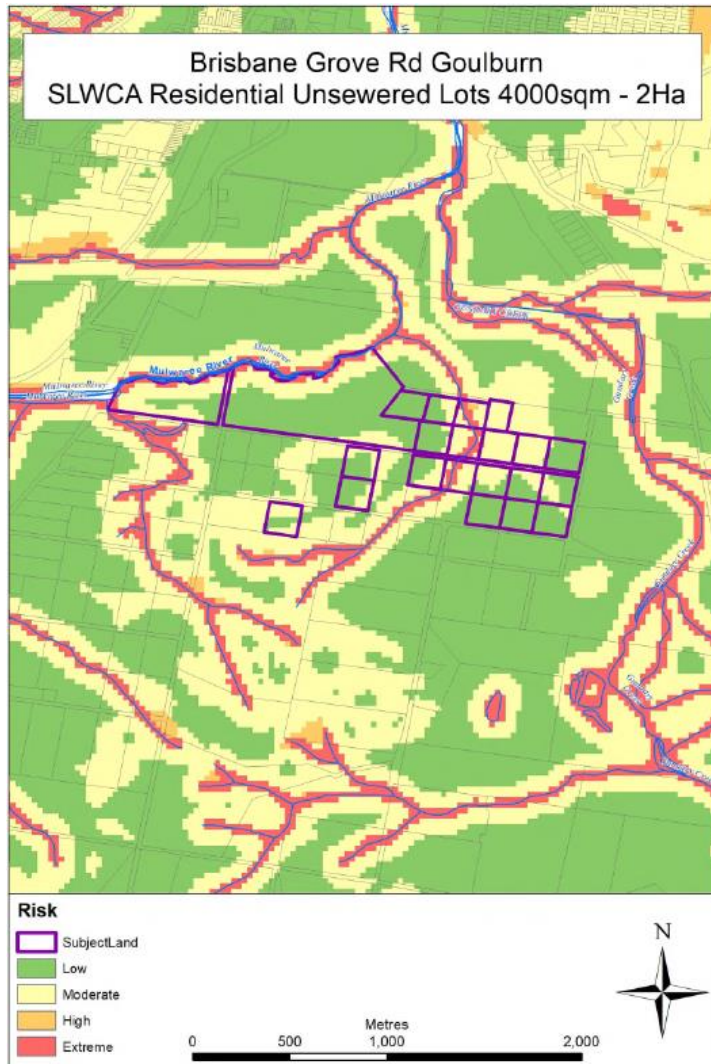
Strategic Land and Water Capability Assessment

The initial pre-gateway referral response (9 May 2022) included a Strategic Land and Water Capability Assessment (SLWCA) for unsewered residential lots between 4,000sq.m and 2ha, illustrated in **Figure 24**.

The SLWCA illustrates that water quality risk varies from low to extreme with extreme areas having very low capability for development. The areas to the north-west bordering the Mulwaree River, including part of large lot 2, DP 1180093, alongside a south-north corridor running through lots 3 & 4, DP 62157, 11 & 18, DP 976708 and lot 29, DP 750015 are identified as extreme risk where unsewered development should be avoided. The areas identified as having very low development capability are all areas identified to be zoned as C2 Environmental Conservation where the

establishment of a dwelling or associated structures is prohibited. The SLWCA illustrates that the remainder of the site to be within low to moderate risk areas where unsewered residential development is considered suitable in terms of land and water capability.

Figure 24: Strategic Land and Water Capability Assessment



Water NSW’s second pre-gateway referral response was received on 26 September 2022 (**Appendix 10e**) which largely reinforced the previous initial pre-gateway referral comments. Additional comments related to the proposals consideration of the Strategic Land Water Capability Assessment provided through the May 2022 referral comments.

Water NSW noted the proposal incorporates the relevant SLWCA map and that most of the site carries a low to moderate water quality risk which means most of the site carries a high and moderate capability for unsewered development. The response identifies that the R5 zoning area generally corresponds with areas of low to moderate risk.

It is recognised that this current planning proposal differs from the original planning proposal but reduces the overall number of proposed lots. The SLWCA prepared for the previous planning proposal applies to the same development type i.e. unsewered residential lots between 4,000 to 2ha in area as the current proposal. The SLWCA map

presented in **Figure 24** and the evaluation of avoidance of high and extreme area therefore applies to the current planning proposal.

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

- Demonstrated consistency with Chapter 6 (part 6.5) of the Biodiversity and Conservation SEPP
- has given consideration to the Strategic Land and Water Capability Assessment
- has consulted with the Water NSW with further engagement to be undertaken through the planning proposal process, and
- included information received to date from the Water NSW.

3.6.7 Direction 4.1 Flooding

The objectives of this Direction are to:

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

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

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

- provision of road infrastructure, flood mitigation infrastructure and utilities,
or
- g. Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
 - a. Permit development in floodway areas
 - b. Permit development that will result in significant flood impacts to other properties,
 - c. Permit a significant increase in the dwelling density of that land
 - d. Permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - e. Are likely to affect the safe occupation of and efficient evacuation of the lot,
or
 - f. Are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
 5. For the purpose of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

Comment:

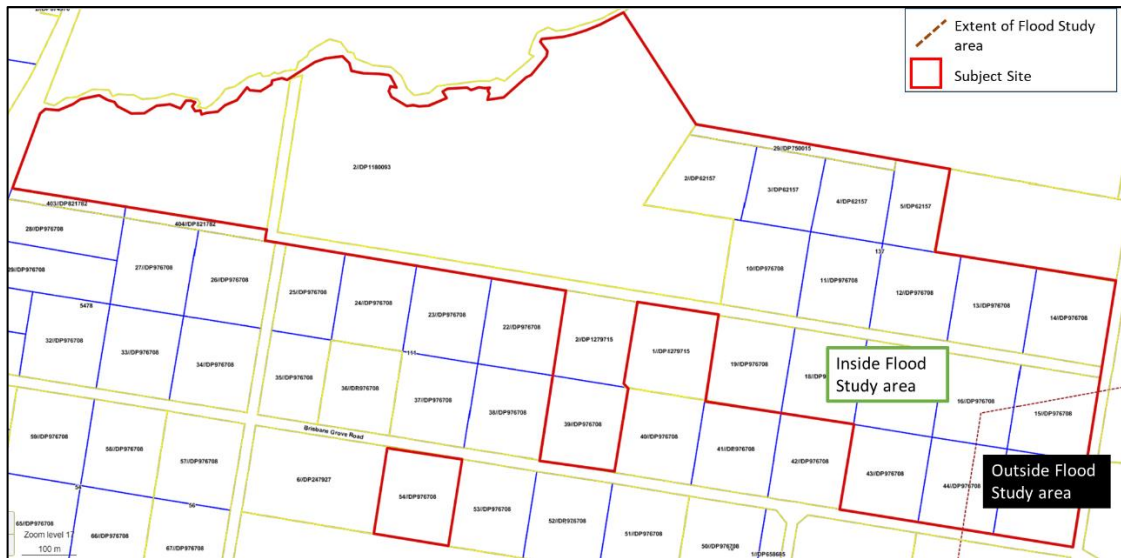
Goulburn Floodplain Risk Management Study and Plan

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

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

The flood study area includes the majority of the subject site within only the far south eastern corner located outside the area of the Flood Study, illustrated in **Figure 25**. The Flood Study models the extent of riverine flooding with inundation identified on site and on nearby roadways and intersections. The Flood Study includes a Development Control Policy (**Appendix 15f**) which applies controls to flood prone land.

Figure 25: Map illustrating extent of study area for the Goulburn Floodplain Risk Management Study and Plan



The Flood Study and DCP flood policy implements Flood Planning Constraint Categories (FPCC) which groups similar types and scales of flood related constraints. Four FPCC's have been established to separate areas of the floodplain from the most constrained and least suitable areas for intensification of land use. The FPCC's are presented in [Table 3](#) below:

Table 3: Flood Planning Constraint Categories

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

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

The flood study focuses on the modelling of riverine flooding and presents tailored controls to address the relative impacts on life and property from inundation. The Study recommends that an *Overland Flow Flood and Floodplain Risk Management Study* be undertaken subsequent to the Flood Study upon which specific overland flow development controls can be established.

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

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

The overland flow model maps are available to view on the Council's website at: <https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-7>

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

Previous Planning Proposal (PP_2021_7390)(REZ/0005/2122)

As explained in the introduction to this report, this proposal is a revision and resubmission of a planning proposal submitted to Council in December 2021. A copy of the original planning proposal submission from the proponent is presented in **Appendix 4** alongside the original concept plan in **Appendix 5**.

The original proposal sought to facilitate a 27 lot subdivision of the site including rezoning land impacted by riverine and overland flow inundation within flood constraint category 1 & 2 (most severe and constrained areas) as C2 Environmental Conservation and the remainder of the site as R5 Large Lot Residential. The original proposal also sought the creation of an internal access road which served as a loop through the site.

The original proposal was submitted to the Department of Planning and Environment for its Adequacy Assessment and Gateway determination on 22 November 2022. A conditional Gateway determination was granted on 29 November 2022 (**Appendix 7a**).

The Gateway determination included a requirement to consult with a number of public authorities including the Department of Planning and Environment- Biodiversity and Conservation Division (Floodplain team).

The Floodplain team provided a referral response on 7 February 2023 which raised significant objections to the planning proposal, summarised below:

- Issues with the adequacy of flood investigations and consistency with Ministerial Direction 4.1- Flooding.

- No Flood Impact and Risk Assessment accompanying the planning proposal and the following issues have not been assessed:
 - The impact of flooding on the proposed development across the full range of floods including the probable maximum flood
 - The impact of the development on flood behaviour
 - The impact of flooding on the safety of people for the full range of floods including issues with evacuation
 - The implications of climate change on flooding.
- Council should consult with NSW Department of Natural Resources Access Regulator
- No consultation with NSW SES.

A copy of the post gateway referral response from DPE-Biodiversity and Conservation Division is presented in **Appendix 15c**.

Since the gateway determination and subsequent objections from DPE, the proponent, in collaboration with Council, has sought to address the issues raised specifically through the preparation of a Flood Impact and Risk Assessment. In addition:

- Council met with SES on 15 March 2023 to discuss evacuation constraints for areas south of the Hume Highway, including the subject site.
- Proponent and flood consultant met with Council on 27 June 2023 and with NSW Ambulance and Rural Fire Service on 24 August 2023 to discuss requirements around the FIRA and examine secondary risks.
- Council established and conducted the Goulburn Flooding Technical Working Group with the first meeting held on 26 October 2023. This working group comprised representatives of the Department of Planning and Environment-Floodplain team, the SES and Goulburn Mulwaree Council.
- Council conducted the Goulburn Flooding Technical Working Group second meeting held on 2 November 2023. This meeting included a presentation and discussion with the proponent's flood consultant.

A copy of the presentation from the Goulburn Technical Working Group are presented in **Appendix 15e**. further detail on the submitted FIRA is presented later in this report.

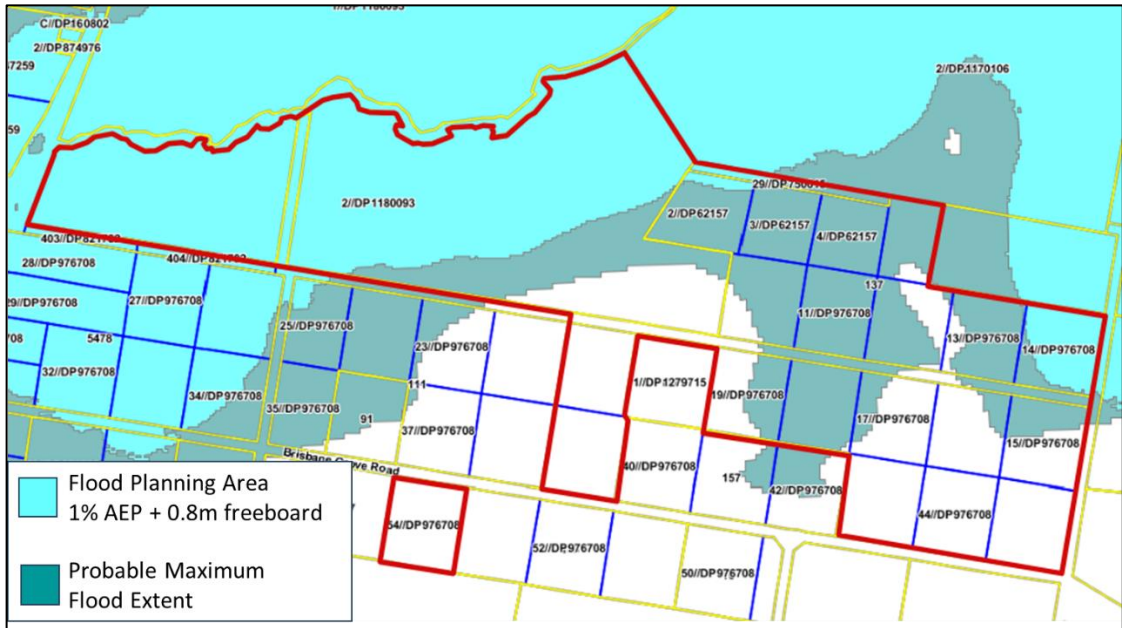
Direction 4.1 Flooding

Applicability of Direction 4.1

The subject sites north western boundary (Lot 2, DP1180093) is located adjacent the banks of the Mulwaree River and a non-perennial drainage channel runs south to north under Brisbane Grove Road and across the eastern third of the site.

As previously noted the overwhelming majority of the site is located within the study area of the Goulburn Floodplain Risk Management Study and Plan 2022, which identifies large sections of the site are subject to flooding including within the riverine flood planning area (1% AEP + 0.8m freeboard) and probable maximum flood extent, as illustrated in **Figure 26**.

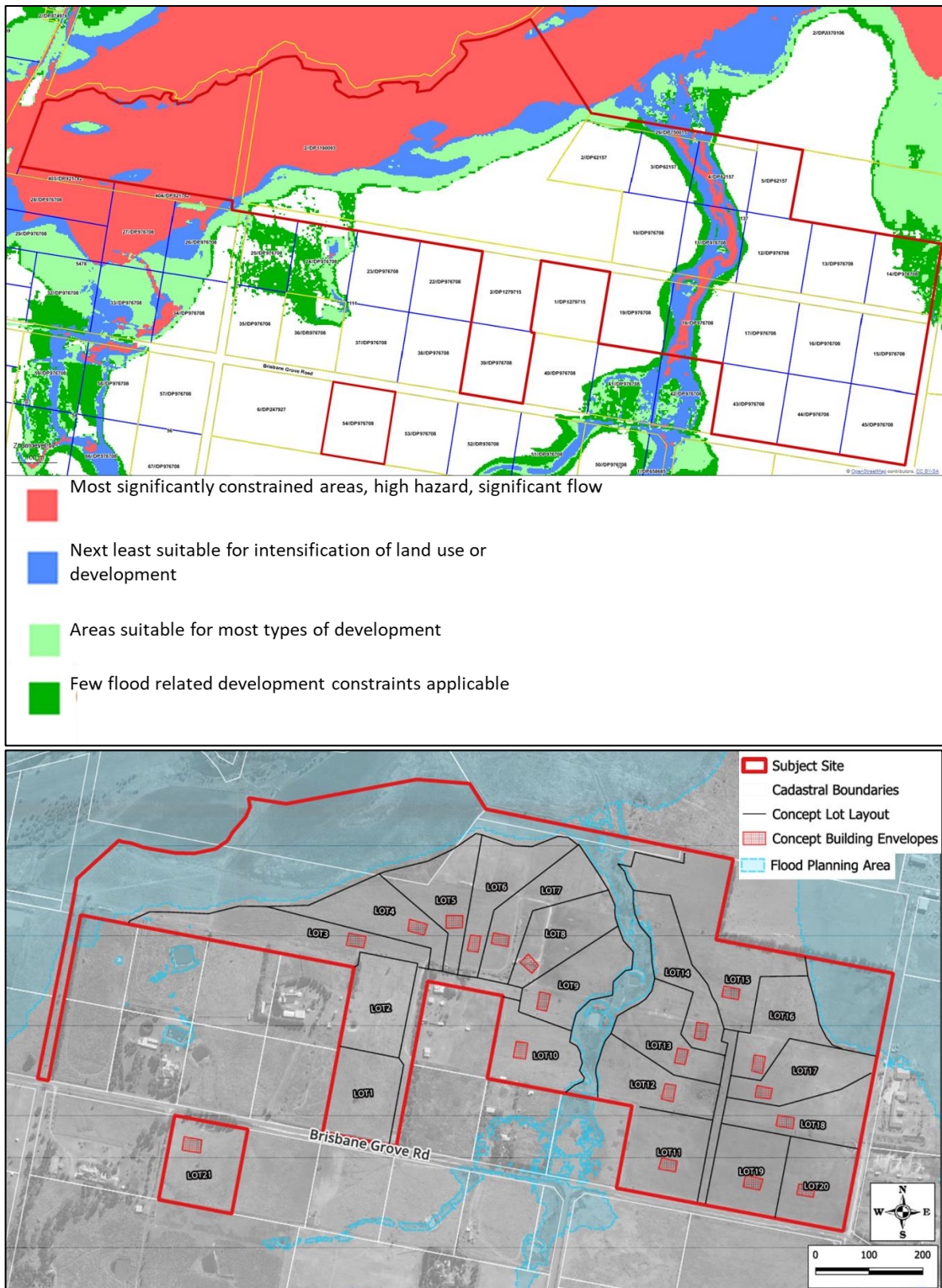
Figure 26: Extent of riverine flood planning area and probable maximum flood in relation to subject site (3): Source Goulburn Floodplain Risk Management Study and Plan



The associated overland flow modelling in [Figure 27](#) illustrates the extent of overland flow inundation affecting site.

[Figure 27](#) illustrates the associated flood planning area (floodway areas where inundation exceeds 0.1m in a 1% AEP event) for the overland flow corridor.

Figure 27: Comparative map illustrating the extent of the riverine and overland flow flood planning area

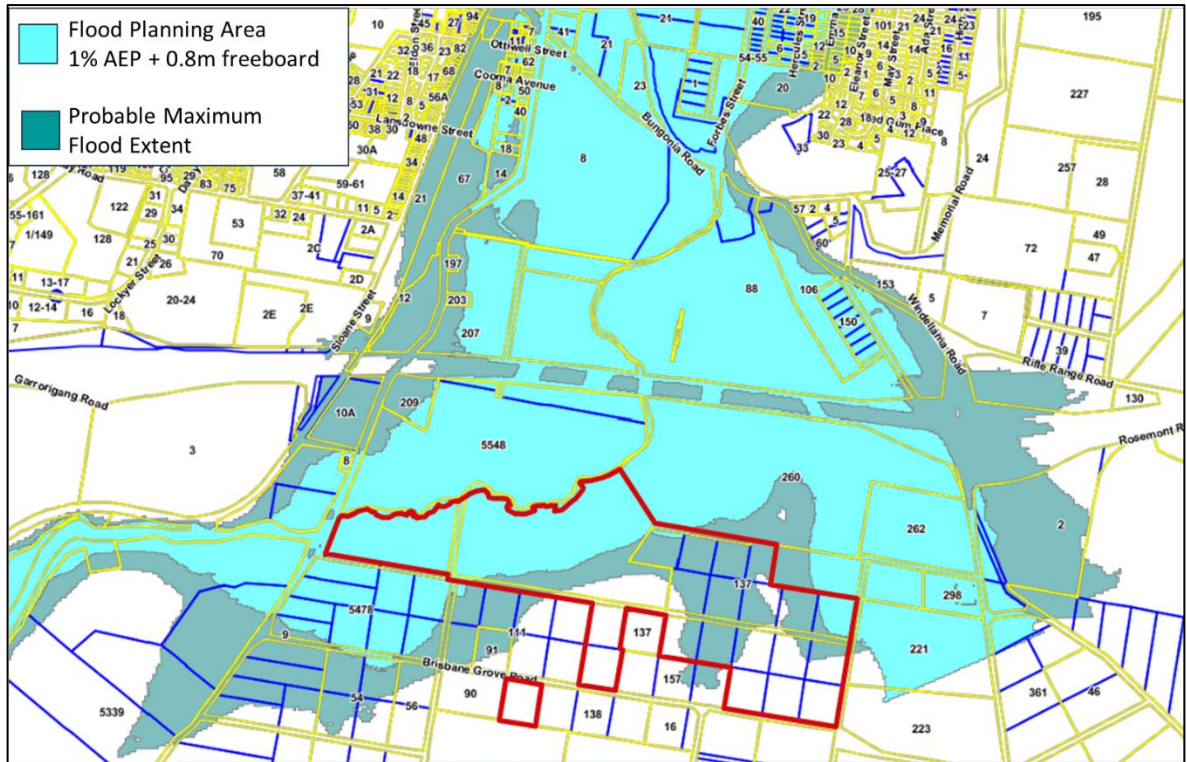


*The above site does not identify the full extent of the subject site to include the entirety of Lot 2, DP 1180093. For clarity, the Flood Planning Area encompasses all of Lot 2, DP 1180093 to the west.

In addition to on-site inundation, the Flood Study illustrates areas including roadways and intersections, experience inundation during various flood events (Figure 28). This indicates potential issues with evacuation between the site and the urban area to the north of the Mulwaree River.

The extent of flood prone land on the site, including the flood planning area and overland flow inundation and potential evacuation issues of the site, all demonstrate the site is flood affected and this Direction applies.

Figure 28: Map illustrating flood inundation of roadways: Source Goulburn floodplain Risk Management Study and Plan



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

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

- (a) The NSW Flood Prone Land Policy
- (b) The principles of the Floodplain Development Manual 2005,
- (c) The Considering flooding in land use planning guideline 2021, and
- (d) Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant Council.

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

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

The policy requires:

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

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

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

And the following 10 principles for flood risk management:

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

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

Principle 9 identifies that effective flood risk management requires a flexible, merit-based approach to decision-making which in turn supports sustainable use and development of the floodplain. It establishes that effective flood risk management starts with developing an understanding of the full range of flood behaviour, constraints, risks and how these may change over time.

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

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

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

The proposal’s consistency with the Flood Policy, The Manual and Toolkit are largely addressed in the proceeding paragraphs titled ‘*Addressing Directions*’. Specific focus is given to flood impacts to other properties, evacuation and safe occupation considerations and increased requirement for spending on flood mitigations and

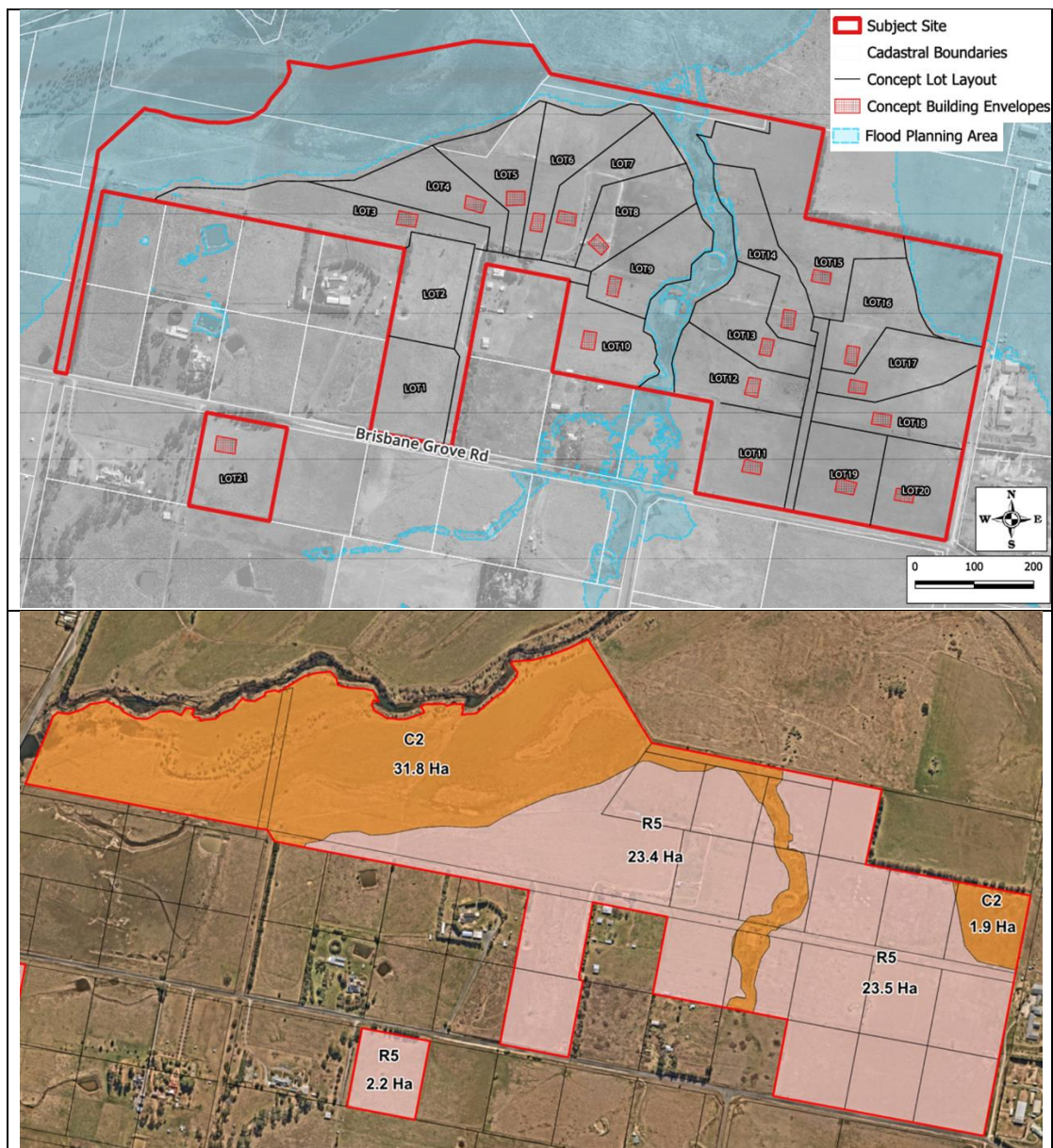
emergency response measures in the *Understanding Flood Impacts* sub-heading later in this report.

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

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

This planning proposal is seeking to rezone part of the subject site as R5 Large Lot Residential and part C2 Environmental Conservation. To ensure Direction 4.1(2) is satisfactorily addressed and the flood planning area is not rezoned from rural to residential, the flood planning area of the riverine and overland flow inundation areas are proposed to be rezoned C2 Environmental Conservation as illustrated in **Figure 29**.

Figure 29: Comparative map illustrating riverine and overland flow flood planning area and proposed land use zoning



The remainder of the site is located outside the flood planning area. Therefore, the planning proposal will not rezone the flood planning area from a rural zone to a residential zone.

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

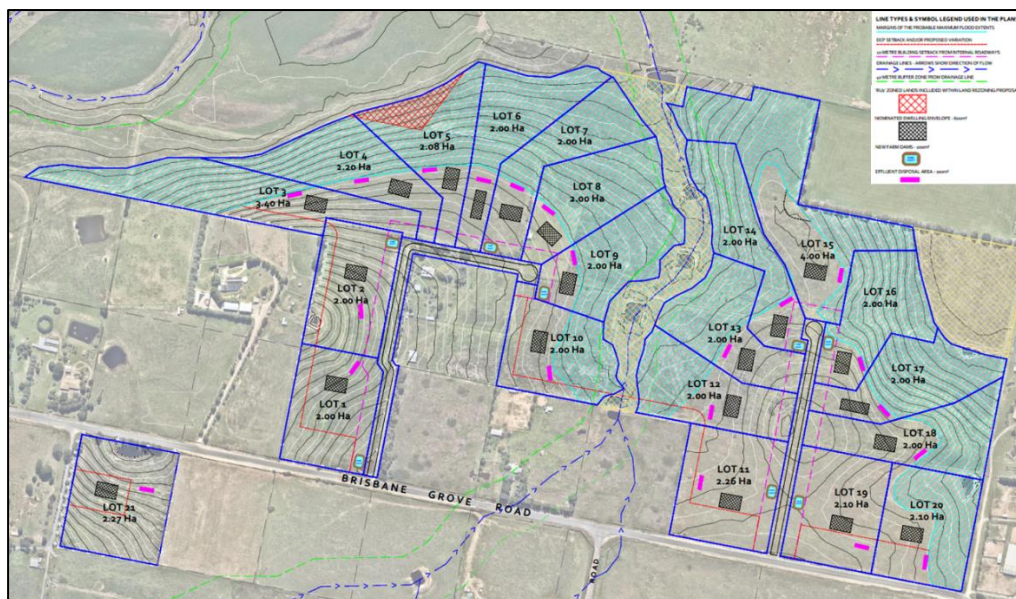
As identified above, this planning proposal seeks to rezone the riverine and overland flow flood planning areas as C2 Environmental Conservation, where most forms of development types are prohibited. This zoning significantly reduces the potential provisions relating to the flood planning area to only those permissible in the C2 zone, as illustrated below:

- Backpackers' accommodation;
 - Bed and breakfast accommodation;
 - Emergency services facilities;
 - Environmental facilities;
 - Environmental protection works;
 - Extensive agriculture;
 - Farm buildings;
 - Information and education facilities;
 - Oyster aquaculture;
 - Recreation areas;
 - Recreation facilities (Outdoor);
 - Roads, and
 - Signage.
- New dwellings not permissible in the zone. These uses are only permissible where an existing dwelling is permissible.*

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

The proponents submitted Wastewater Management Site plan, illustrated in **Appendix 10b** and **Figure 30** highlights the location of all the proposed dwelling pads outside not only the flood planning area but also outside the probable maximum flood extent.

Figure 30:Wastewater Management Site Plan

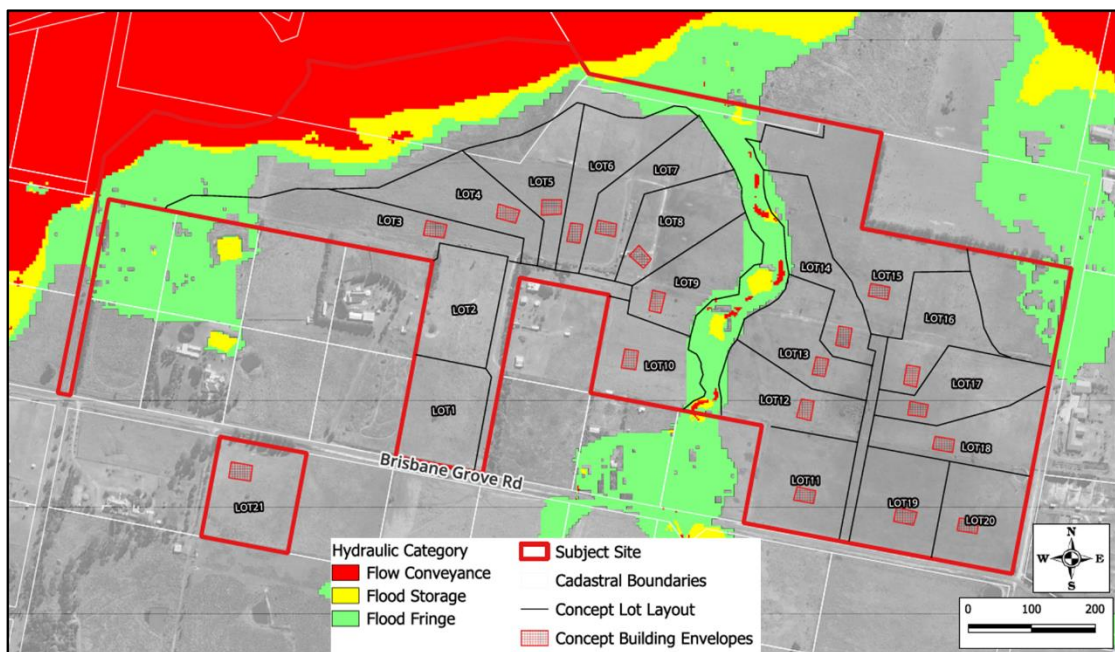


The proposed zoning ensures development avoids the flood planning area and the identified lot arrangement, ensures all dwellings avoid flood prone land and maintains consistency with the following parts of Direction 4.1(3):

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

Figure 31 illustrates areas of flow conveyance, flood storage and flood fringe in relation to proposed dwelling pads which highlights all proposed development can be located outside floodway's and high hazard areas. **Figure 29** illustrates the flood planning area is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited, including residential. The proposed C2 zoning, alongside restrictions in the precinct-specific DCP, ensure that development is not permitted within floodway's or high hazard areas.

Figure 31: Existing Conditions- Flood Function Map



*The above site does not identify the full extent of the subject site to include the entirety of Lot 2, DP 1180093. For clarity, the Flow Conveyance area encompasses all of Lot 2, DP 1180093 to the west.

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

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

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

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

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

This planning proposal is seeking 21 large lot residential lots to provide for 21 dwellings on flood free land. The proposal does not include land uses which are difficult to evacuate during an emergency such as childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities etc. This proposal would not therefore include development in which occupants of these land use types cannot effectively evacuate. In addition, the proposed C2 zone which encompasses the riverine and overland flow flood planning area expressly prohibits the more difficult to evacuate uses including childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite care centres and seniors housing.

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

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

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

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

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

Application of Direction 4.1(4)- Special Flood Considerations

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

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

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

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

This clause applies to-

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

Addressing Direction 4.1(4)- Special Flood Considerations

As previously identified above, this proposal is seeking to rezone the riverine and overland flow flood planning area as C2 Environmental Conservation where most forms of development are prohibited. All other areas of the site are proposed to be rezoned as R5 Large Lot Residential. Whilst all development is proposed to be located outside the PMF extent (as illustrated in [Figure 30](#)) the proposal includes provisions between the flood planning area and the PMF.

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

[Figure 31](#) illustrates areas of flow conveyance, flood storage and flood fringe in relation to proposed dwelling pads which highlights all proposed development can be located outside of floodway's and high hazard areas. [Figure 29](#) illustrates the flood planning area is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited, including residential. The proposed C2 zoning, alongside restrictions in the Precinct-specific DCP, ensure that development is not permitted within floodway's or high hazard areas between the flood planning area and the probable maximum flood extent.

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

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

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

As previously identified, no development is proposed between the flood planning area and the PMF with dwelling pads located wholly within flood free land and areas within the flood planning area zoned as C2 Environmental Conservation. The GM LEP prohibits the development of the C2 zoned land for residential purposes and the precinct-specific DCP chapter also identifies the entire Brisbane Grove Precinct as land to which the Special Flood Consideration Clause applies. This clause requires Council to consider safe occupation and efficient evacuation and appropriate measures to manage risk to life for development proposals within the area, in accordance with Clause 5.22 of the GM LEP. In turn, this assessment will require applicants to demonstrate safe occupation of dwellings during all potential floods including the PMF. The proposed zoning, lot arrangement, 2 hectare minimum lot size, precinct-specific DCP controls and the application of the GM LEP Special Flood Consideration clause all seek to prevent an increase in dwelling density on land between the flood planning area and the PMF.

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

This planning proposal is seeking an LEP amendment to facilitate a 21 large lot residential subdivision to provide for 21 dwellings on flood-free land. The proposal does not include land uses which are difficult to evacuate during an emergency such as

childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities etc. This proposal would not therefore include development in which occupants of these land use types cannot effectively evacuate. In addition, the Special Flood Consideration clause applied through the DCP for this precinct expressly restricts sensitive and hazardous development and the proposed C2 zone prohibits most forms of development.

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

As previously noted, this proposal identifies a capability for future development outside any flood prone land which ensures residents can occupy their homes during any and all flood events up to and including the PMF. The siting of dwellings above the PMF support their safe occupation and negates the need to evacuate. Despite this benefit residents are still subject to indirect isolation risk when local roads become inundated.

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

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

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

Understanding Flood Impacts

Significant flood impacts to other properties

The Flood Impact and Risk Assessment (FIRA)(**Appendix 15a**), alongside the concept plan (**Appendix 3**) demonstrates that no development works, civil earthworks or road works are proposed on flood prone land including the PMF flood event. This ensures that changes to flood behaviour due to loss of conveyance or storage will not occur. In addition, the 2ha+ minimum lot sizes and relatively low number of dwellings, compared with the overall size of the site, ensure additional impervious surfaces are kept to a minimum. The level of the proposed additional imperviousness in relation to both the overall site at 83.8ha and the wider 730m² catchment is considered negligible.

The proposal is not considered to result in significant flood impacts to other properties.

Safe Occupation and Efficient Evacuation

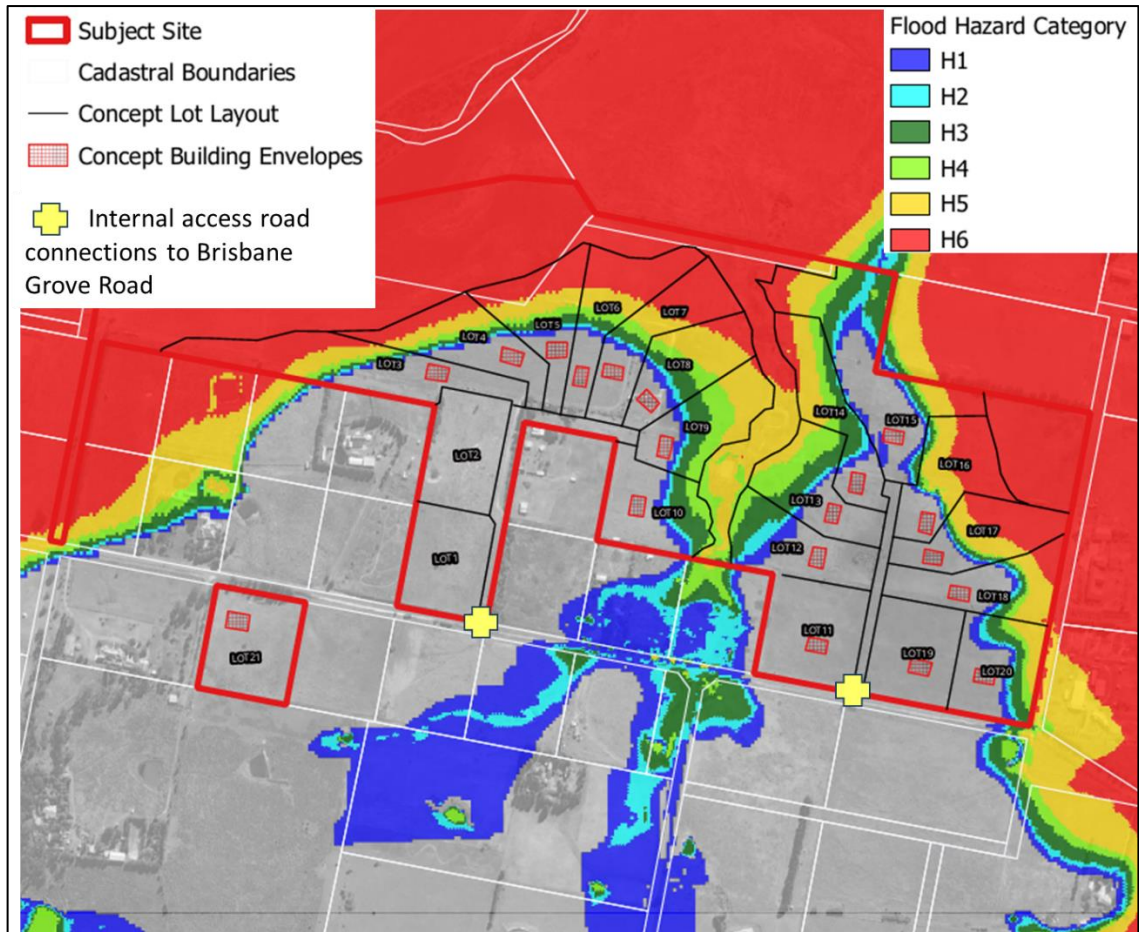
The proposed avoidance of all development from flood prone land (up to and including the PMF) through zoning, dwelling placement and the application of the Special Flood Consideration clause to future proposals, all ensures future residents will not become inundated during any flood event including the PMF. This avoids the need for future residents to evacuate their homes during a flood event. Despite this benefit, the Flood Study indicates that some roadways and intersections leading from the site to the urban area (the area with a concentration of services and facilities) become inundated during certain flood events and leads to potential isolation of residents (**Figure 28**).

The planning proposal has been accompanied by a Flood Risk and Impact Assessment (FIRA)(**Appendix 15a**) which examines flood warning times, models flooding on and off the site and examines evacuation as a suitable emergency management solution. The FIRA also expanded the study area applied to the Flood Study by approximately

2km upstream of the existing model boundary on Gundry Creek to allow for flood results along the site's eastern boundary.

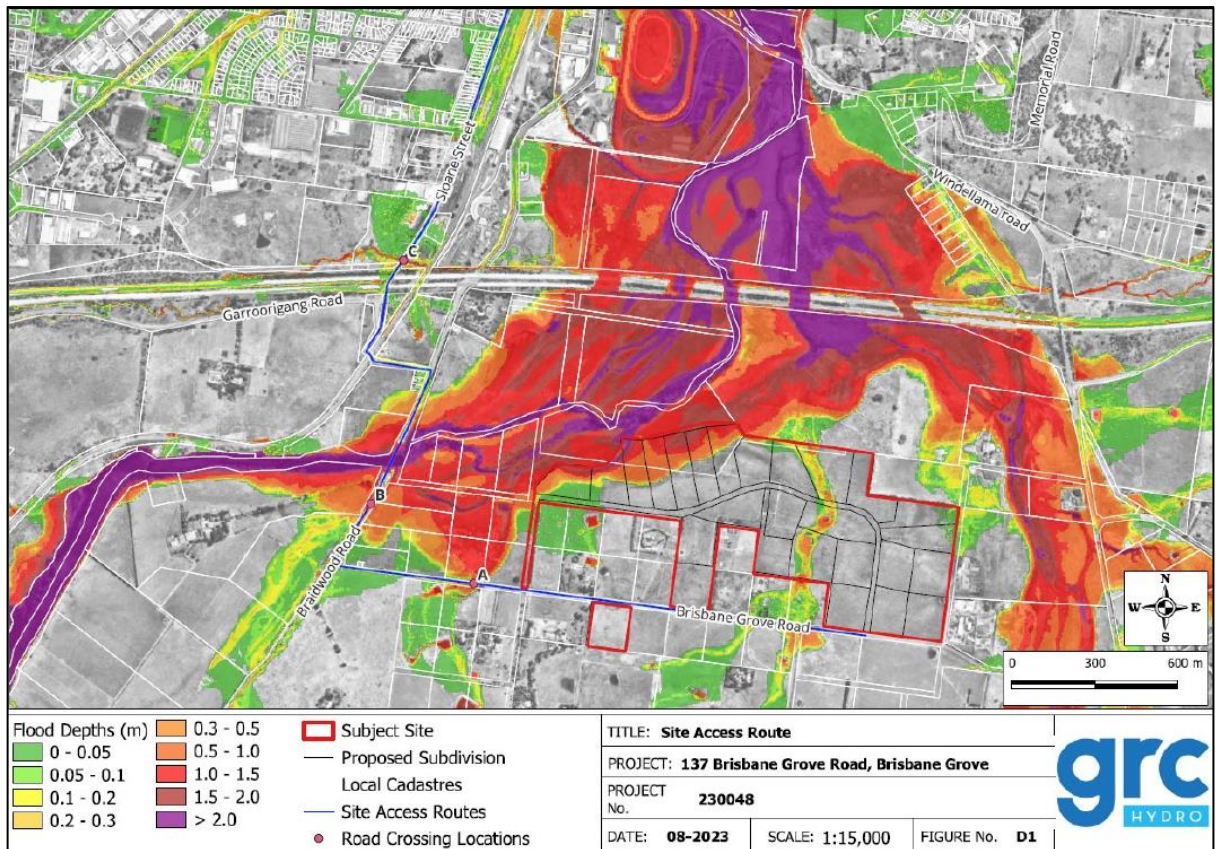
The FIRA identifies that the proposed development will provide two internal access roads via Brisbane Grove Road which are flood free up to and including the PMF. The internal roads are proposed to connect to Brisbane Grove Road approximately 550 metres apart. The internal access roads are proposed to connect to a section of Brisbane Grove Road which is not subject to flooding as presented in [Figure 32](#).

Figure 32: Existing Conditions- PMF- Flood Depth/Level and Hazard: Source: Brisbane Grove Flood Impact and Risk Assessment



Future residents will be able to evacuate the site during a flood event up to and including the PMF. However, the only realistic evacuation route into the Goulburn Urban area is via Braidwood Road and over the Mulwaree River. This evacuation route is impacted by inundation thereby restricting the efficient evacuation of residents during certain flood events ([Figure 33](#)).

Figure 33: Brisbane Grove Flood Evacuation Route: Source Brisbane Grove Flood Impact and Risk Assessment



The FIRA has identified and assessed the frequency, severity and duration of flood inundation on Braidwood Road, as presented in [Table 4](#).

Table 4: Frequency, depth and duration of inundation of Braidwood Road: Source Brisbane Grove Flood Impact and Risk Assessment

Events (AEP)	Max Depth (metres)	Duration of inundation (hours)	Duration with depth >0.5m
10%	-	-	-
5%	0.03	3.7	-
1%	0.57	22.5	8.5
0.5%	0.74	26.2	14.5
0.2%	0.98	30.2	20.5
PMF	8.62	38.4	35.7

Table 4 demonstrates that access from the site to the Goulburn urban area first becomes inundated during a 5% AEP flood event but with minimal depth of 0.03m (3cm). Braidwood Road becomes inundated to a hazardous extent at the 1% AEP event with a depth reaching 0.57m (57cm) with a total duration of 22.5 hours but depths above 0.5m have a duration of 8.5hours.

During the worst possible PMF flood event Braidwood Road becomes inundated to a depth of 8.6m for a duration of up to 38 hours.

Whilst all dwellings will be flood free up to and including a PMF event, residents are likely to be isolated in their homes (and immediate surrounds) for a period of approximately 38 hours during a PMF event.

Flood Warning

The submitted FIRA identifies the site within the Mulwaree Catchment and classifies it as a flash flood catchment (defined as flooding occurring within 6 hours of the precipitating weather event and often involves rapid water level changes to flood water velocity). This flash flooding provides little warning time of an impending flood as presented in **Table 5** which stipulates the approximate time from the end of a rainfall burst to a flood peak.

Table 5: Approximate time from the end of a rainfall burst to a flood peak for the 5%, 1% and PMF Flood Events

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

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

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

The limited available flood warning times for floods at the 1% AEP or rarer events largely rule out evacuation as a suitable emergency management response during these flood events, especially considering the alternative is for residents to shelter in their own flood-free homes.

The Support for Emergency Management Planning guide (EM01) highlights where evacuation is not possible consideration should be given to:

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

As noted above, the subject site and any future residents would be isolated during flood events at the 1% AEP or rarer for a period of up to 38 hours (depending on the flood event). The resulting period of isolation require consideration of the secondary risks and human behaviour with the view to reduce these risks further.

The FIRA (**Appendix 15a**) considers the joint probability of isolation and the occurrence of secondary risk. It estimated the probability of a fire or medical emergency occurring whilst access roads are inundated to be a 1 in 1000 AEP or 0.1%.

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

For Secondary Risks

Fire Emergency- the provision and maintenance of a Home Fire Safety kit which includes as a minimum 1kg dry chemical powder fire extinguisher and wall bracket, fire extinguisher location sticker and fire blanket to be required for future dwellings. This can be implemented through a Development Control Plan and through a s.88b instrument under the NSW Conveyancing Act.

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

For Human Behaviour

Provision of adequate services- access to adequate ablutions, water, power and basic first aid equipment will be required for future dwellings for the duration of flooding. The proposed lots will include on-site effluent management areas and potable water storage to provide access to adequate ablution services and water. A s.88b provision to require domestic electricity generation and storage to ensure adequate power supplies in the event mains supply is interrupted. Basic first aid equipment is proposed for secondary risk mitigation as above.

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

The proposed mitigations listed above have been developed in consultation with Council, Ambulance NSW, Rural Fire Service, SES and DPE- Biodiversity and Conservation. A summary of the consultation undertaken is presented in Attachment A to C of the FIRA (**Appendix 15a**).

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

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

The Development Control Plan also identifies the entire Brisbane Grove and Mountain Ash precincts as land to which clause 5.22- Special Flood Considerations (specifically cl.5.22(2)(b)) applies in the GM LEP due to known evacuation issues. This clause requires the consent authority to consider whether development in the two identified precincts will:

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

The application of this clause goes beyond the subject site and applies to the entire Brisbane Grove and Mountain Ash precincts and serves to intrinsically link development proposals with the need to assess flood risk and flood risk mitigations. The application of the Special Flood Consideration Clause to affected lots within the precincts will be included by Council on 10.7 certificates. This ensures that prospective purchasers of a property are aware of the associated flood risk from the outset. Collectively all the above measures serve to further reduce residual risk to one which has been quantified, assessed and considered to be acceptable by Council.

Significant increased requirement for government spending

As previously identified no development is proposed on flood prone land. The riverine and overland flow flood planning area is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited. The Special Flood Considerations Clause is to be applied to the precinct to ensure future consideration of safe occupation of the site. These are also accompanied by development control plan provisions which restrict development in the C2 zoned land within the PMF extent.

The FIRA (**Appendix 15a**) has identified that due to all dwellings being located outside the PMF, evacuation is not necessary and due to short warning times evacuation may not be an appropriate emergency management response.

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

Consistency

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

The proposal seeks to ensure no development is sited within any flood prone land including the PMF flood extent through the application of the C2 zoned land, the Special Flood Consideration clause and Development Control Plan provisions. This in turn enables consistency with Direction 4.1 as follows:

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

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

Safe occupation from inundation of flood water is ensured through the proposed zoning and placement of dwellings, alongside the application of the Special Flood Consideration Clause and DCP provisions. Evacuation is possible up to the 1% AEP flood event, but flood warning times are generally low and evacuation may not be considered the most suitable and safest emergency management response. Therefore, whilst dwellings are to be flood free, the precinct in which they stand would be subject to inundation and largely isolated from the Goulburn urban area for between 8.5 hours and 38 hours, depending on the severity of the flood event. This presents secondary risks to residents when a fire or medical emergency occurs whilst the access roads are inundated or from residents when a fire or medical emergency occurs whilst the access roads are inundated or from residents entering floodwater to access services. The risk of the site being isolated by flood waters and fire or medical emergencies occurring at the same time is considered an acceptable risk at 1 in 1,000 AEP or 0.1%.

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

Reducing the impetus for residents to enter flood water through the provision of independent power generation and storage, on-site effluent management sited outside flood prone land and on-site water collection and storage. These provisions have been included within the Precinct-specific DCP chapter (**Appendix 1**) and will be applied through development management conditions and a s.88b restriction on the title of the lot.

Reducing the potential and/or number of potential fire and/or medical emergency responses required during flood inundation through the provision of an Automated Electronic Defibrillator, first aid kit and home fire safety kit. These provisions have been included within the Precinct-specific DCP chapter (**Appendix 1**). These will be applied through development management conditions and s.88b restriction on the title of the lots.

These provisions would all serve to reduce the residual flood risk to an acceptable level. However, to ensure that any development within the Brisbane Grove and Mountain Ash precincts is adequately assessed at the development assessment stage, all land within both precincts is identified as land to which Special Flood Considerations Clause 5.22 of the GM LEP applies.

The precinct-specific DCP chapter (**Appendix 1**) identifies and explains the isolation hazard associated with the Brisbane Grove and Mountain Ash precincts and prescribes the application of Clause 5.22 of the GM LEP to these areas. The DCP establishes controls which restrict most forms of development from the C2 zoned land and restrict residential development on land within the PMF. Any future development applications which diverge from these restrictions will be required to demonstrate consistency with Clause 5.22 through the submission of a Flood Impact and Risk Assessment with their development application.

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

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

3.6.8 Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

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

This Direction applies to all local government areas where a relevant planning authority prepares a planning proposal that will affect, or is in close proximity to, land mapped as bushfire prone land. The subject site stands in the rural area in land currently zoned RU6 Transition which is identified as bushfire prone land, this direction therefore applies.

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,

- Lots large enough (2ha+) to provide suitable Asset Protection Zones within individual lot boundaries to ensure no dwelling site would be exposed to radiant heat levels exceeding BAL -29 (with many noted as having a lower BAL rating).
- No location within the site or neighbouring site (for at least 500m) exceeds a slope of 10 degrees (with most aspects having lower grades).
- Each lot will be provided with a static water supply of at least 20,000 litres for firefighting purposes supplemented by 8 proposed farm dams all located in the front of the lot, adjacent the internal roadways.
- No extension to high voltage power lines with no gas connections available.
- Very few trees are present on the site and the minimum vertical clearance distance is achievable.
- All proposed lots will have access carriageways of less than 200metres in length.
- All existing and proposed roads are bitumen sealed, two-way roads with a minimum carriageway width of 8metres, with no parking proposed in the road reserves and are/will be suitable to carry fully loaded firefighting vehicles. The proposed internal access roads will have finished surface grades less than 10 degrees.

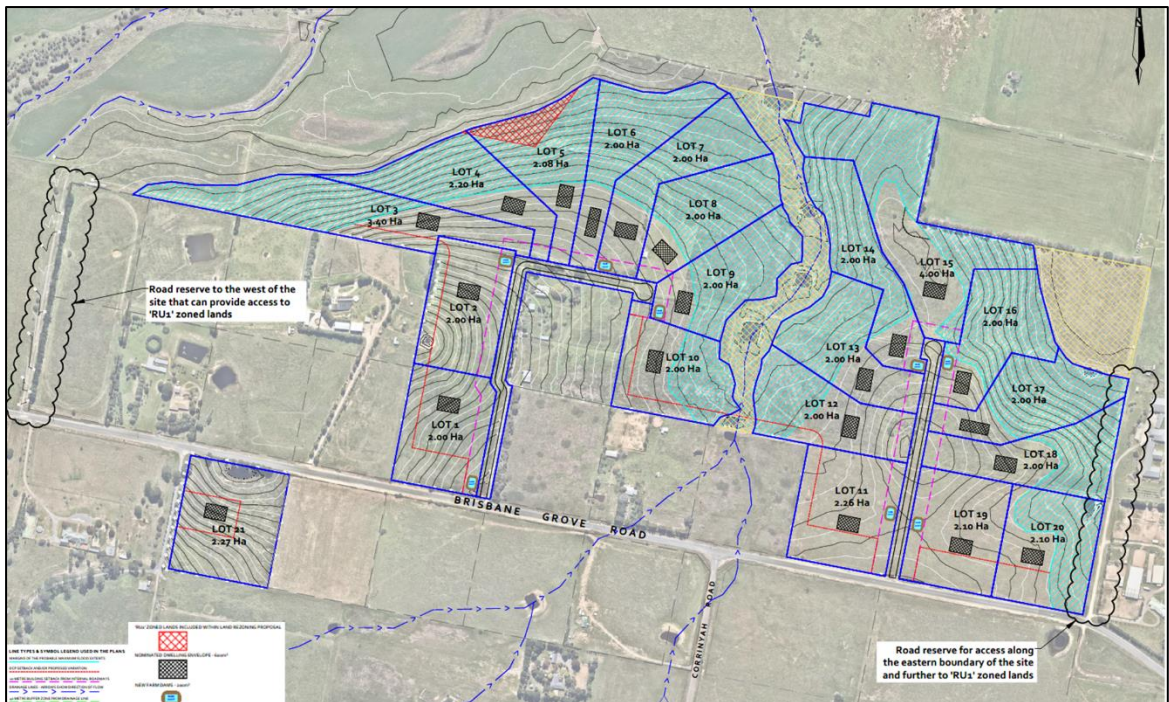
Divergence from acceptable solutions

Table 5.3b of *Planning for Bush Fire Protection 2019* guide sets out the performance criteria and acceptable solutions to achieve a safe, all-weather access to structures by firefighting vehicles. These solutions include the following:

- Provision of perimeter roads for residential subdivisions of three or more allotments
- All roads to be through-roads
- Unavoidable dead ends are not more than 200 metres in length and incorporate a minimum 12m outer radius turning circle.

The Strategic Bush Fire Study (**Appendix 13a**) and Strategic Bush Fire Study Plan (**Figure 35** and **Appendix 13b**) propose two new internal access roads into the site from Brisbane Grove Road, approximately 550 metres apart. These roads will be two-way, sealed roads with a minimum width of at least 8 metres for a length of approximately 330 metres and 500 metres, terminating in a cul-de-sac. Therefore, this planning proposal diverges from the identified acceptable solutions because no perimeter road is included, the two new internal roads are not through roads and they exceed the 200m limit stipulated within PBP.

Figure 35: Strategic Bushfire Study Plan



*The above Concept Plan does not identify the full extent of the proposal area which includes the entirety of Lot 2, DP 1180093. For clarity, all of the lot to the west is proposed as C2 zoned land where pastoral activities are expected to continue i.e., no residential development is permitted.

A fully formed perimeter road around the outer edge of the subject site, whilst technically achievable based upon the overall site size of 83ha and relatively limited number of proposed lots, would not be considered suitable in this circumstance. As identified in **Section 3.6.7 Direction 4.1 Flooding** the site is heavily flood affected, particularly around the outer edges of the proposed lots and the provision of a road on land which frequently becomes inundated by flood waters is unlikely to be supported.

The inconsistency is addressed below:

- The internal access roads only propose to serve 7 lots on one and 9 lots on the other, as such traffic volumes are expected to be low.
- All identified dwelling envelopes have been placed to ensure the distance from the dwelling frontage does not exceed 100m from the public road.
- The RU1 land to the north (and proposed C2 land to the west) are associated with large rural enterprises that undertake regular farming practices including cropping, grazing and land management, hence the state of the vegetation and the availability of fire fuels will be variable at different times of the year.
- Access to RU1 zoned land to the north is accessible from an existing 20m council road reserve adjacent the eastern boundary of proposed lots 17, 18 and 20. Access to the western C2 land is accessible via an unformed council road reserve running along the western boundary of existing lots 25 & 35, DP976708.
- Whilst an outer perimeter road is not feasible due to the flood prone nature of the land, the two new internal access roads will provide improved access for firefighting proposes to the existing land holding which does not currently exist.

The proposed two new internal access roads have a length of 330 and 500 metres and terminate in a cul-de-sac contrary to the identified acceptable solutions for all roads to be through roads and unavoidable dead ends not exceeding 200m in length.

As per the reasoning for the perimeter road, the provision of a through road would require construction on heavily flood affected land and is generally considered unsuitable. The proposed internal roadways are the minimum length required to ensure access to the all the proposed lots, particularly those to the north. In addition, the cul-de-sac terminates with a turning circle with a radius of at least 12m in accordance with the PBP requirements. In addition, the Study identifies that “*the risk of isolation/ and/or entrapment within the subdivision will be very low due to the nature of the surrounding vegetation structures and the proliferation of managed lands within asset protection zones around the footprint of the proposed dwelling sites*”.

In addition, the Traffic and Access Assessment Report (**Appendix 14**) submitted with this planning proposal concludes that traffic generation would be low with no adverse impact on the current road network.

The planning proposal identifies the potential for the subdivision, after the planning proposal process has been finalised, to be staged. Five of the proposed lots are accessed via the existing Brisbane Grove Road and already meet the 2ha minimum lot size sought through this proposal. Staging of the subdivision is not considered to have an adverse impact on firefighting options of capabilities.

The proposal includes the creation of 21 lots which is considered minor and would not warrant an increase in the provision of existing emergency service facilities or capabilities, even when considering additional similar lot size rezoning’s in the precinct.

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

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

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

The proposal indicates the ability to achieve Asset Protection Zones, contains provisions for two-way access roads (although not connecting to a perimeter road for all the proposed lots), includes provisions for adequate water supplies and minimises the interface between the hazard and dwellings. A subsequent development application will also be required to submit a Plan of Management in accordance with the *Goulburn Mulwaree Development Control Plan* which will introduce controls on the placement of combustible materials.

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

Overall, this planning proposal demonstrates general consistency with Direction 4.3 planning for Bushfire Protection with a minor inconsistency regarding Direction (3)(a)(i). NSW Rural Fire Service will be consulted through the planning proposal process to determine any objection.

Previous Planning Proposal (PP_2021_6932)

The Rural Fire Service (RFS) provided a post gateway referral response on the previous planning proposal which included 27 proposed lots (**Appendix 13c**). The previous lot arrangement was significantly different to the current proposal illustrated in **Appendix 5**.

The RFS provided their referral response on 13 March 2023 and stated:

“Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land is generally in accordance with the concept subdivision plan”.

Further engagement with the RFS will be undertaken as part of this planning proposal process.

A copy of the gateway referral response from RFS in relation to the previous planning proposal is available in **Appendix 13c**.

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

When this Direction applies:

1. A planning proposal authority must not include in a particular zone (within the meaning of the Local Environmental Plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:
 - a. The planning proposal authority has considered whether the land is contaminated, and
 - b. If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.
 - c. If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.
2. Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Comment: The subject site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on a site are listed as a potentially contaminating use within Table 1 of the contaminated land planning guidelines. This direction would therefore apply to this planning proposal.

The planning proposal has been supported by a Preliminary Site Investigation (PSI) (contamination) report, presented in **Appendix 12b** (initial June 2021 PSI is available in **Appendix 12a**) which seeks to address the requirements of this direction.

The PSI assessed the potential for contamination based on:

- Review of topographic, soil, geological, salinity and acid sulphate soils mapping for the whole site
- Review of historical aerial photography of the entire site using photographs from 1978, 1987, 1991, 2006, 2012 and 2021
- Search of NSW EPA contaminated land records
- NSW Office of Water groundwater bore search
- Review and summary of current and historic titles and deposited plans for landholdings which span from 1896 to 2021 and incorporate the history for the majority of the lots within the site (Lot 2, DP 1180093, Lots 10 to 14, 17 to 19, 43 to 45 and 54 DP 976708 and Lot 2, DP 1279715)
- Review of Section 10.7 certificates
- A site walkover inspection of all lots within the site area.

The PSI study area included the entirety of the subject site as presented in **Figure 36**.

Figure 36: Preliminary Site Investigation- Contamination Study Area



The PSI found there was a low probability of acid sulphate soils, groundwater was indicated at a depth of 2m to 8m below ground level and a number of farm dams (*Appendix A of the PSI*) were identified on site. Only one registered groundwater bore was identified on site (*Appendix C of the PSI*).

A search of NSW EPA contaminated land records did not identify any notified contaminated sites on, adjacent or in close proximity to the subject site.

No residential buildings or septic systems are located on site but a septic system was identified to the south of the site, near an off-site residential building.

In relation to current and previous land uses on the site, based on historical aerial photography, the PSI identified the site had likely been used for agricultural use since 1975 or earlier. In addition, historical title searches based on information regarding previous owners which indicates that several past owners of the site were listed as 'graziers', indicating a long history of the use of the site for grazing.

The PSI included information sourced from desktop site information and through a site walkover of the entire subject site undertaken by an environmental scientist on 18 May 2021.

The PSI identified two potential sources of contamination on site and associated contaminants of potential concern (COPC), namely:

- S1- Waste materials scattered across the site surface. These includes old bricks, ceramic sewer pipe, old fencing materials and metal sheeting. The associated COPC's which include metals, total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons and asbestos.
- S2- Potential use of pesticides associated with grazing agriculture at the site with associated COPC's which include arsenic, organochloride and organophosphate pesticides.

The PSI identifies potential transport pathways, receptors and establishes risk management actions. Two risk management actions are presented as recommendations to the PSI to address the limited areas of the site which may be impacted by potential contamination. These risk management actions are:

- A Construction Management Plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site, and
- Waste material should be removed from the site and disposed of at a licensed waste disposal facility prior to development commencing.

The PSI concludes with the following statement:

“Sporadic waste materials were observed on the site surface. These included old fencing material, ceramic pipe, metal sheeting and old bricks. The likelihood that contamination has resulted from these waste materials is low, however, the waste material should be removed from the site and disposed at a licensed waste disposal facility prior to development commencing.

Minor quantities of pesticides were noted in sheds immediately to the south of the site indicating the possible use of pesticides on site. It is considered that the risk of accumulation of significant quantities of pesticides in general soil across the site is low and at this time an intrusive investigation is not required.

It is recommended that a construction environment management plan incorporating an unexpected finds protocol be prepared and implemented during any future construction works at the site.

Should fill material be required to be disposed off-site, it must first be assessed in accordance with NSW EPA (2014) Waste Classification Guidelines, Part 1: Classifying Waste.

It is considered that the site would be suitable for the proposed residential subdivision following implementation of the above recommendations”

Water NSW Pre-gateway referral response (**Appendix 10g**) received on 5 April 2024 supports the above recommendations and notes that they can be implemented at the DA stage.

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

Previous Planning Proposal (PP_2021_7390)

Water NSW provided an initial pre-gateway response (**Appendix 10d**) on the previous planning proposal which raised a number of issues relating to the scope of the original June 2021 PSI (**Appendix 12a**).

In their response Water NSW noted that the desktop analysis had been confined to only three of the 22 existing lots with it being unclear whether the examination of

historical aerial photography relates to the whole site or just those three lots. Water NSW's initial pre-gateway referral requested:

- The PSI to clarify whether the examination of aerial photography includes all lots or just three.
- Examination of past land uses should be based on all lots and not just a selection of 3 lots- investigation needs to be more comprehensive.
- PSI needs to confirm which lots were examined in the site walkover in May 2021 and relevant lots identified by lot and DP number.
- The issue of existing on-site wastewater systems does not appear to be considered in the PSI. PSI should clarify how many existing residences are on site, do they have on-site waste management systems and is there any likely contamination from these.
- Clarification required whether past intensive agricultural uses have occurred or are likely to occur on any of the lots- concern that farm dams may have acted as effluent ponds and accumulated contamination from sediments.

The proponent submitted an update to the June 2021 PSI through the August 2022 PSI (**Appendix 12b**) to address Water NSW concerns with a summary of their response to these concerns as follows:

- The PSI reviewed historical aerial photography for the entire subject site
- The examination of past land uses was based on a review of historical aerial photography alongside a review of current and historic titles and deposited plans for landholdings which span from 1896 to 2021 and incorporate the history for the majority of the lots within the site (Lot 2, DP 1180093, Lots 10 to 14, 17 to 19, 43 to 45 and 54 DP 976708 and Lot 2, DP 1279715)
- All lots within the subject site were examined during the site walkover
- The issue of existing on-site wastewater systems has been considered in the revised report with no such systems or existing residences identified on site.
- Grazing is the only agricultural activity identified on site historically and currently. Grazing is not an intensive agricultural use.

Water NSW reviewed the updated August 2022 PSI through their second pre-gateway referral response received by Council on 26 September 2022 (**Appendix 10e**). Water NSW stated:

"The updated PSI report has satisfactorily addressed our earlier concerns and covers the preliminary contamination risk for the planning proposal stage".

In addition, the response identified that the recommendations in the PSI for the preparation of a Construction Environmental Management Plan and any fill to be disposed of off-site in accordance with NSW EPA guidelines is supported.

Both the June 2021 and the August 2022 PSI's have been submitted with the revised planning proposal (PP_2024_291). The revised planning proposal accords with the study area for the assessments and the revised concept layout reduced the number of proposed lots on the site.

The planning proposal includes a report specifying the findings of a preliminary investigation carried out in accordance with the contaminated land planning guidelines. The Council have considered whether the land is contaminated and the minor presence and scope of potential contaminants, alongside the recommendations would ensure the land is or can be made suitable for the proposed rezoning to R5 Large Lot Residential.

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, subdivisions 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) of minor significance.

Comment: This planning proposal is seeking the rezoning of rural land to R5 Large Lot Residential and this direction would therefore apply.

The proposal is seeking to rezone an area of approximately 83 hectares from RU1 Rural Production and RU6 Transition to provide 21 R5 Large Lot Residential lots. The

site is situated approximately 2km south east of the Goulburn urban area but separated by the Hume Highway and the Mulwaree River. There are currently no bus services to the subject site and no footpaths or demarcated cycle lanes which would connect the site along the main roads of Brisbane Grove Road and Braidwood Road to the Goulburn urban area.

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

Whilst the site is situated on the opposing side of the highway and river to the Goulburn urban area, the distance travelled for new residents to the commercial core of employment and service provision, located in the CBD, is an approximate 7 minute drive. The subject site is located as close as practically possible to the urban area whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the *Urban and Fringe Housing Strategy*.

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

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

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

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

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

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

3.6.11 Direction 6.1 Residential Zones

The objectives of this direction are to:

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

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

When this direction applies:

1. A planning proposal must include provisions that encourage the provision of housing that will:
 - a. Broaden the choice of building types and locations available in the housing market, and
 - b. Make more efficient use of existing infrastructure and services, and
 - c. Reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - d. Be of good design.
2. A planning proposal must, in relation to land which this direction applies:
 - a. Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 - b. Not contain provisions which will reduce the permissible residential density of land.

Comment: This planning proposal is seeking the rezoning of a rural RU6 Transition Zone and RU1 Primary Production zone to R5 Large Lot Residential, and as such this Direction applies.

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

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

- Urban infill in existing residential areas which is anticipated to make up approximately 7% of the expected growth which provides opportunities for urban intensification and renewal.
- Serviced general and low density residential lots at 700sqm on the greenfield edges of the Goulburn and Marulan urban areas. These dwelling types are anticipated to make up the significant majority of housing growth in the LGA at 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.

- Un-serviced large lot residential development through a R5 Large Lot Residential zone on the fringes of the Goulburn urban area to provide lifestyle lots. These dwelling types are anticipated to make up approximately 10% of housing growth in the LGA.

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

The planning proposal is situated between two existing roads, namely, Braidwood Road and Brisbane Grove Road. The Traffic and Access Assessment Report submitted with the planning proposal (**Appendix 14**) identifies that these roads have significant spare capacity to accommodate the limited additional traffic generated by the eventual subdivision. The development of this area for residential uses is considered to make more efficient use of the adjacent road network. The limited number of additional dwellings proposed (21) and the sites relatively close proximity and easy access to the Goulburn urban area would not result in an additional requirement for fire, police or education services or facilities beyond Goulburn's existing provision.

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

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

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

Additional design considerations have been presented by both the proponent's heritage consultant and the Council's heritage consultant to ensure the development is sympathetic to its rural context. These proposed controls are included within the tailored precinct-specific controls presented in **Appendix 1**. The precinct-specific chapter and existing DCP controls are considered to result in a development of good design.

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

The land sought for rezoning through this planning proposal is currently zoned RU6 Transition with a minimum lot size of 10 hectares and RU1 Rural Production with a minimum lot size of 100 hectares. This proposal is seeking a rezone to R5 Large Lot residential with a minimum lot size of 2 hectares. This would increase the permissible residential density in the area.

As noted in **Section 3.6.4 Direction 3.1** and **Section 3.6.7 Direction 4.1**

Flooding of this planning proposal report, the subject site is not identified as of particular biodiversity value and areas identified as most severely affected by flood events are proposed to be zoned as C2 Environmental Conservation. The impact of the proposal on the environment is considered minimal.

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

3.6.12 Direction 9.1 Rural Zones

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

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

When this Direction applies a planning proposal must:

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

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

- a. Justified by a strategy approved by the Planning Secretary which:
 - i. Gives consideration to the objectives of this direction, and

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

Comment: The subject site is currently zoned RU6 Transition and RU1 Primary Production which are rural zones. The site is proposed to be rezoned, in part, R5 Large Lot Residential and would therefore affect land within an existing rural zone, as such this direction applies.

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

The subject site is current pasture land zoned RU6 Transition and RU1 Primary Production in which this proposal seeks to rezone to a R5 Large Lot Residential zone and C2 Environmental Conservation zone. Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove some agricultural land from productive use 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 *Urban and Fringe Housing Strategy* which identifies the rural land within the Brisbane Grove Precinct for R5 Large Lot Residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is the subject of the planning proposal.

The inconsistency with Direction 9.1 Rural Zones is justified.

3.6.13 Direction 9.2 Rural Lands

The objectives of this direction are to:

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

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

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

When this Direction applies:

1. A planning proposal must:
 - a. Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
 - b. Consider the significance of agriculture and primary production to the State and rural communities
 - c. Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
 - d. Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
 - e. Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
 - f. Support farmers in exercising their right to farm
 - g. Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
 - h. Consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land
 - i. Consider the social, economic and environmental interests of the community
2. A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:
 - a. Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
 - b. Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
 - c. Where it is for rural residential purposes:
 - i. Is appropriately located taking into account the availability of human services, utility infrastructure, transport and proximity to existing centres
 - ii. Is necessary taking account of existing and future demand and supply of rural residential land

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

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

Comment: This planning proposal is seeking to rezone the subject site from RU6 Transition and RU1 Primary Production and amend the minimum lot size, as such this direction would apply.

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

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

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

Section 3.6.4 Direction 3.1 of this report explores the biodiversity values of the site and the presence of native vegetation, both of which are determined to be limited, as demonstrated through the proponents Native Vegetation and Habitat Survey (**Appendix 11a**) and Council's Biodiversity Officer comments (**Appendix 11b**)

Section 3.6.5 Direction 3.2 Heritage Conservation of this report explores potential impacts on European cultural heritage, particularly locally listed heritage item "Sofala" adjacent the subject site but also the nearby heritage items of 'Wyadra', 'Brigadoon', 'Garroorigang' and 'Rosebank'. The proponents Heritage Impact Statement (**Appendix 9a**), alongside advice from Council's heritage advisor and the draft precinct-specific development control chapter (**Appendix 1**) all seek to minimise the proposals potential impacts on European cultural heritage values.

Section 3.6.5 Direction 3.2 Heritage Conservation also provides consideration for potential Aboriginal cultural heritage values through the proponents Due Diligence Assessment (**Appendix 8a**) with further information provided through a full Aboriginal Cultural Heritage Assessment (**Appendix 8b**).

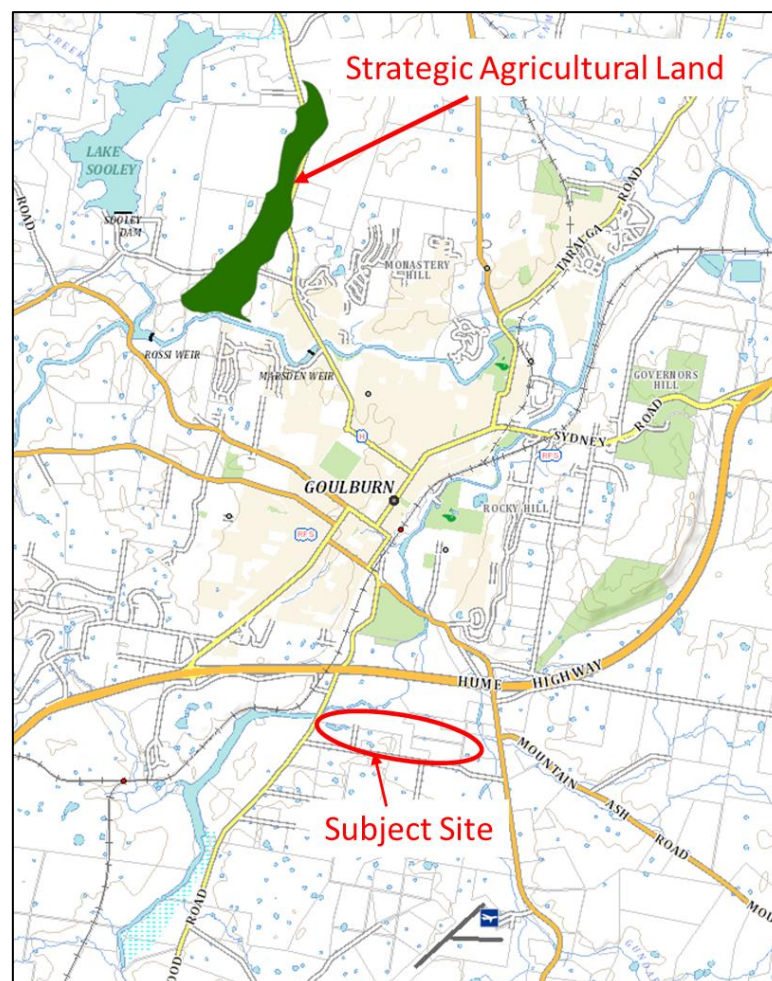
Section 3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Chapter 6: Water Catchments, Part 6.5 Sydney Drinking Water Catchment and Section 3.6.6 Direction 3.3 Sydney Drinking Water Catchments considers impacts on and the importance of water resources with particular consideration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

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

This planning proposal seeks to facilitate the ultimate subdivision of the subject site from 22 existing RU6 Transition and RU1 Primary Production zoned lots to 21 two hectare R5 Large Residential Lots which would result in some fragmentation of rural land. The relatively low density of the proposal, large lot sizes and the relatively contained nature of the site between existing roads and the Mulwaree River are considered to reduce potential land use conflict with other rural land uses. In addition, the entire Brisbane Grove Precinct is identified as a R5 Large Lot Residential opportunity area with agricultural activities likely to diminish as land in the precinct is rezoned and further reduce any consequential rural impacts. The proposal is not considered to adversely affect the operation and viability of existing rural land uses, related enterprises or supporting infrastructure and facilities essential to rural industries or supply chains.

The subject site is not included as state significant agricultural land as illustrated on the ePlanning Spatial Viewer presented in [Figure 37](#).

Figure 37: Strategic Agricultural Land Map (2)



The *Urban and Fringe Housing Strategy* when determining the most suitable locations for housing to meet the needs of the LGA's growing population has considered the availability of human services, utility infrastructure, transport and proximity to existing

centres. As highlighted in **Section 3.6.11 Direction 6.1 Residential Zones**, the R5 Large Lot Residential opportunities are only one small part of the wider housing strategy to meet the existing and future demand for housing. The Brisbane Grove Precinct, whilst not serviced by Goulburn's water and sewer system, is situated in relatively close proximity to the Goulburn urban area and the array of services it provides. The proposal will utilise existing road infrastructure which has additional capacity and enables a short, relatively direct drive into Goulburn CBD.

This planning proposal is inconsistent with Direction 9.2 Rural Lands but the inconsistency is justified by the *Urban and Fringe Housing Strategy* which identifies the rural land within the Brisbane Grove Precinct for R5 Large Lot Residential. The *Urban and Fringe Housing Strategy* has been approved by the Planning Secretary, the strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.

The inconsistency with Direction 9.2 Rural Lands is justified.

Section C- Environmental, Social and Economic Impact

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

The planning proposal has been accompanied by a Native Vegetation and Habitat Survey (**Appendix 11a**) which involved a field and database assessment to identify the sites biodiversity values and highlight potential constraints to any future rezoning or development.

The Native Vegetation and Habitat Survey did not identify any critical habitat or threatened species, populations or ecological communities or their habitats which would be adversely affected as a result of this proposal. Further detail is provided in **Section 3.6.4 Direction 3.1** 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?

The subject site is located in proximity to four possible noise sources with the potential to adversely affect residential amenity, these include:

- The railway line which is approximately 275m to the west of the site on the opposing side of the Mulwaree River
- The Hume Highway which is between 300 metres and 600 metres north of the site
- Goulburn Airport which is approximately 2km to the south east of the site, and
- Wakefield Park Raceway which is approximately 6.5km to the south of the site.

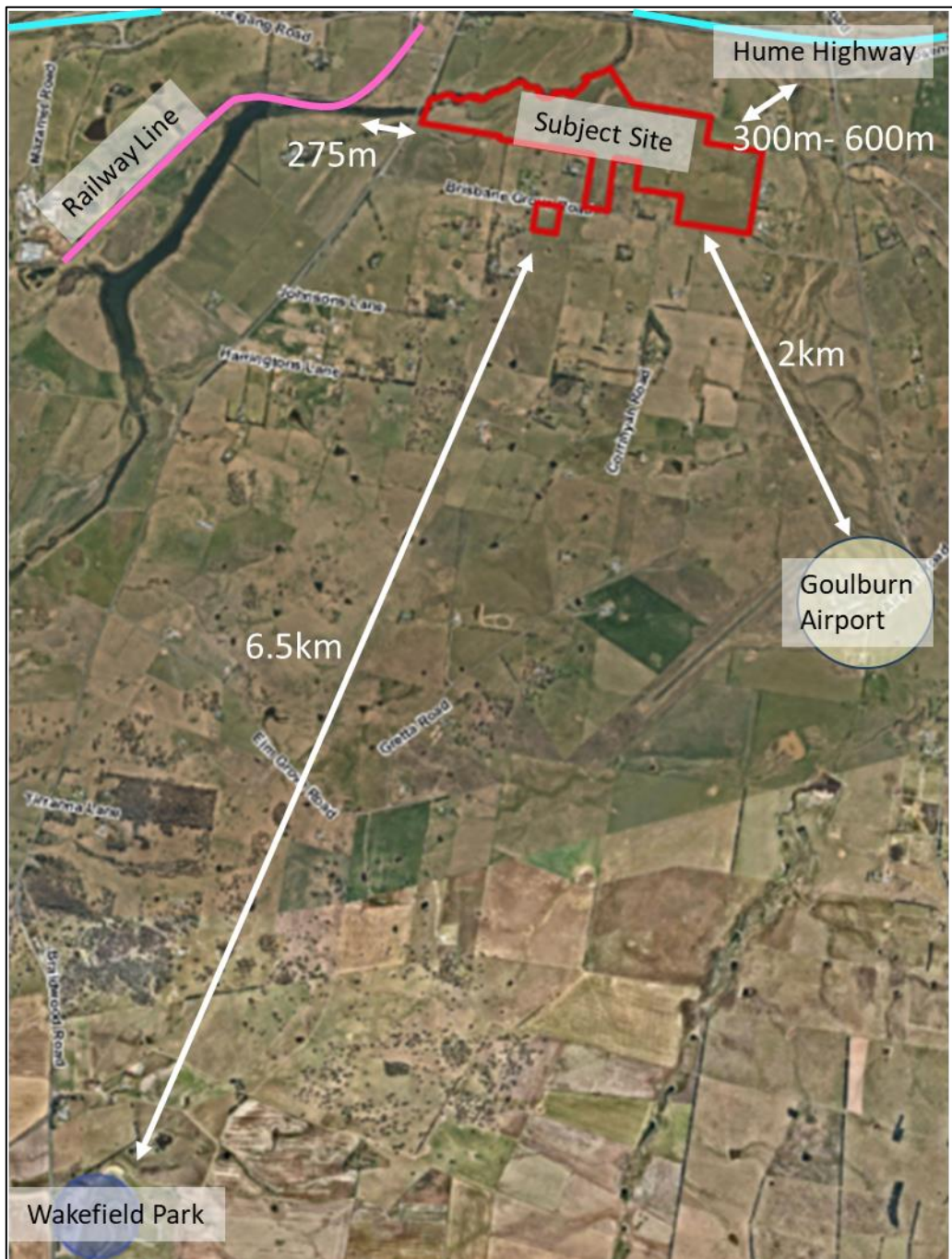
These multiple noise sources derived from all directions (see **Figure 38**) raises the potential for adverse impacts on residential amenity. Two of these noise sources,

namely the airport and Wakefield Park, are identified in the *Urban and Fringe Housing Strategy* as the following potential constraints:

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

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

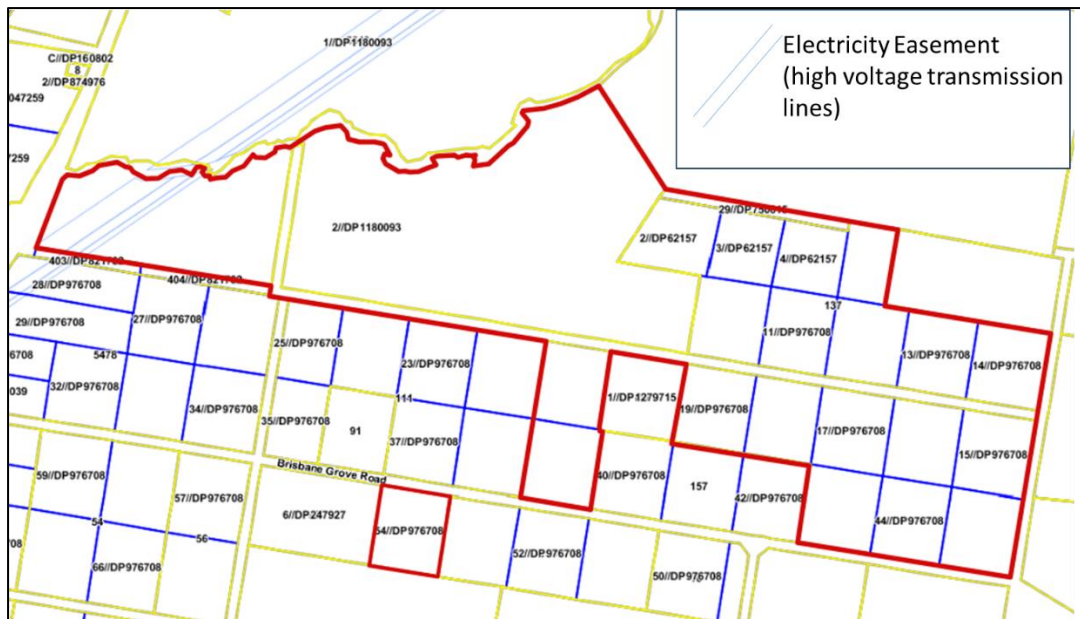
Figure 38: Proximity to Potential Noise Sources



Electricity Easement

An approximate 65 metre wide high-voltage electricity transmission line easement crosses the sites' western most corner (**Figure 39**). The area is proposed to be zoned as C2 Environmental Conservation where most forms of development are prohibited. This area is also heavily flood affected and would be subject to the Flood Policy in the Development Control Plan (**Appendix 1**). The draft Precinct Specific Development Control chapter in **Appendix 1** also includes provisions relating to electricity easements.

Figure 39: Map of Electricity easement crossing subject site



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

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

Section D- State and Commonwealth Interests

3.10 Is there adequate public infrastructure for the planning proposal?

The Traffic and Access Assessment Report (**Appendix 14**) highlights additional capacity on the existing road network with limited to no impact on the existing junction between Brisbane Grove Road and Braidwood Road. No additional upgrades to existing road infrastructure have been identified.

The site is proposed to be accessed by two new internal access roads from Brisbane Grove Road, sited approximately 550 metres apart. The western access will serve 9 lots and the eastern access will serve 7 lots with the remaining lots accessed directly from Brisbane Grove Road. Existing Lot 54, DP796708 (south of Brisbane Grove Road) will maintain its existing access from Brisbane Grove Road.

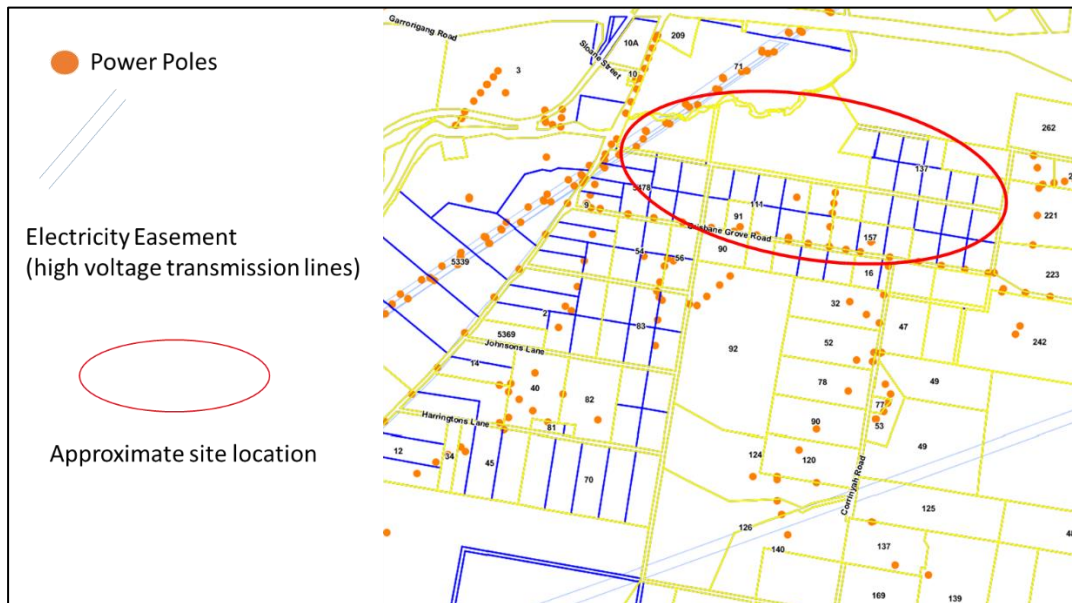
The subject site is not connected to the Goulburn reticulated water and sewer network and the proposed lots will require on-site water storage and wastewater and effluent disposal to meet the needs of residents.

An optical fibre cable runs in close proximity to the site along Braidwood and provides an opportunity for connection to the new lots.

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

Figure 40 illustrates numerous power poles lining Braidwood Road and Brisbane Grove Road which connect to the wider electricity grid, demonstrating the availability of electricity connections to future dwellings on the site.

Figure 40: Location of power poles in relation to subject 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, further consultation with Water NSW will be undertaken at the gateway stage and during the exhibition stage.

Further consultation will be undertaken in accordance with the directions of the Gateway determination.

Part 4- Mapping

The maps included within **Figure 2**, **Figure 3**, **Figure 4** and **Figure 5** illustrate the area to which this proposal relates and includes the proposed amendment from the RU6 Transition and RU1 Primary Production Zones to R5 Large Lot Residential and C2 Environmental Conservation, alongside the amendment of minimum lot sizes.

Part 5- Community Consultation

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

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

Part 6- Project Timeline

It is envisaged that the gateway process will take approximately 9-11 months for a project of this scale.

Gateway Determination	May 2024
Timeframe for completion of technical studies	No further studies identified
Timeframe for agency consultation	June to July 2024
Public Exhibition	August 2024
Public Hearing	No hearing identified
Consideration of submissions	October 2024
Date of submission of LEP to DPIE	November 2024
Anticipated date of plan made	December 2024 to January 2025
Anticipated date plan forwarded to DPIE for notification	January 2025

Part 7- Appendices

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

Appendix 1	Draft Brisbane Grove & Mountain Ash Precinct-specific Development Control Chapter
Appendix 2	Proponents Submitted Planning Proposal- current
Appendix 3	Concept Subdivision Layout Plan- current
Appendix 4	Proponents Submitted Planning Proposal- previous PP
Appendix 5	Concept Subdivision Layout Plan- previous PP
Appendix 6a	Council Report & Resolution- 15 March 2022
Appendix 6b	C2 MLS Council Report & Resolution- 20 September 2022
Appendix 6c	Special Flood Council Report & Resolution- 2 November 2021
Appendix 7a	Gateway Determination and Report- previous PP
Appendix 7b	Gateway Alteration- previous PP
Appendix 8a	Aboriginal Due Diligence Assessment- May 2021
Appendix 8b	Aboriginal Cultural Heritage Assessment- Jan 2022
Appendix 9a	Heritage Impact Statement
Appendix 9b	Council's Heritage Consultant Advice
Appendix 10a	Water Cycle Management Study
Appendix 10b	Wastewater Management Site Plan
Appendix 10c	Stormwater Management Site Plan
Appendix 10d	Water NSW Initial Pre-gateway Referral Response- 9 May 2022
Appendix 10e	2 nd Water NSW Pre-gateway Referral Response- 26 September 2022
Appendix 10f	Water NSW Post-gateway Referral Response- 17 January 2023

Appendix 10g	Water NSW Pre-gateway Referral Response- 5 April 2024
Appendix 11a	Native Vegetation and Habitat Survey
Appendix 11b	Council's Biodiversity Officer referral comments
Appendix 12a	Preliminary Site Investigation (Contamination)- June 2021
Appendix 12b	Revised Preliminary Site Investigation (Contamination)- August 2022
Appendix 13a	Strategic Bush Fire Study
Appendix 13b	Strategic Bush Fire Study Site Plan
Appendix 13c	NSW RFS Post-gateway Referral Response- 13 March 2023
Appendix 14	Traffic and Access Assessment Report
Appendix 15a	Flood Impact and Risk Assessment
Appendix 15b	Flood Assessment Site Plan with subdivision layout
Appendix 15c	DPE-BCD Post-gateway Referral Response- 7 Feb 2023- previous PP
Appendix 15d	DPE-BCD additional Post-gateway Referral Response- 18 April 2023
Appendix 15e	Presentations given to the Goulburn Flooding Technical Working Group
Appendix 15f	Goulburn Mulwaree Development Control Plan Flood Policy

**Shaded entries denote documents directly relating to the previously submitted planning proposal (PP_2021_7390).*