



**Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend Minimum Lot Size on Lots  
at 'Allfarthing', 2 Brisbane Grove Road, Goulburn**

**REZ\_0003\_2122**

**(PP-2024-295)**

**April 2024**

**Pre Gateway Version**

**(Inclusive of Water NSW Referral)**

PP_2024_295		
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1	Pre-gateway	March 2024
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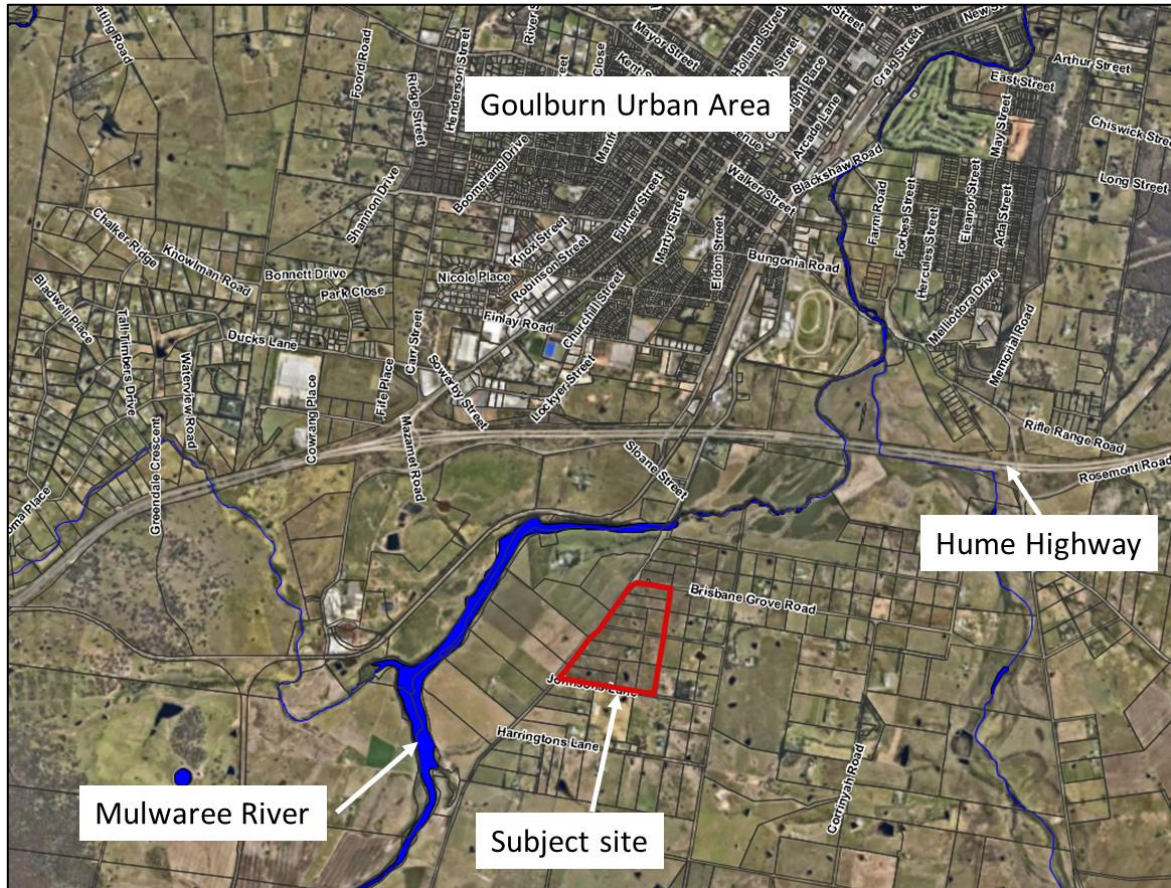
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## Introduction

This planning proposal seeks to rezone an area of 34.8 hectares of rural land situated to the south of the Hume Highway, approximately 3km from the southern edge of the Goulburn urban area, and 800 metres west of the Mulwaree River. A site location plan is illustrated in [Figure 1](#).

Figure 1: Site location plan



The site comprises 12 existing lots (Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708) and is bounded on three sides by roads, Braidwood Road (classified road) along the western boundary, Johnson's Lane along the southern boundary and Brisbane Grove Road along the northern boundary, as illustrated in [Figure 2](#).

Figure 2: Existing lot subdivision

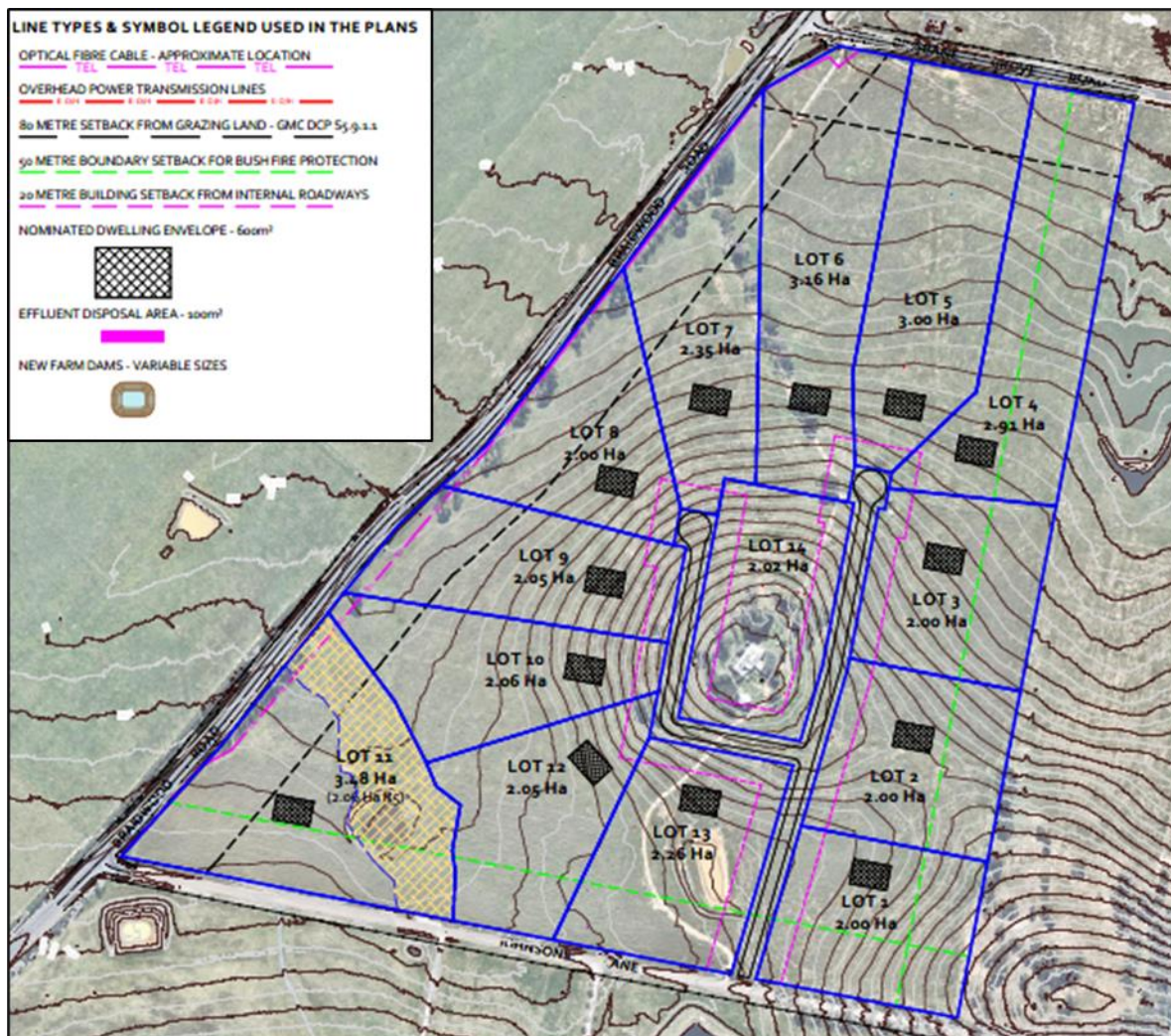


The site is currently zoned RU6 Transition with a minimum lot size of 10 hectares and includes one existing dwelling. This existing dwelling is a locally listed heritage item titled "Allfarthing".

## The Proposal

This planning proposal is seeking the creation of 13 large rural lots with dwelling entitlements, plus an additional lot for the existing property. The site is proposed to be rezoned to R5 Large Lot Residential and C2 Environmental Conservation (for land within the flood planning area). The current 10ha minimum allotment size is proposed to be amended to 2 hectares for the large lot residential zoned land with no applicable minimum lot size for C2 zoned land. Lots will be accessed either directly off Johnsons Lane or via a new internal access road from Johnsons Lane. No access is proposed from either the classified Braidwood Road to the west or Brisbane Grove Road to the north. The concept plan submitted with the planning proposal is presented in **Appendix 2** and illustrated in **Figure 3**.

Figure 3: Concept Subdivision Plan



The site is un-serviced by Goulburn's reticulated water and sewer system and will rely on on-site effluent management and rainwater collection. The site is constrained by a drainage channel which crosses the site's south west corner resulting in some overland flow inundation. The flood planning area of the overland flow inundation is proposed to be zoned C2 Environmental Conservation.

The proponents concept subdivision plan identifies a 14 lot subdivision with all lots exceeding 2 hectares in area. On all proposed lots the dwelling pads are located outside any flood prone

land. The existing heritage listed dwelling onsite- Allfathing is proposed to be retained with a new lot created and renovations and repairs undertaken.

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 to R5 Large Lot Residential and amend the minimum lot size from 20 hectares to 2 hectares. A copy of the submitted planning proposal document is available to view in **Appendix 3**.

*The Urban and Fringe Housing Strategy* identifies that areas of the Brisbane Grove Precinct are subject to flooding and recommends that an environmental zone be applied to flood prone land. The site is affected by a drainage channel which feeds into the nearby Mulwaree river. This channel results in areas of inundation in the south west of the site during periods of heavy rain. The northern section of the site is also impacted by flood inundation during a Probable Maximum Flood (PMF) event. The areas affected by overland flow and PMF have been modelled and identified in the submitted Flood Impact and Risk Assessment (FIRA) accompanying the proposal (**Appendix 16a**).

The overland flow flood planning area has been identified for a C2 Environmental Conservation Zone and the entire precinct is proposed to be subject to the Goulburn Mulwaree Local Environmental Plan (GM LEP) Special Flood Consideration clause 5.22. 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 4** and Direction 4.1 Flooding provides further detail on flooding.

#### Previous Planning Proposal (PP\_2021\_6932)

This current planning proposal (PP\_2024\_295) is a revision and resubmission of a planning proposal submitted to Council on 17 November 2021. A copy of the original planning proposal submission from the proponent is presented in **Appendix 5** alongside the original concept layout plan in **Appendix 4**.

The original proposal proposed an LEP amendment to facilitate a 16 lot subdivision of the site including the existing "Allfarthing" homestead with all lots provided access from either Johnson's Lane or via a new internal access road connecting with Brisbane Grove Road. The original proposal sought the rezoning of the current RU6 Transition zoned land to R5 Large Lot Residential and a change to the 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 an initial referral response received on 5 May 2022 (**Appendix 10d**) and a subsequent pre-gateway referral response received on 26 September 2022 (**Appendix 10e**). The proposal was submitted to the Department of Planning and Environment for its adequacy assessment and Gateway determination on 21 October 2022 with a conditional Gateway determination granted on 21 November 2022 (**Appendix 7a**).

The Gateway determination included the following conditions:

1. Update the project timeline
2. Undertake public exhibition
3. Consult with the following public authorities:
  - Rural Fire Service
  - Water NSW



- Department of Planning and Environment- Biodiversity and Conservation Division (Floodplain team), and
  - Department of Planning and Environment- NSW Heritage Office
4. A Public Hearing is not required
  5. 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
  6. The LEP should be completed by 21<sup>st</sup> November 2023.

Council undertook post gateway consultation with the above listed public authorities with referral responses received from Water NSW, Heritage NSW and the Department of Planning and Environment- Biodiversity and Conservation Division. The Rural Fire Service did not provide a response to the referral request.

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**.

Heritage NSW raised no objection to the planning proposal. A copy of the post gateway referral response from Heritage NSW is presented in **Appendix 9c**.

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 Impact and Risk 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 16c**.

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 5 of the Gateway determination required outstanding objections to be resolved, Condition 2 required public exhibition and Condition 6 required completion of the planning proposal process by 21 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 21 November 2023. As such the Department of Planning and Environment issued a Gateway Alteration on 21 October 2023 which amended the authorisation to proceed to do not proceed (**Appendix 7b**). The Gateway Alteration correspondence identified that 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*

<b>Timeline of Previous Planning Proposal- PP_2021_6932</b>		
<b>Event</b>	<b>Date</b>	<b>Appendices</b>
Planning proposal submitted on portal PP_2021_6932	17 November 2021	<b>Appendix 5</b>
Council authorise PP to proceed to Gateway	15 March 2022	<b>Appendix 6a</b>
Initial Pre-gateway referral response from Water NSW	5 May 2022	<b>Appendix 10d</b>
Council authorise change to MLS approach on C2 land	20 September 2022	<b>Appendix 6b</b>
Additional Pre-gateway referral response from Water NSW	26 September 2022	<b>Appendix 10e</b>
Proposal submitted for Gateway determination	21 October 2022	
Gateway granted	21 November 2022	<b>Appendix 7a</b>
Post gateway referral response from Heritage NSW	20 December 2022	<b>Appendix 9c</b>
Post gateway referral response from Water NSW	22 December 2022	<b>Appendix 10f</b>
Post gateway referral response from DPE- BCD	16 February 2023	<b>Appendix 16c</b>
Proponent meeting to advise of flood issues & FIRA requirement	1 March 2023	
Council meeting with SES	15 March 2023	
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	<b>Appendix 16a</b>
Gateway Alteration- do not proceed	21 October 2023	<b>Appendix 7b</b>
<b>Planning proposal Ref: PP_2021_6932 Closed on Planning Portal</b>		
Goulburn Flooding Technical Working Group 1 <sup>st</sup> meeting	26 October 2023	<b>Appendix 16d</b>
Goulburn Flooding Technical Working Group 2nd meeting	2 November 2023	
<b>Revised Planning Proposal submitted on Planning Portal</b>	<b>14 February 2024</b>	<b>Appendix 3</b>

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 16 to 14
- Locating all dwelling pads outside all flood prone land including the PMF and overland flow corridor
- Re-siting access to the internal access road via Johnsons Lane rather than Brisbane Grove Road.

In addition to the above, the proponent also commissioned GRC Hydro to prepare a Flood Impact and Risk Assessment (**Appendix 16a**) 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.

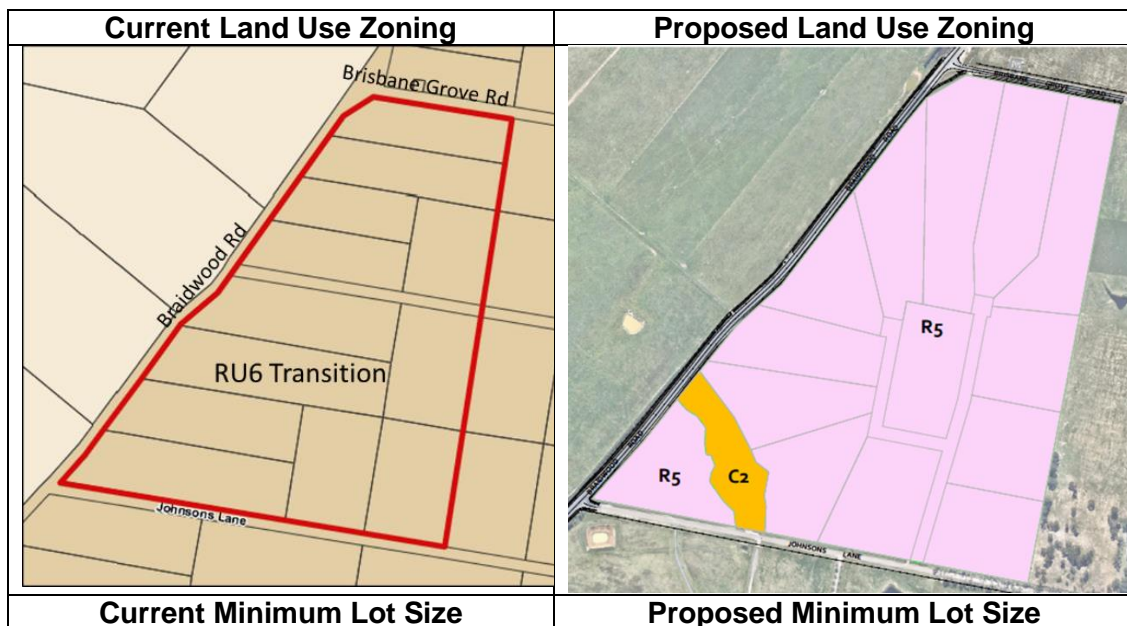
## Part 2- Explanation of Provisions

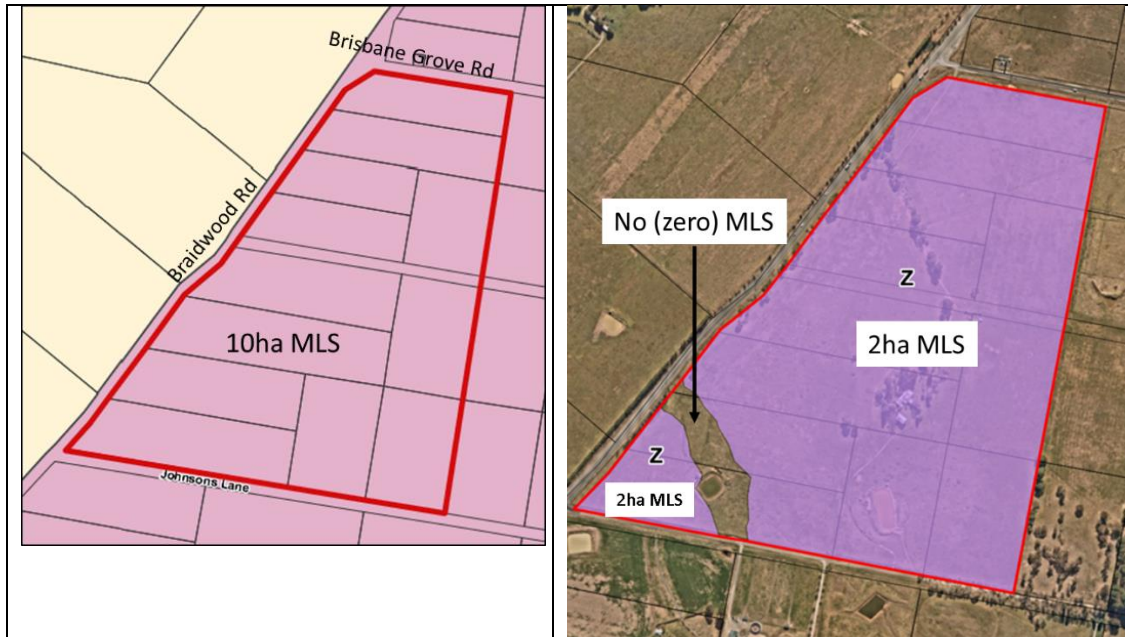
2.1 The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) will be amended by:

- Amending the land use zoning map of the GM LEP 2009 for Lots 73 to 75, DP 976708 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation;
- Amending the land use zoning of the GM LEP 2009 for Lots 60 to 64, 71 & 72 and 76 & 77, DP 976708 from RU6 Transition to R5 Large Lot Residential;
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lots 73 to 75, DP 976708 from 10 hectares to part 2 hectares with no minimum lot size for the C2 zoned land, and
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lots 60 to 64, 71 & 72 and 76 & 77, DP 976708 from 10 hectares to 2 hectares.

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

*Figure 4: Current & Proposed Land Use Zoning and Minimum Lot Size*





In support of the 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 2009 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

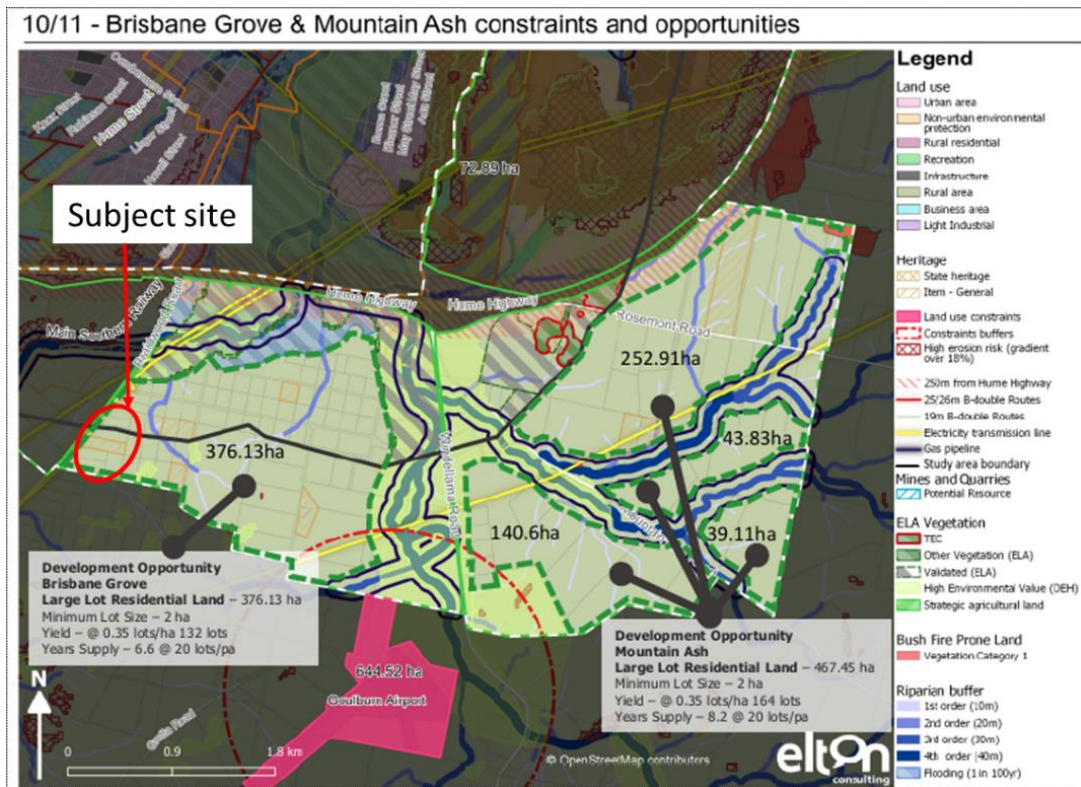
#### 3.1 Is the planning proposal a result of any strategic study or report?

The subject site stands on the southern edge of Precinct 11: Brisbane Grove of the *Urban and Fringe Housing Strategy*, as illustrated in **Figure 5**. 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 Goulburn'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 Residential rezoning with a 2 hectare minimum lot size accompanied by a C2 Environmental Conservation Zone for areas within the 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 *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) following the consideration of a report on this matter presented to Council on 15 March 2022 a copy of the Council Report and Resolution are available in **Appendix 6a**. This report authorised the initial planning proposal and the revised proposal is of less intensity than the original and improves upon the previously submitted scheme. It is considered the resolutions on the previous council report still apply to this revision.

Figure 5: Extract from Urban and Fringe Housing Strategy



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

The planning proposal to amend the RU6 Transition zoning 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 the rural character, the ability to accommodate effluent management areas and ensure areas of flooding can be avoided. The planning proposal also seeks to apply a C2 Environmental Conservation Zone to the flood planning area that applies along the drainage corridor. 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.

As noted in the introduction to this report, this planning proposal is a resubmission of planning proposal PP\_2021\_6932. This resubmission has revised the original proposal from a 16 lot subdivision down to 14 proposed lots and altered its internal access road to connect to Johnsons Lane rather than Brisbane Grove Road to minimise the effects

of flooding on future occupants. In addition, this revised planning proposal has sought to address previous issues raised by DPE-flooding through the submission of a Flood Impact and Risk Assessment (FIRA). Additional considerations in relation to flooding and safe occupation of lots are provided in the Brisbane Grove Precinct-specific DCP chapter in **Appendix 1**. The changes to the proposed number of lots, layout, road access, land use zoning and development control plan provisions all combine to deliver an improved development outcome which best meets the objectives of the planning proposal and requirements of Ministerial Directions.

## **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.

An area constrained by overland flow flooding hazard is proposed to be rezoned as C2 Environmental Conservation to limit development and ensure the impacts of the most severe and frequent overland flow events are avoided. The identification of the most frequent and severe overland flow areas is derived from overland flow modelling undertaken in conjunction with the [Goulburn Floodplain Risk Management Study and Plan](#) which implements the requirements of the *NSW Flood Risk Management Manual and Toolkit* and supported by the submitted Flood Impact and Risk Assessment (**Appendix 16a**). This approach seeks to incorporate the best available hazard information into the zoning of the Local Environmental Plan which is consistent with current flood studies and floodplain risk management plans. The C2 Environmental Conservation zoning seeks to manage the overland flow risk associated with the growth of the Brisbane Grove Precinct. In addition, the concept plan illustrates all dwelling pads can be located both outside the overland corridor and the northern areas affected by PMF riverine flooding. 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 Due Diligence Assessment (**Appendix 8a**) and 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 "Allfarthing" heritage item stands centrally on the site with three 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 an accompanying precinct-specific Development Control Plan chapter in **Appendix 1**.

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 a R5 Large Lot Residential zone 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 3km 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 relatively contained nature of the site between three existing roads is 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 site does not stand within a state significant agricultural area or an area of high environmental significance. The site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. A limited area of the site is affected by an overland flow corridor and extent of the PMF but its potential impact on life and property has been mitigated through the application of a C2 Environmental Conservation zone, sensitive siting of dwellings and the application of GM LEP Clause 5.22. 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 Goulburn Mulwaree Community Strategic Plan 2042

The *Goulburn Mulwaree Community Strategic Plan 2042* identifies priorities in order to achieve the future vision for the region. These include:

- A. Our Community
- B. Our Economy
- C. Our Environment
- D. Our Infrastructure
- E. Our Civic Leadership

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

- ***Our Environment C.1-*** Protect and enhance the existing natural environment, including flora and fauna native to the region;
- ***Our Environment C.3-*** Protect and rehabilitate waterways and catchments;
- ***Our Environment C.11-*** Maintain a balance between growth, development, environmental protection and agriculture through sensible planning,
- ***Our Environment C.13-*** Implement planning and development policies and plans that protect our built, cultural and natural heritage.
- ***Our Infrastructure D.8-*** Protection and preservation of historic and heritage buildings.

The subject site is not of high biodiversity significance, outstanding biodiversity value or include a declared critical habitat. The Biodiversity Assessment (**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 be unlikely to have a significant impact on biodiversity values in the locality.

The subject site is located within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. This planning proposal has sought to protect waterways and catchments by prescribing a 2-hectare minimum lot size to reduce the intensity of potential uses. This will allow for the siting of effluent management areas at suitable distances from watercourses and drainage paths. Rezoning the flood planning area of the overland flow corridor as C2 Environmental Conservation will reduce development potential and improve water quality outcomes. This planning proposal is consistent with Our Environment Strategy C.1 and C.3.

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 on-site and nearby heritage items and has no identified impact on Aboriginal cultural heritage. The most severe overland flow impacts have been identified and avoided through the proposed C2 Environmental Conservation zone and all dwelling pads are able to be sited outside PMF affected land. In addition, the site's location stands in accordance with the recommendations of the *Urban and Fringe Housing Strategy*. The site stands 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 Our Environment Strategy C.11.

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 Assessment (**Appendix 9a**). No impacts have been identified to Aboriginal cultural heritage and the heritage values of the "Allfarthing" heritage item on-site and nearby heritage items are safeguarded through a series of recommendations incorporated into a precinct-specific Development Control Plan chapter. This planning proposal is consistent with Our Environment Strategy C.13 and Our Infrastructure Strategy D.8.

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

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

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

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

This planning proposal seeks the rezoning of an area of RU6 Transition zone land identified in Precinct 11 of the *Urban and Fringe Housing Strategy* for R5 Large Lot Residential development. This area is situated approximately 3 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 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. The Goulburn Mulwaree Development Control Plan (DCP) also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through the [Goulburn Floodplain Risk Management Study and Plan](#) and related overland flow modelling and planned for through appropriate zoning of the overland flow corridor flood planning area and siting of development outside PMF affected land. This planning proposal is consistent with Planning Priority 8: Natural Hazards.

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

The site includes the locally listed “Allfarthing” heritage item with three other locally listed heritage items standing in relatively close proximity (**Figure 11**). 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. The proponent also establishes through their planning proposal submission (**Appendix 3**) their intention to renovate and enhance the “Allfarthing” heritage item. The proponent’s Heritage Impact Statement (**Appendix 9a**) proposes improvements which seek to make the “Allfarthing” heritage item the *‘centre piece of the proposed subdivision’* by removing detracting structures, renewing the current dwelling roof and including additional landscaping, alongside complementary provisions relating to new dwellings on site. This planning proposal actively seeks to conserve the “Allfarthing” heritage item and adapt it to modern standards whilst maintaining a rural context for the precinct.

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 Biodiversity Assessment (**Appendix 11a**) submitted with the planning proposal finds 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 be unlikely to 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 overland flow corridor 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 5](#).

The recommendations for this precinct are:

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

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

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

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- 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:

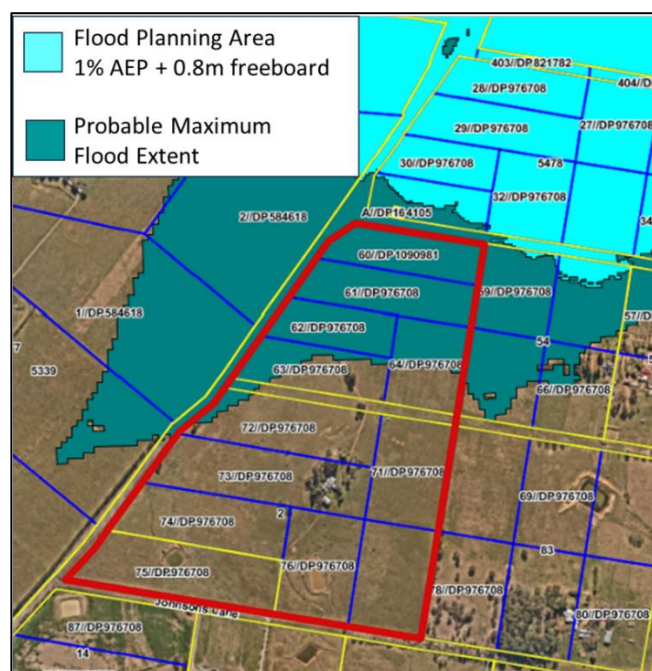
- (a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and
- (b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.

**Comment:** The subject site is located within the Sydney drinking water catchment, located approximately 3km 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 12 existing lots with a combined area of 34.8 hecatres into a total of 14 lots at 2 hectares or greater in area.

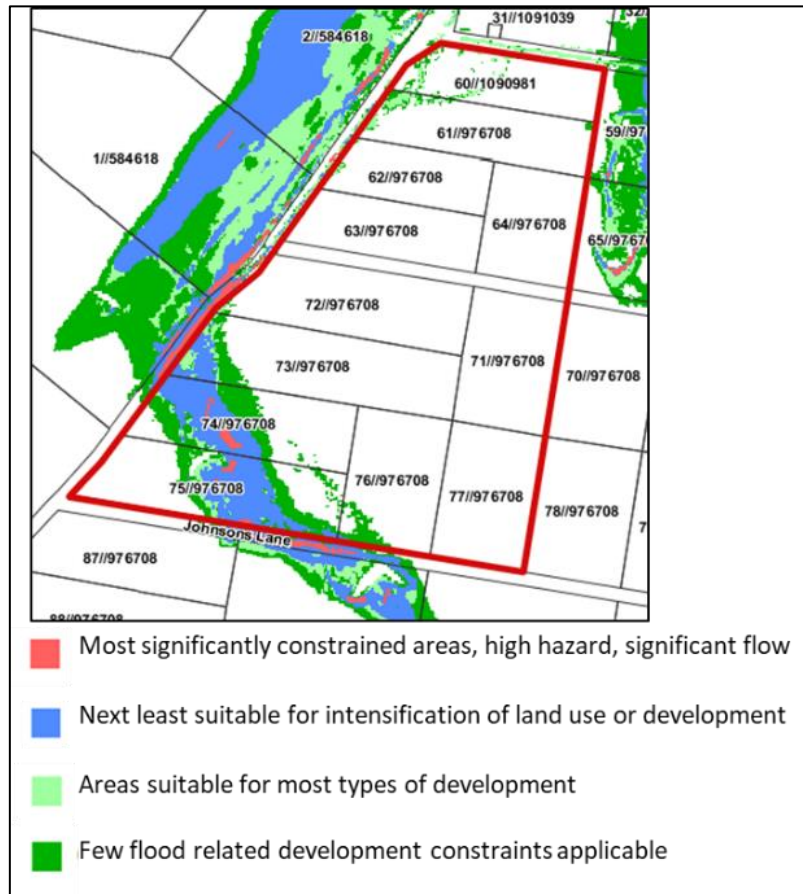
The site does not stand within the Flood Planning Area (riverine) defined in the *Goulburn Floodplain Risk Management Study and Plan* but the northern section is located within the probable maximum flood (PMF) extent as illustrated in dark blue in **Figure 6**.

Figure 6: Extent of Riverine Flooding Map- sourced from the *Goulburn Floodplain Risk Management Study & Plan*



No defined drainage channels run through the site but the south western corner experiences overland flow impacts, as identified through the Council's overland flow modelling undertaken in conjunction with the [Goulburn Floodplain Risk Management Study and Plan](#) and illustrated in [Figure 7](#).

Figure 7: Overland Flow Corridor



Further detail on flooding and overland flow is provided in [3.6.7 Direction 4.1 Flooding](#) of this report.

The flood planning area of the overland flow corridor is proposed to be rezoned as C2 Environmental Conservation which encompasses approximately 1.42 hectares of the site. The proposed R5 Large Lot Residential lots are proposed to have minimum lot sizes of 2 hectares. These provisions serve to make clear from a water quality perspective, that effluent management can be sited outside areas of inundation.

The proponent has submitted a concept plan ([Appendix 2](#)) to demonstrate the proposal's ability to accommodate the proposed development on site whilst avoiding all flood prone land and ensuing 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 proposal's 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 34.8 hectares and the large 2 hectare minimum lot size, no defined drainage channels on-site, distance from water bodies and drainage paths, alongside the relatively small area affected by overland flow 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 26 March 2024 (**Appendix 10f**) 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:

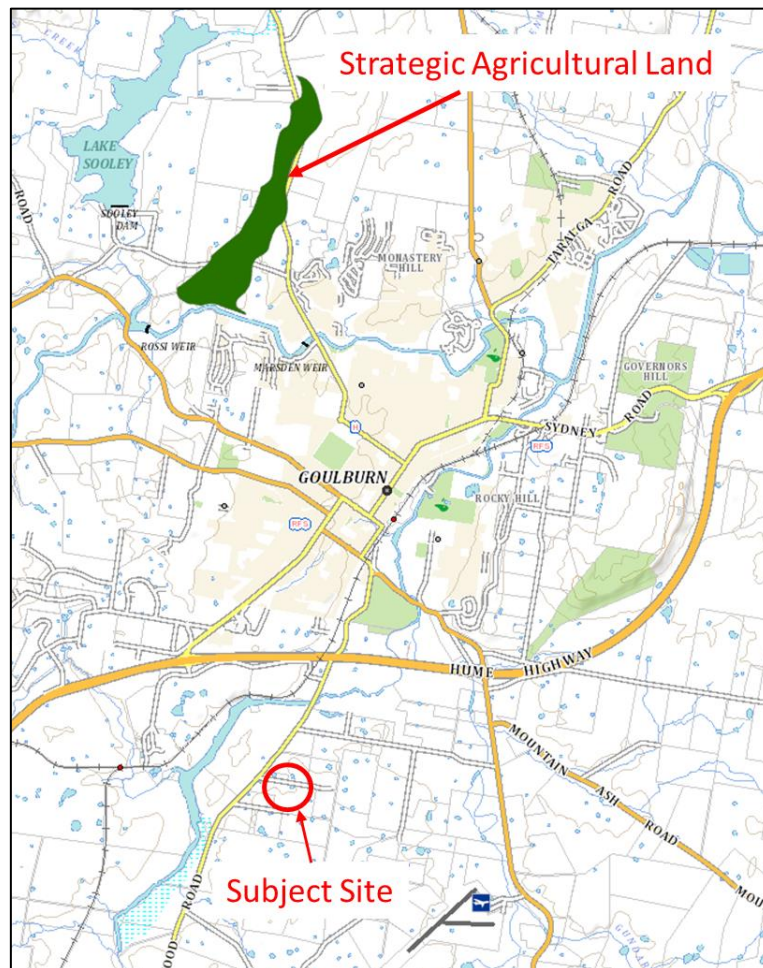
- (a) facilitate the orderly economic use and development of lands for primary production,
- (b) reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) identify 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 8**.

Figure 8: State Significant Agricultural Land Map



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

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

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

The object of this policy is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.



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

**Comment:** The subject site is not identified on the Council's local contaminated land register or identified as significantly contaminated land. However, past agricultural activities on 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 a Preliminary Site Investigation (PSI) (contamination) report, presented in **Appendix 12**.

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

- S1- Fill associated with current buildings on the site, driveways and dam wall with associated COPC's which include metals, total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, organochlorine pesticides, phenols and asbestos.
- S2- Current site buildings with associated COPC's which include asbestos containing materials, synthetic mineral fibres, lead (in paint) and PCB. The potential for these contaminants is highlighted due to the age of the "Allfarthing" heritage item, raising potential for hazardous building materials.

It was noted however that these potential sources are relatively minor and are likely limited to small areas of the site, particularly around the residential building and driveways.

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
- A Hazardous Building Materials Survey be undertaken if any buildings are to be demolished or altered.

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.

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

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

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

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

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

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

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

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

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

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

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

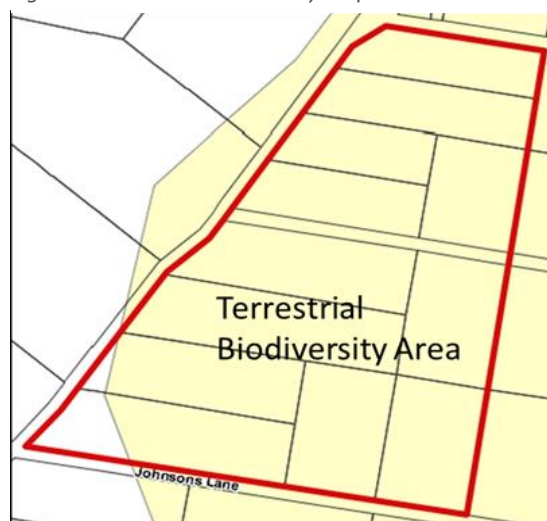
The objective of this direction is to protect and conserve environmentally sensitive areas. This Direction applies to all relevant planning authorities when preparing a planning proposal.

This Direction requires:

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

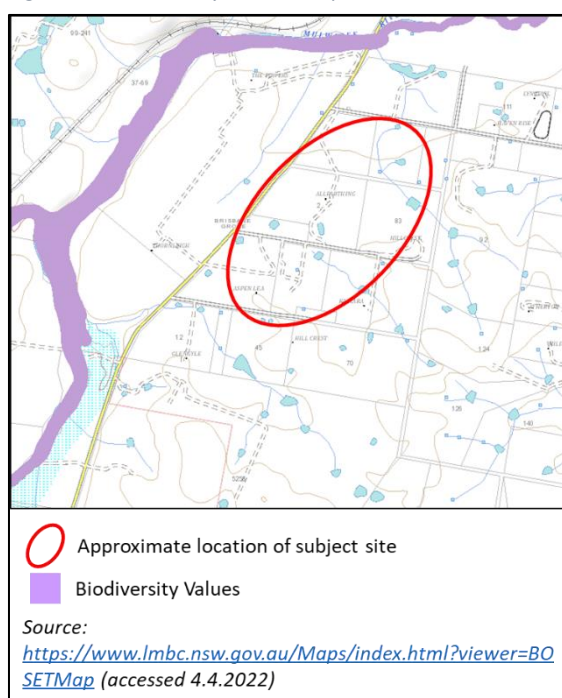
**Comment:** The majority of the subject site is located in an area identified under the Terrestrial Biodiversity mapping layer in the *Goulburn Mulwaree Local Environmental Plan* as illustrated in **Figure 9**. This layer indicates the potential for biodiversity values within the site and may indicate the land to be an environmentally sensitive area, as defined in the *Goulburn Mulwaree Local Environmental Plan*. The Mulwaree River which lies approximately 800 metres from the sites western boundary is identified on the Biodiversity Values map as illustrated in **Figure 10**.

Figure 9: Terrestrial Biodiversity Map



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

Figure 10: Biodiversity Values Map



A site inspection and field work were undertaken on 4<sup>th</sup> June 2021 by Greg Stone of Woodlands Environmental Management following a previous vegetation and habitat survey undertaken with Pandora Holliday on 13<sup>th</sup> February 2019.

The survey was undertaken in accordance with the Department of Planning and Environment's survey requirements.

The Assessment presents the following findings in relation to Flora and Fauna on site:

- Pre-1750 native vegetation has been highly modified as a consequence of historic clearing, grazing, cropping and the introduction of exotic species;
- Vegetation mapping does not identify any native vegetation community;
- The remnant overstorey is limited to two senescent Snow Gum with no regeneration of the overstorey occurring due to grazing. The Snow Gums include hollows which provide potential roosting, nesting or breeding habitat for a range of birds and bats. The value of these hollows is reduced due to the lack of associated native mid-stratum and groundcover and the absence of connectivity to larger areas of habitat;
- Rows of senescent exotic Radiata Pine are present along the access road and site boundary;
- No native mid-stratum is present;
- Groundcover is dominated by African Lovegrass and other exotic species;

- Three native grass species were identified but groundcover stands at less than 10%;
- Habitat value to threatened species of fauna is likely to be limited to bird species able to forage within open grassy areas including modified agricultural land, and
- No threatened ecological communities present.

The overall conclusion of the Biodiversity Assessment is summarised below:

- The site is significantly modified as a consequence of historic clearing, grazing, cropping and the introduction of exotic weeds;
- Site may be classified as 'highly disturbed areas with no or limited native vegetation' and is of low biodiversity value, and
- Rezoning or future development is unlikely to have a significant impact on biodiversity values within the locality.

Council's Biodiversity Officer has reviewed the Biodiversity Assessment and conducted a site visit on 29 November 2021. The Biodiversity Officer confirmed the findings of the Biodiversity Assessment and confirmed the land had been historically cleared, cultivated and cropped. Groundcover was found to be dominated by exotic pasture and weed species with a lack of significant nesting, breeding and foraging habitats. The findings of the Biodiversity Assessment have been broadly supported by Council's Biodiversity Officer with no significant impacts on biodiversity as a result of the proposal considered likely.

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

The Biodiversity Assessment alongside the site assessment undertaken by Council's Biodiversity Officer have clearly illustrated that the subject site cannot be 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
- 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 Biodiversity and Conservation.

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

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

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

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

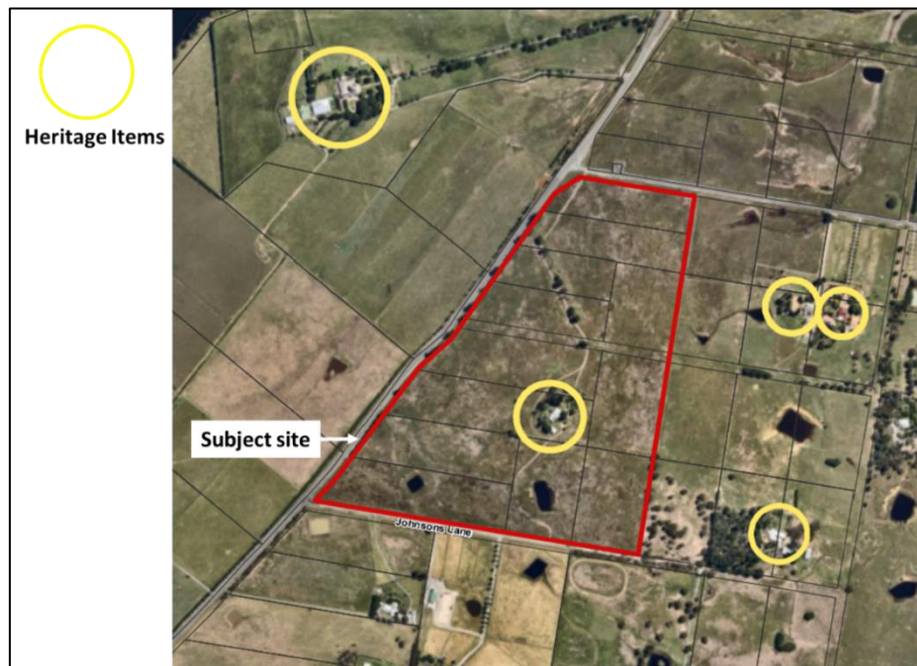
### European Cultural Heritage

**Comment:** The “Allfarthing” locally listed heritage cottage is located centrally within the subject site on Lot 73, DP 976708 with three other locally listed heritage items standing in relatively close proximity, namely:

- “Wyadra” and outbuildings at 54 Brisbane Grove Road;
- “Brigadoon” at 56 Brisbane Grove Road, and
- “Yattalunga” Homestead at 83 Johnson’s Lane
- The Towers at 5477 Braidwood Road

**Figure 11** illustrates the location of these heritage items in relation to the subject site.

*Figure 11: Heritage items and the subject site*



This proposal is seeking the subdivision of the 12 existing RU6 Transition lots into 14 R5 Large Residential lots with dwelling entitlements at 2+ hectares in area. This will

reduce “Allfarthing’s” curtilage and change its rural setting through the introduction of additional dwellings. This will also 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 “Allfarthing” 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 “Allfarthing” as one of E.C Manfred’s (prominent local architect) earlier designs in Goulburn. It is sited on a hillcrest which is ringed by remnants of a pine windbreak but despite its location on a hill the property does not have a line of sight to any other locally listed properties in the locality. The Statement presents an extract from the NSW State Heritage Inventory’s Statement of Significance in relation to “Allfarthing” as follows:

*“The heritage significance of “Allfarthing” is in its landscape relationship to the extant historical rural residential properties in the Gundry Plain. It forms a group with other rural residential properties in the Brisbane Grove locality. Brick and iron roof dwelling situated on an elevated corner site with substantial evidence of large gardens. House and garden need maintenance and restoration.”*

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:

- Completing work to the heritage item prior to the issue of the subdivision certificate for the heritage block. These works include demolition of visually detracting ancillary structures, provision of rural style fences along boundaries, re-roofing the dwelling, donation of related historical documents and retention of an established oak tree.
- 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;
  - Rural style timber gate to each new driveway entrance;
  - Plant and maintain a continuous tree/hedgerow along 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, and
  - Walls to be rendered or weatherboard paint finished in a prescribed colour 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:

- Restrictions on site coverage to limit the extent of oversized outbuildings;
- Generous setbacks of structures from block boundaries;
- New dwellings should be traditional Australian rural homestead style with dual pitched roofs and typical attached verandah's, and
- Consideration of closer planting intervals for the proposed conifer windbreaks.

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 presented in **Appendix 1**.

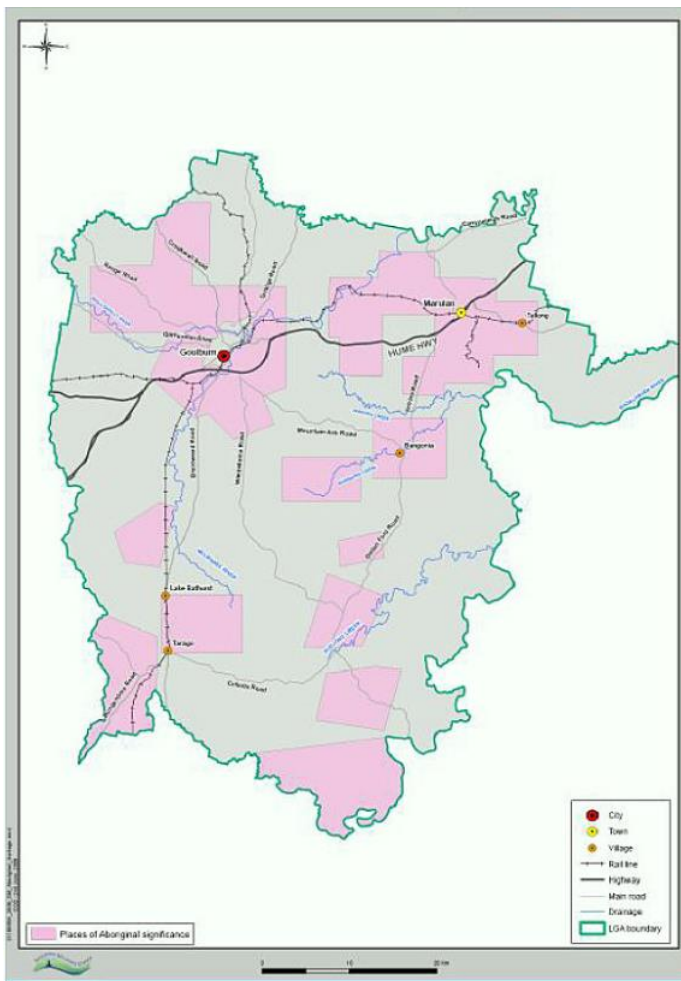
This approach will ensure the conservation of European heritage significance in the Brisbane Grove Precinct.

#### Aboriginal Cultural Heritage

The subject site stands approximately 800 metres east of 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 12**, was produced in consultation with the Pejar Land Aboriginal Land Council and highlights areas with potential for Aboriginal sites and/or objects.



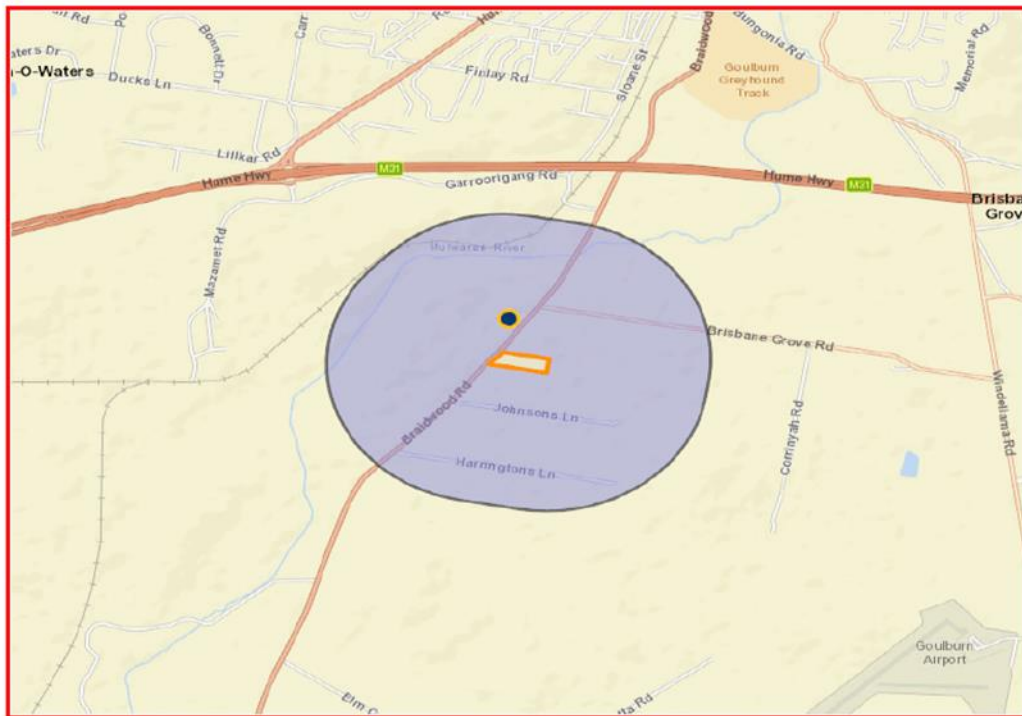
Figure 12: Places of Aboriginal Significance



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 10 January 2022. This search did not identify any Aboriginal sites or objects on the subject site. The search did however identify a recorded Aboriginal site within 1000m of the site, located to the west of Braidwood Road, as illustrated in **Figure 13**.

Figure 13: NSW Aboriginal Heritage Information Management System findings- accessed 10.1.2022



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

<b>1</b> Aboriginal sites are recorded in or near the above location.
<b>0</b> 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 with the previous planning proposal (PP\_2021\_6932). This has been resubmitted with this revised planning proposal and is presented in **Appendix 8b**.

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 (2011)*

The ACHA included a site visit with a Pejar Local Aboriginal Land Council representative on 16 March 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 both the Due Diligence Assessment and 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 water catchments and protect water quality in the Sydney drinking water catchment. This direction applies to land located 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:

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

and,

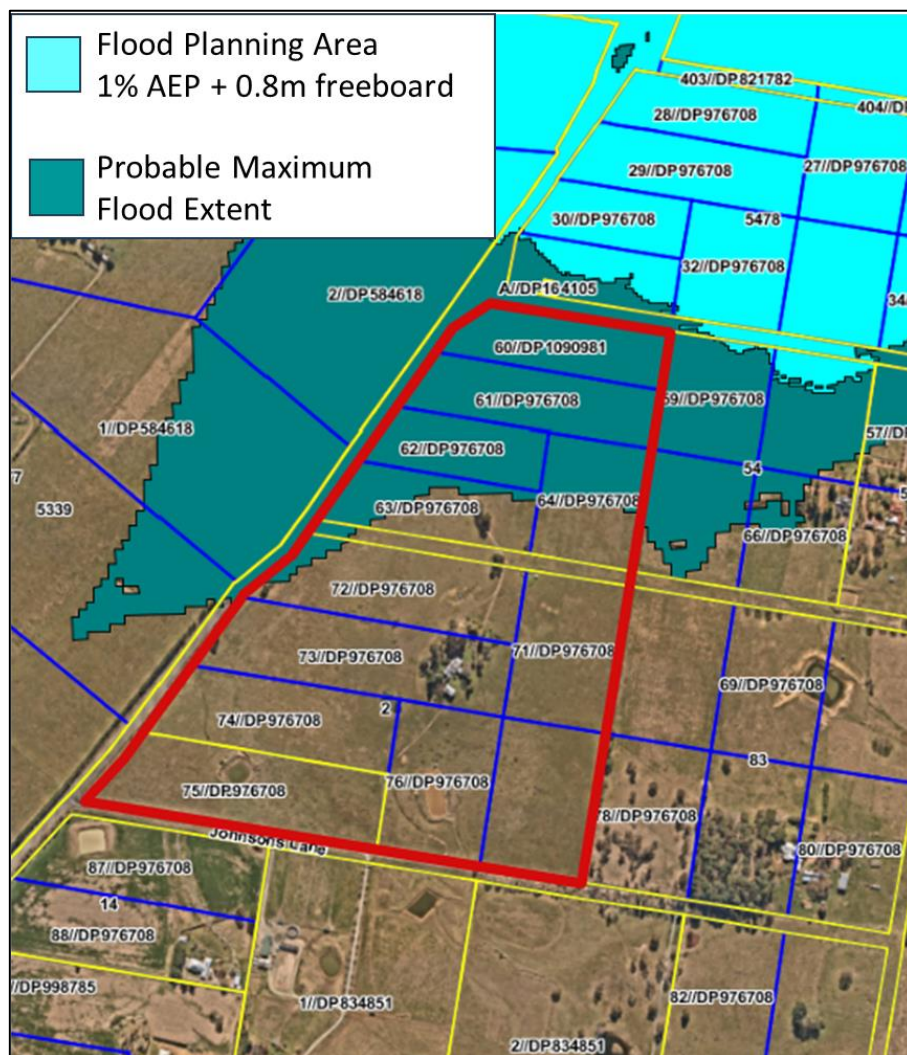
- f. Include a copy of any information received from Water NSW as result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 3.34 of the EP & A Act.

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

The subject site stands approximately 3km to the south of the Goulburn Urban Area and approximately 800 metres west of the Mulwaree River. The site stands in a location which is not serviced by Goulburn's reticulated water and sewage system. There are no plans to extend the town's water and sewer network to this area.

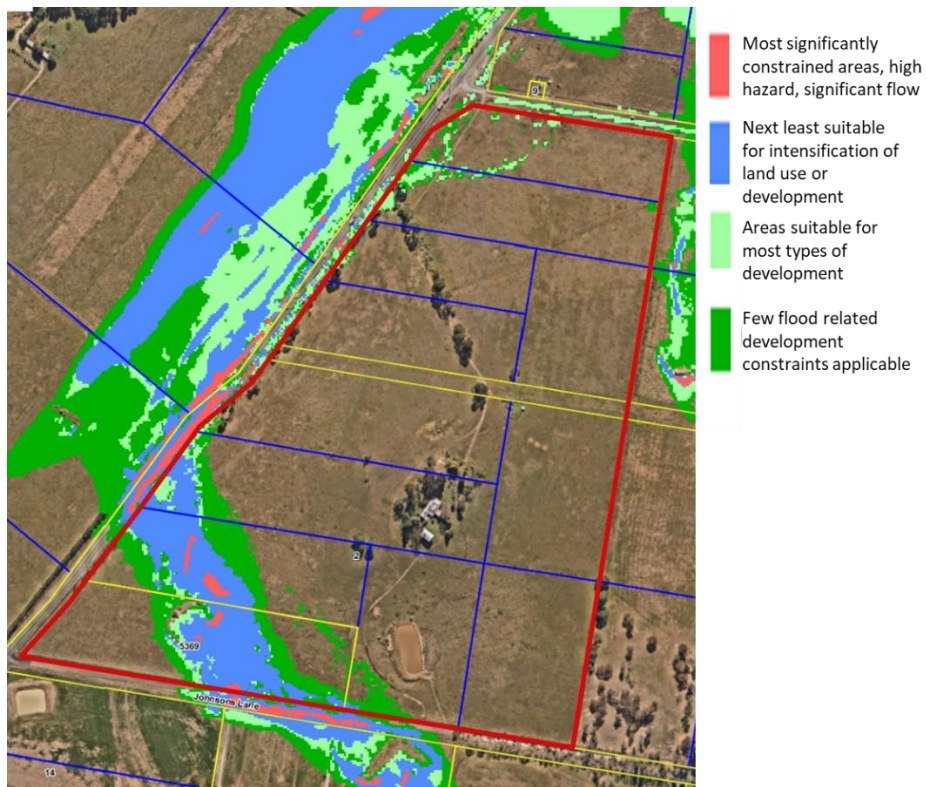
The site does not stand within the flood planning area for riverine flooding but the northwestern corner is located within the probable maximum flood extent, illustrated in [Figure 14](#).

Figure 14: Extent of Flood Planning Area & Probable Maximum flood extent



The site is also affected by overland flow flooding crossing the sites southwestern corner via a drainage depression as illustrated in [Figure 15](#).

Figure 15: Overland Flow Corridor with Flood Planning Constraint Categories



The site includes two existing dams and a decommissioned groundwater bore. **Figure 16** and **(Appendix 10a)** illustrates the location of known groundwater bores within and in proximity to the subject site.

Figure 16: Location of groundwater bores on site and within proximity



The proposal is seeking the rezoning of an area of 34.8ha from RU6 Transition to R5 Large Lot Residential on 2 hectare lots alongside a C2 Environmental Conservation zone for the overland flow flood planning area (approx.1.42ha). The lots will be serviced by on-site water and effluent management systems. The current groundwater bore on site has been decommissioned and associated infrastructure will be removed as part of subsequent development.

The proposal includes seven new dams with a surface area of 170m<sup>2</sup> each which will be utilised for firefighting purposes and proposes to retain the existing two dams on site to maintain the existing pathways for overland flows.

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 2** 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- Wastewater 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*

Proposed lot number ( <i>correlates between Concept plan and plume summary maps</i> )	Existing Lot and DP numbers
Lot 1	Lot 77 DP976708
Lot 2 & 3	Lot 71 DP976708
Lot 4 & 5	Lot 64 DP976708
Lot 6 & 7	Lot 63 DP976708
Lot 8	Lot 72 DP976708
Lot 9	Lot 73 DP976708
Lot 10 & 12	Lot 74 DP976708
Lot 11	Lot 75 DP976708
Lot 13	Lot 76 DP976708

The Study highlights that the lower southern and western portions of the site are subject to periodic inundation during large rain and storm events, particularly the southern aspect where external sources of water enter the site. Surface water run-off from the site and surrounding area forms part of the drainage and overflow network that contributes to the flooding of the river system during these events.

This finding is mirrored through the overland flow modelling undertaken concurrently with [Goulburn Floodplain Risk Management Study and Plan](#) which identifies an overland flow corridor crossing the south east corner of the site, illustrated in **Figure**



The proposed 2+ hectare lots and the size of the overall site, coupled with the relatively limited coverage of the overland flow corridor 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 of the overland flow corridor is prevented from being developed, these areas are proposed to be zoned C2 Environmental Conservation as illustrated in [Figure 4](#).

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

The proposed C2 Environmental Conservation zone encompasses the most frequent and severe overland flow areas and serves to make it 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’.*

*Previous Planning Proposal (PP\_2021\_6932)*

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 5 May 2022 and a secondary pre-gateway response on 26 September 2022.

Water NSW’s initial pre-gateway referral response was received on 5 May 2022 which stated:

*“The Planning Proposal gives due consideration to Direction 3.3 Sydney Drinking Water Catchments, listing the objectives and requirements of the Direction. It provides a comprehensive response to this direction referring to the Water Cycle Management Study and flooding risk to the site.”*

A copy of the Water NSW pre-gateway referral response to the previous planning proposal is available in **Appendix 10d**.

#### Strategic Land and Water Capability Assessment

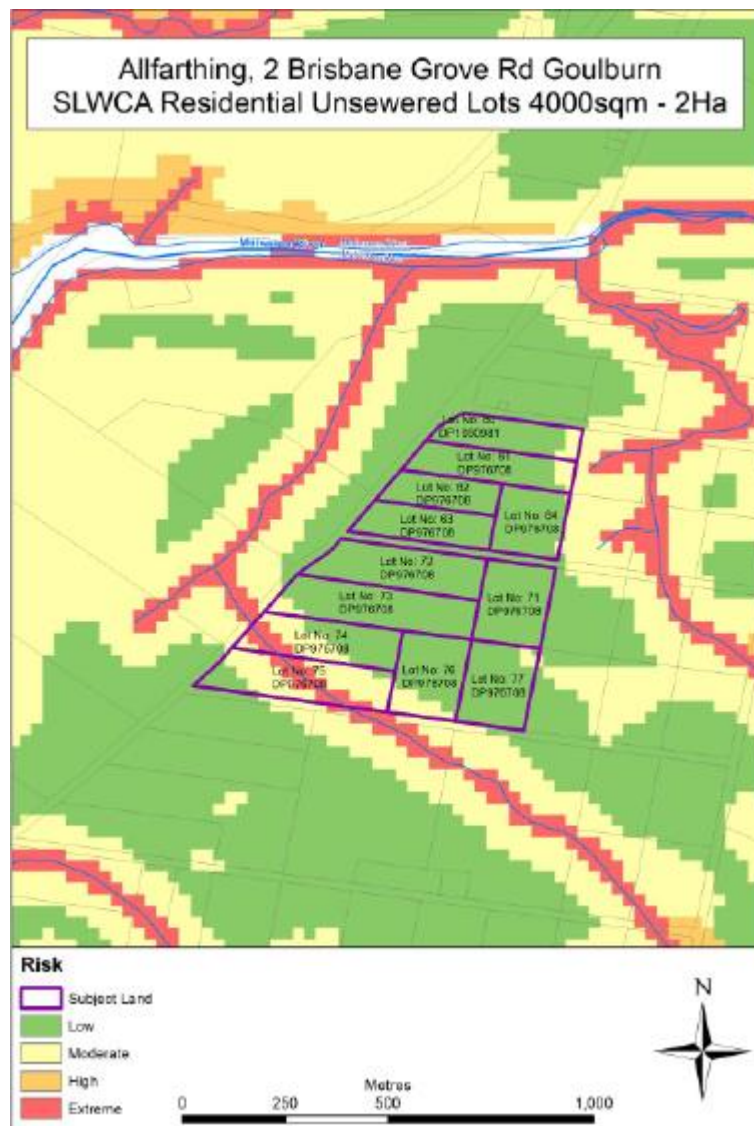
The initial pre-gateway response (5 May 2022) included a Strategic Land and Water Capability Assessment (SLWCA) for unsewered residential lots between 4,000sq.m and 2ha, illustrated in [Figure 19](#).

The SLWCA illustrates that water quality risk varies from low to extreme with extreme risk areas having very low capability for development. The south west corner of the site, including parts of existing Lots 74 and 75 are identified as extreme risk where



unsewered development should be avoided. The area of extreme risk is located within the overland flow corridor flood planning area which is proposed to be rezoned as C2 Environmental Conservation. This would prevent the establishment of a dwelling or associated structures within areas identified as extreme risk. The SLWCA illustrates 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. In addition, as illustrated in **Figure 18**, all development including proposed effluent management areas are proposed to be sited outside any flood prone land including the PMF. This would ensure that effluent management areas are largely sited in low-risk areas of the SLWCA.

Figure 19: Strategic Land and Water Capability Assessment



Water NSW's second pre-gateway referral response confirmed Water NSW have no objection to the planning proposal proceeding. In addition the referral stated in relation to the SLWCA provided in the initial May 2022 response:

*'The response includes the outcomes of the SLWCA that we provided in our correspondence of 5 May 2022. The proposal responds to the SLWCA noting that current Lots 74 and 75 in the south-west corner are subject to areas of EXTREME risk where unsewered development should be avoided. The proposal identifies that the*

*EXTREME risk area follows the drainage channel where the C2 Environmental Conservation zone is proposed, thereby preventing dwelling development in that area. The proposal also emphasises unsewered residential development is most suited to LOW to MODERATE risk areas. We agree with the inclusion of this information and the statements made.'*

A copy of second pre-gateway referral response to the previous planning proposal is available in **Appendix 10e**.

It is recognised that this current planning proposal differs from the original planning proposal and further engagement with Water NSW will occur subsequent to Gateway determination and at the Exhibition stage. However the proposed development of 14 lots is of a lesser intensity than the original proposal and the above referral comments are still considered applicable to this revised proposal.

Water NSW provided a pre-gateway referral response on the current planning proposal on 26 March 2024 (**Appendix 10f**) which related to the reduced subdivision proposal of 14 lots. It considered the proposal takes account of flooding risk, the absence of water and sewer servicing, zoning of the overland flow flood planning area to C2, ground water risks and the provisions and location of EMA's and stormwater dams. The response confirmed the previous submission of the Strategic Land and Water Capability Assessment with areas identified as extreme risk coinciding with the overland flow risk area to be afford a C2 zoning.

The referral response concluded that the proposal is consistent with Direction 3.3.

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

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

- Demonstrated consistency with Part 6.5 of Chapter 6 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:

## Background

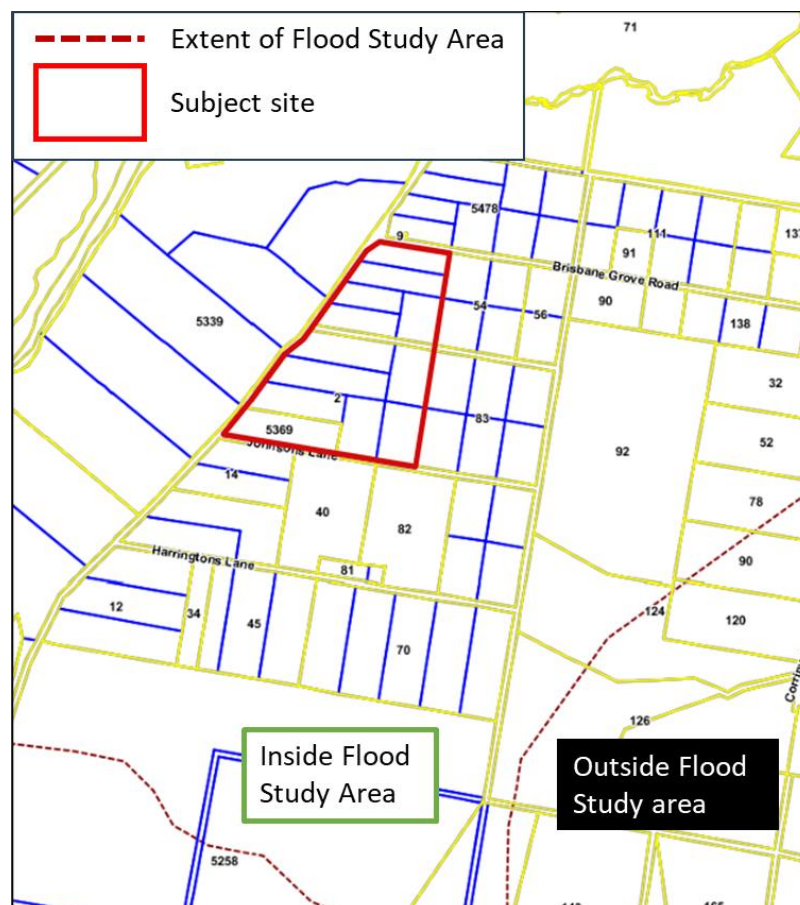
### *Goulburn Floodplain Risk Management Study and Plan*

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

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

The flood study area includes the subject site ([Figure 20](#)) and models the extent of riverine flooding with inundation identified on nearby roadways and intersections. The Flood Study includes a Development Control Policy ([Appendix 13](#)) which applies controls to flood prone land.

*Figure 20: 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-10>

Both the Flood Study and the overland flow modelling have accounted for climate change utilising the ARR2016 methodology to determine the projected increase in precipitation intensity. These details have been utilised to determine the increased

rainfall for the 1%, 0.5% and 0.2% AEP Flood events up to 2090 and incorporated into the riverine and overland flow modelling.

*Previous Planning Proposal (PP\_2021\_6932) (REZ/0003/2122)*

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

The original proposal sought a 16 lot subdivision of the site including rezoning land impacted by overland flow inundation identified 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 access for the newly created internal access road via Brisbane Grove Road.

The original proposal was submitted to the Department of Planning and Environment for its Adequacy Assessment and Gateway determination on 21 October 2022. A conditional Gateway determination was granted on 21 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 16 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 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 16c**.

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 presentations from the Goulburn Flooding Technical Working Group are presented in **Appendix 16d**. Further detail on the submitted FIRA is presented later in this report.

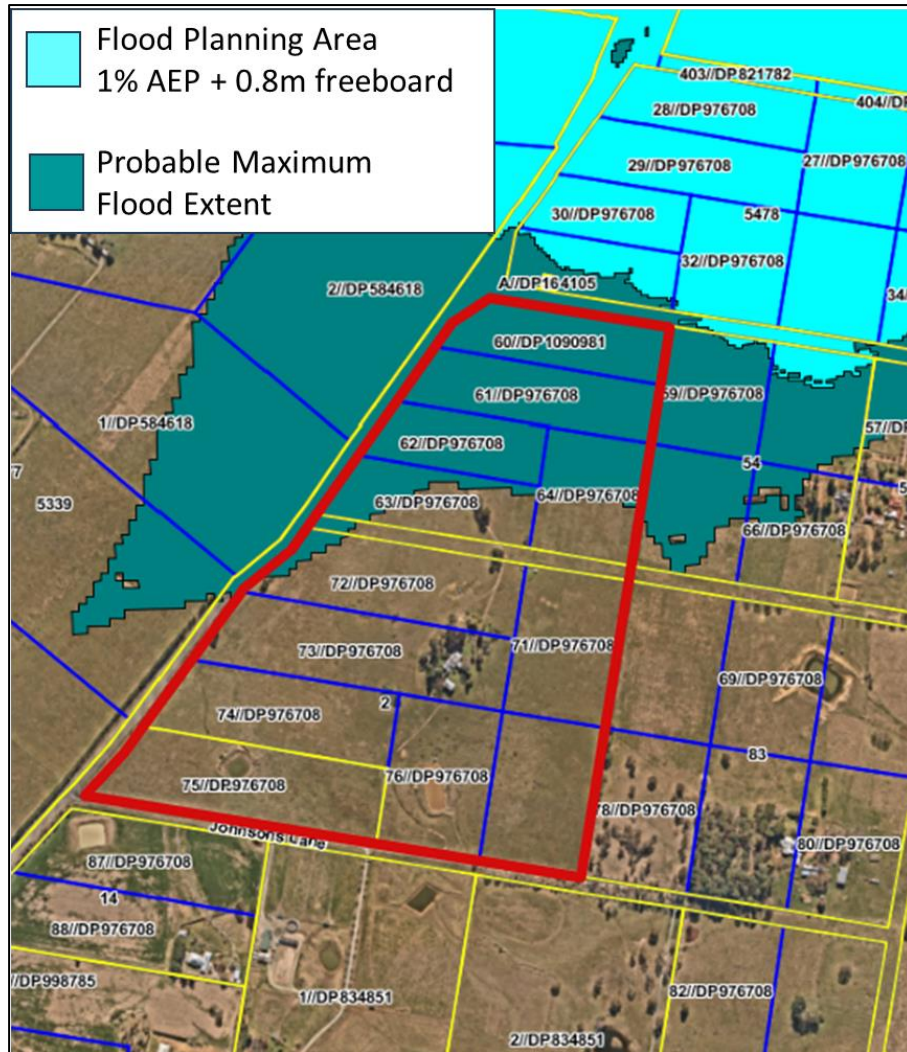
#### Direction 4.1 Flooding

##### *Applicability of Direction 4.1*

The subject site is located approximately 800 metres to the east of the Mulwaree River and a drainage path crosses the south west corner.

The site is located within the study area of the *Goulburn Floodplain Risk Management Study and Plan 2022* which identifies the site as entirely outside the established flood planning area for riverine flooding (1% AEP + 0.8m freeboard) but the northern portion of the site is encompassed by the Probable Maximum Flood Extent, as illustrated in **Figure 21**.

Figure 21: Riverine Flood Planning Area and Probable Maximum Flood Extents



The associated overland flow modelling in [Figure 22](#) illustrates the extent of overland flow inundation around the drainage channel in the south west corner.

[Figure 23](#) illustrates the associated flood planning area (floodway areas where inundation exceeds 0.1m in a 1% AEP event) for the overland flow corridor covering an area of approximately 1.42 hectares of the overall site.



Figure 22: Overland Flow Corridor Flood Planning Constraint Category Map

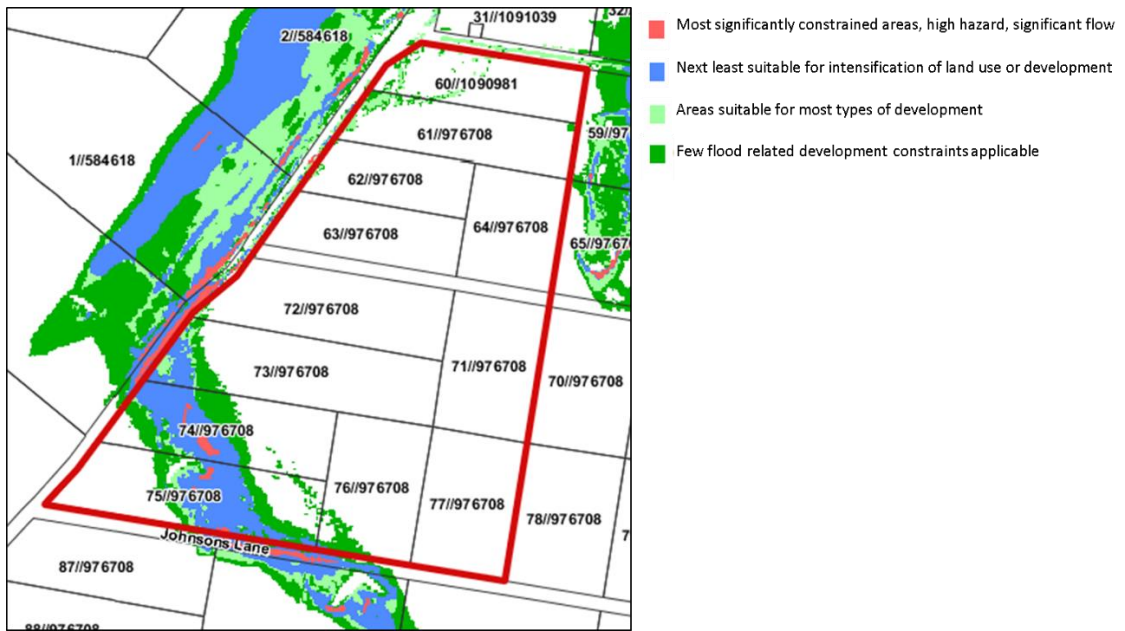
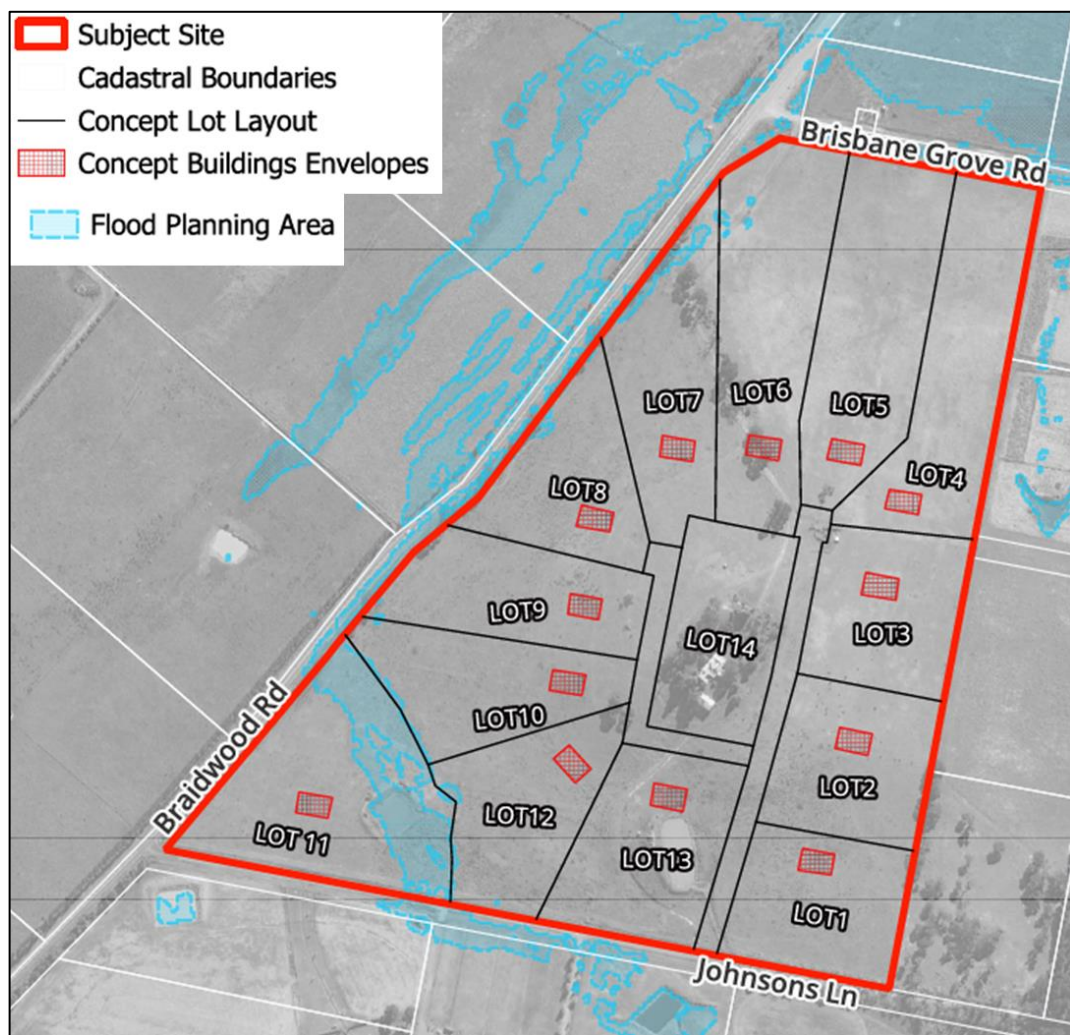


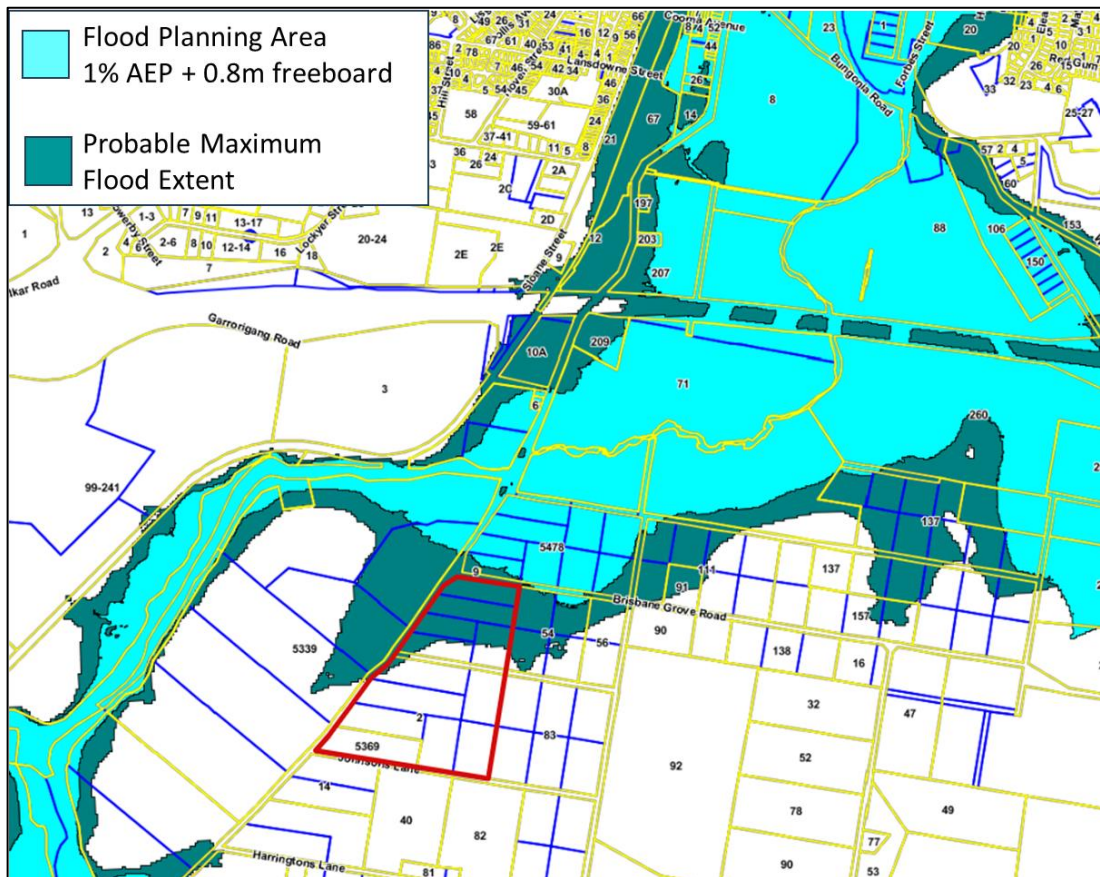
Figure 23: Overland Flow Flood Planning Area (Source: FIRA)



In addition to on-site inundation, the Flood Study illustrates areas to the north of the subject site, including roadways and intersections, experience inundation during various flood events (**Figure 24**). This indicates potential issues with evacuation between the site and the urban area to the north of the Mulwaree river.

The extent of the PMF, the presence of the drainage channel in the south west corner, and potential evacuation issues of the site, all demonstrate the site is flood affected and this Direction applies.

Figure 24: Extent of Flood Planning Area and Probable Maximum Flood in relation to connecting roads and intersections.



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, risk and how these may change over time.

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

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

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

- [MM01- Flood Risk Management Measures](#)

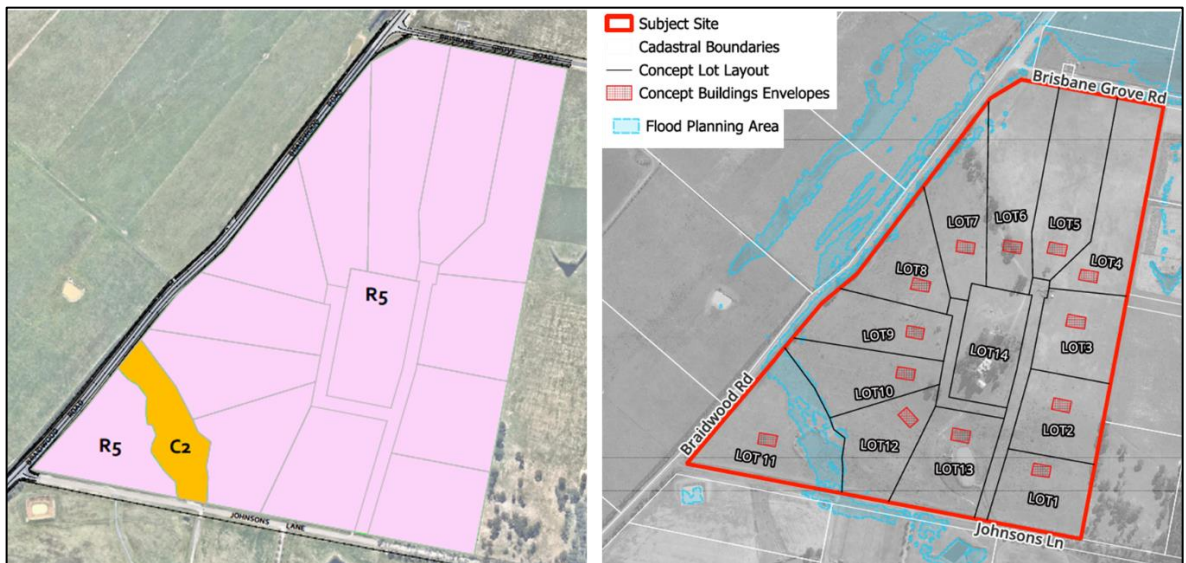
The proposal's consistency with the Flood Policy, The Manual and Toolkit are largely addressed in the proceeding paragraphs titled 'Addressing Directions'. Specific focus is given to flood impacts to other properties, evacuation and safe occupation considerations and increased requirement for spending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

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

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

This planning proposal is seeking the rezoning of part of the existing RU6 Transition zoned site to residential. 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 overland corridor is proposed to be rezoned to C2 Environmental Conservation, as illustrated in [Figure 25](#).

Figure 25: Proposed zoning of Overland Flow Flood Planning Area



\* The C2 zoned boundary is directly transposed from the mapping file for the Overland flow flood planning area.

As previously illustrated in [Figure 21](#) 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

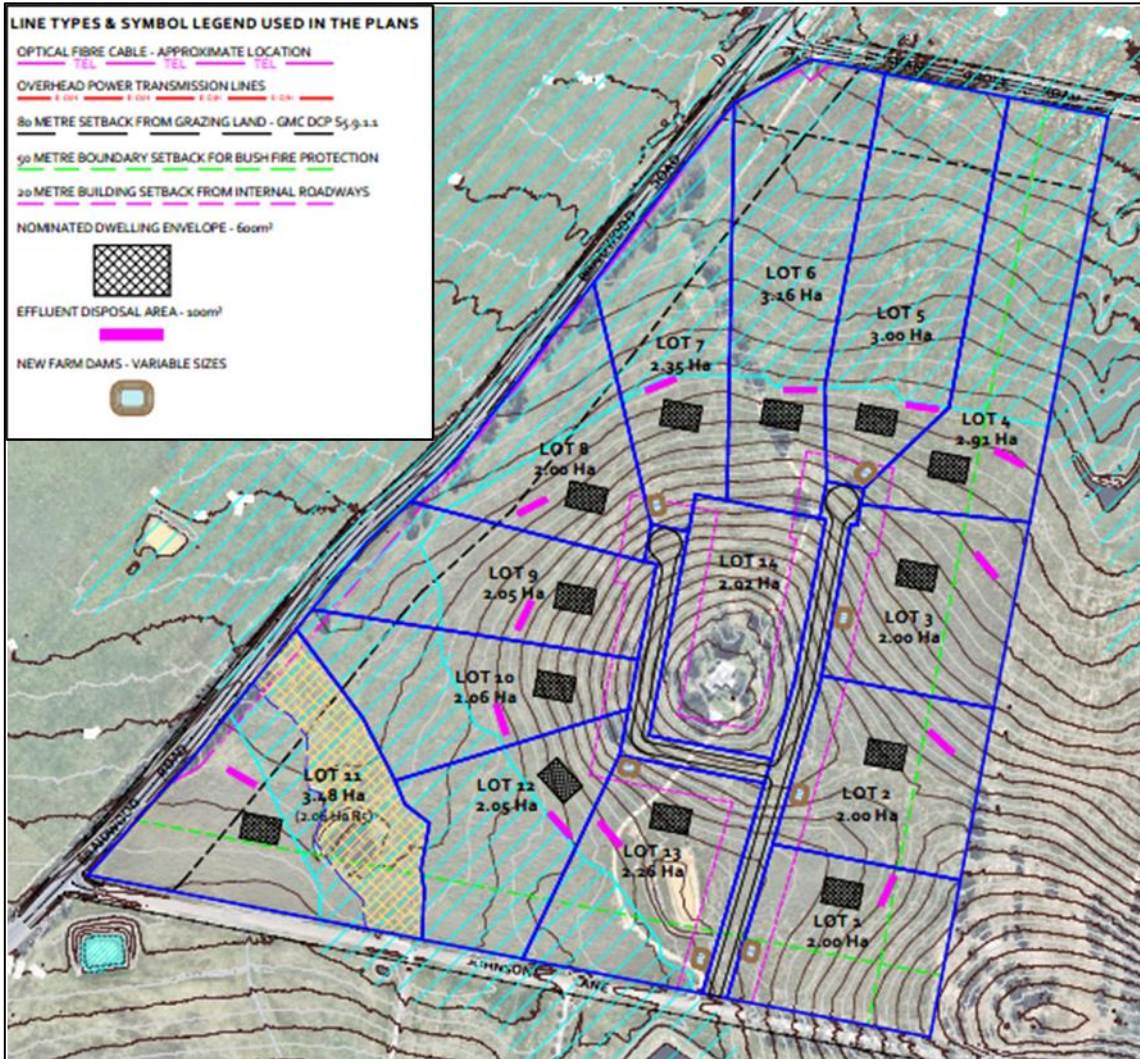
As identified above, this planning proposal seeks to rezone the overland flow flood planning area as C2 Environmental Conservation, where most development types are prohibited. This zoning significantly reduces the potential provisions relating to the flood planning area to only those permissible in 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 use 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 concept plan, illustrated in **Appendix 2** and **Figure 26** highlights the location of all the proposed dwelling pads outside not only the flood planning area and all areas of overland flow inundation but also outside the probable maximum flood extent.

Figure 26: Concept Plan inc. EMAs, dwelling pads, setbacks and flood prone land (source: WCMS)

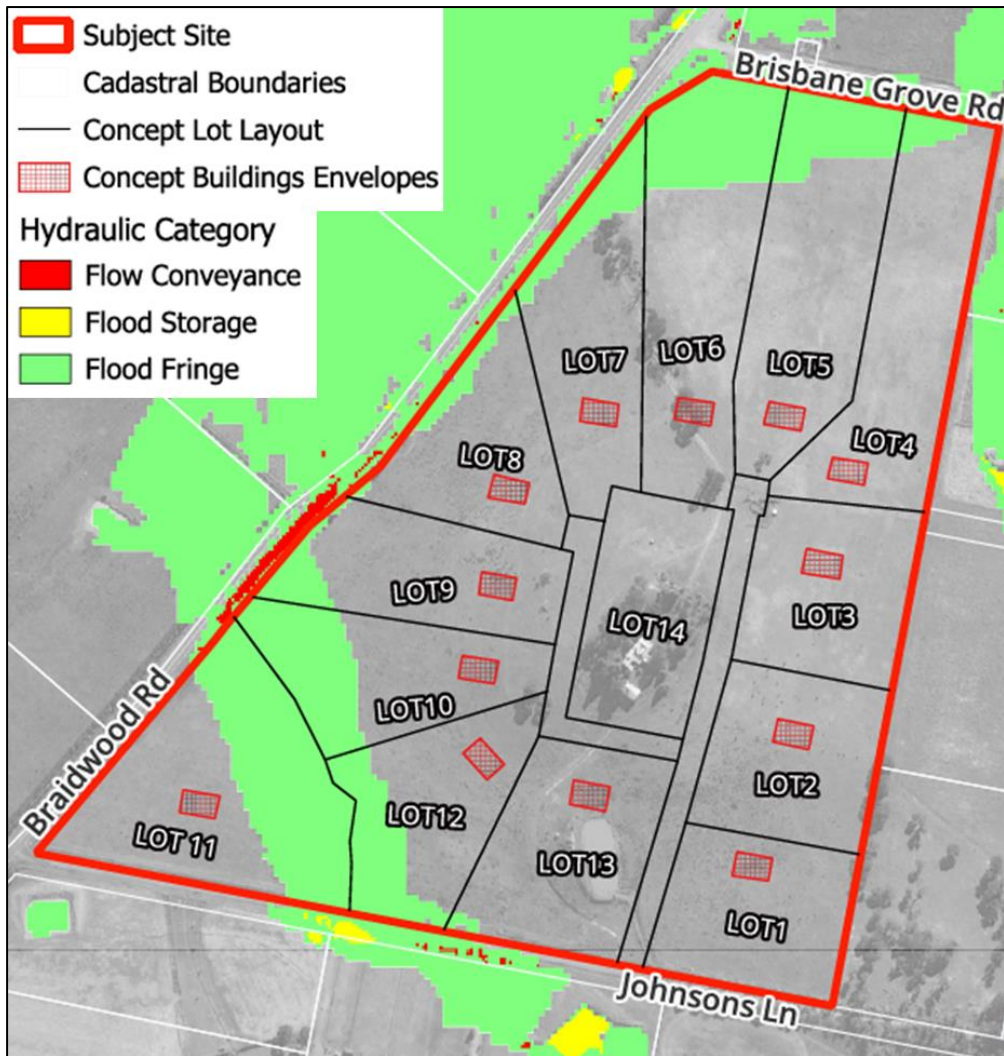


The proposed zoning ensures development avoids the flood planning area and the identified lot arrangement, ensures all dwellings avoid flood prone land and maintains consistency with the following parts of Direction 4.1(3):

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

**Figure 27** 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 25** 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 prohibitions in the precinct-specific DCP, ensure that development is not permitted within floodway's or high hazard areas.

Figure 27: Flood Function Map- 1% AEP- Developed Conditions (Source: FIRA)



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)- permit development for the purposes of uses where occupants cannot effectively evacuate.

This planning proposal is seeking 14 large lot residential lots to provide for 13 additional dwellings and one residual lot to accommodate the existing Allfarthing dwelling on site. 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 overland flow inundation expressly prohibits the more difficult to evacuate uses including childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing.

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

As noted above, the flood planning area (included within the areas of overland flow inundation) 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)- significantly increased requirement for government spending

Consistency with Direction 4.1(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 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 from the C2 zone. This proposal does not contain provisions which permit hazardous industries or hazardous storage establishments.

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

Direction 4.1(4)- Special Flood Considerations includes additional provisions which must be considered through a planning proposal applicable to areas between the flood planning area 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<sup>nd</sup> 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 6c**).

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

This planning proposal does not include provisions for the uses adopted by Council for application of the Special Flood Consideration clause and would therefore not normally apply. However, due to the extent of known riverine and overland flow inundation events within the 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 to 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 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 26](#)) the proposal includes provisions between the flood planning area and the PMF.

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

[Figure 27](#) 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 25](#) 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 event.

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

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

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

As previously identified, no development is proposed between the flood planning area and the PMF with dwelling pads located wholly within flood free land and areas with overland flow 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 identified 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 14 large lot residential lots to provide for 13 new dwellings and accommodate the existing Allfathing property. 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. 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 to locate all 14 proposed dwelling pads outside of any flood prone land which ensures residents can occupy their homes during any and all flood events up to and including the PMF. The siting of dwellings above the PMF supports their safe occupation and negates the need to evacuate. Despite this benefit residents are still subject to indirect isolation risk when local roads become inundated.

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

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

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

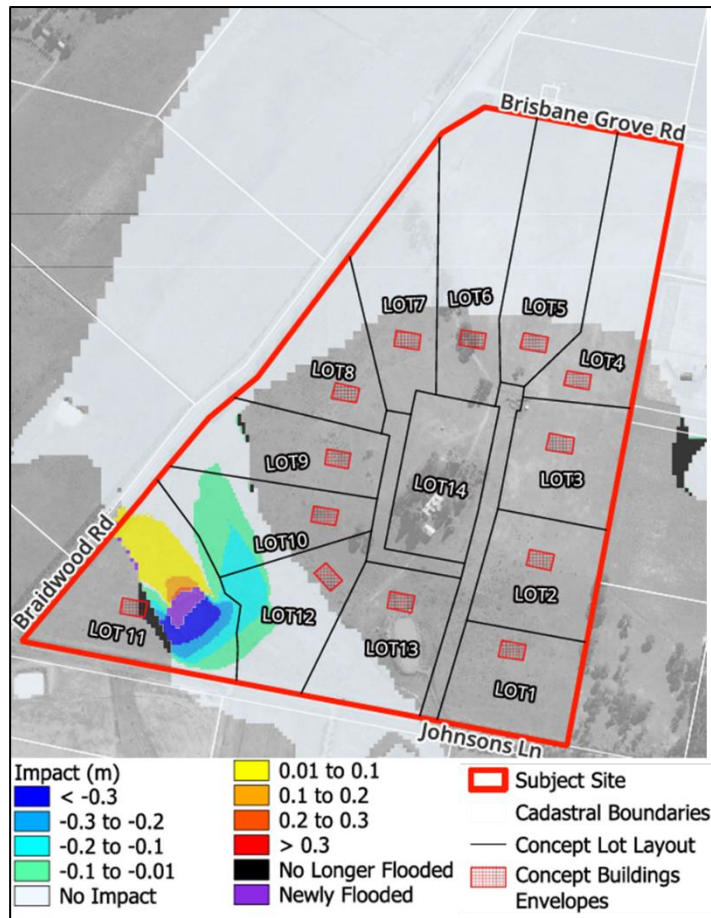
#### Understanding Flood Impacts

##### *Significant flood impacts to other properties*

The Flood Impact and Risk Assessment (FIRA)(**Appendix 16a**), alongside the concept plan (**Appendix 2**) demonstrate that no development works, civil earthworks or roads 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 size and relatively low number of proposed dwellings ensure additional impervious surfaces are kept to a minimum. The level of proposed additional imperviousness in relation to both the overall site at 34.8ha and the wider 730km<sup>2</sup> catchment is considered negligible. The proposal seeks to remove the existing dam within the overland flow corridor and as such the FIRA has included post development flood maps for the range of flood events to demonstrate the proposal would not result in significant flood impacts to other properties.

**Figure 28** below and **Appendix 16a** illustrate a post development- PMF- Flood Level Impact map.

Figure 28: Flood Level Impact Map- PMF- Developed Conditions



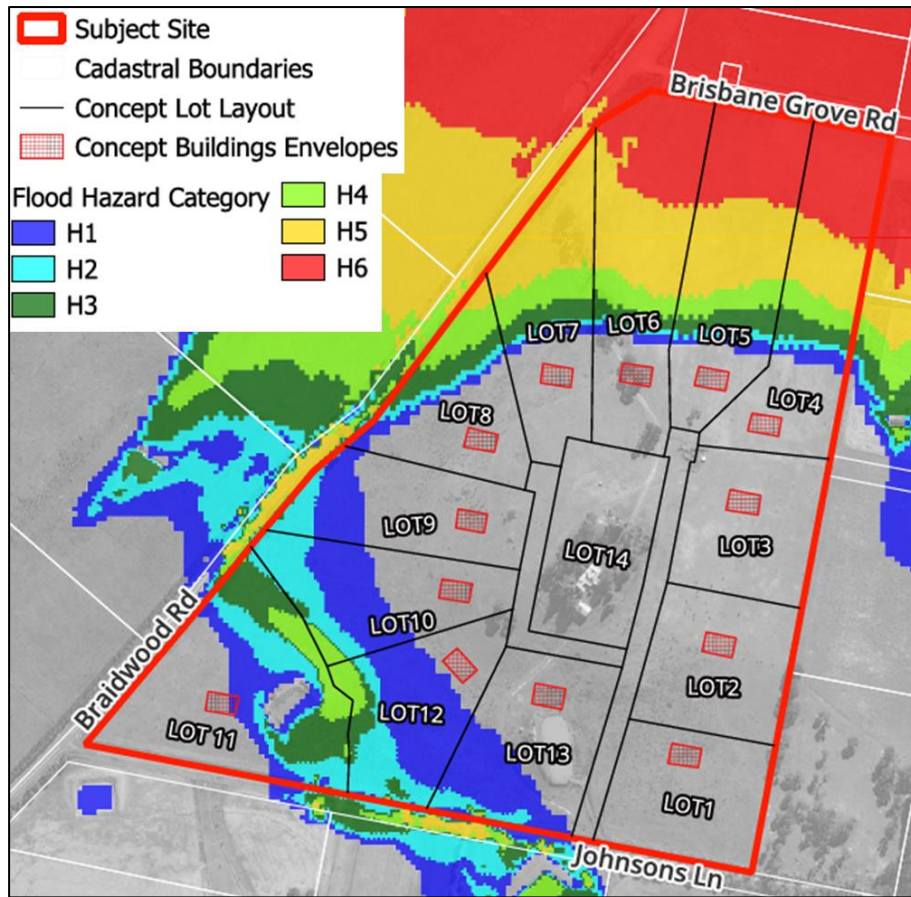
### Safe Occupation and Efficient Evacuation

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.

The planning proposal has been accompanied by a Flood Risk and Impact Assessment (FIRA)(**Appendix 16a**) which examines flood warning times, models flooding on and off the site and examines evacuation as a suitable emergency management solution.

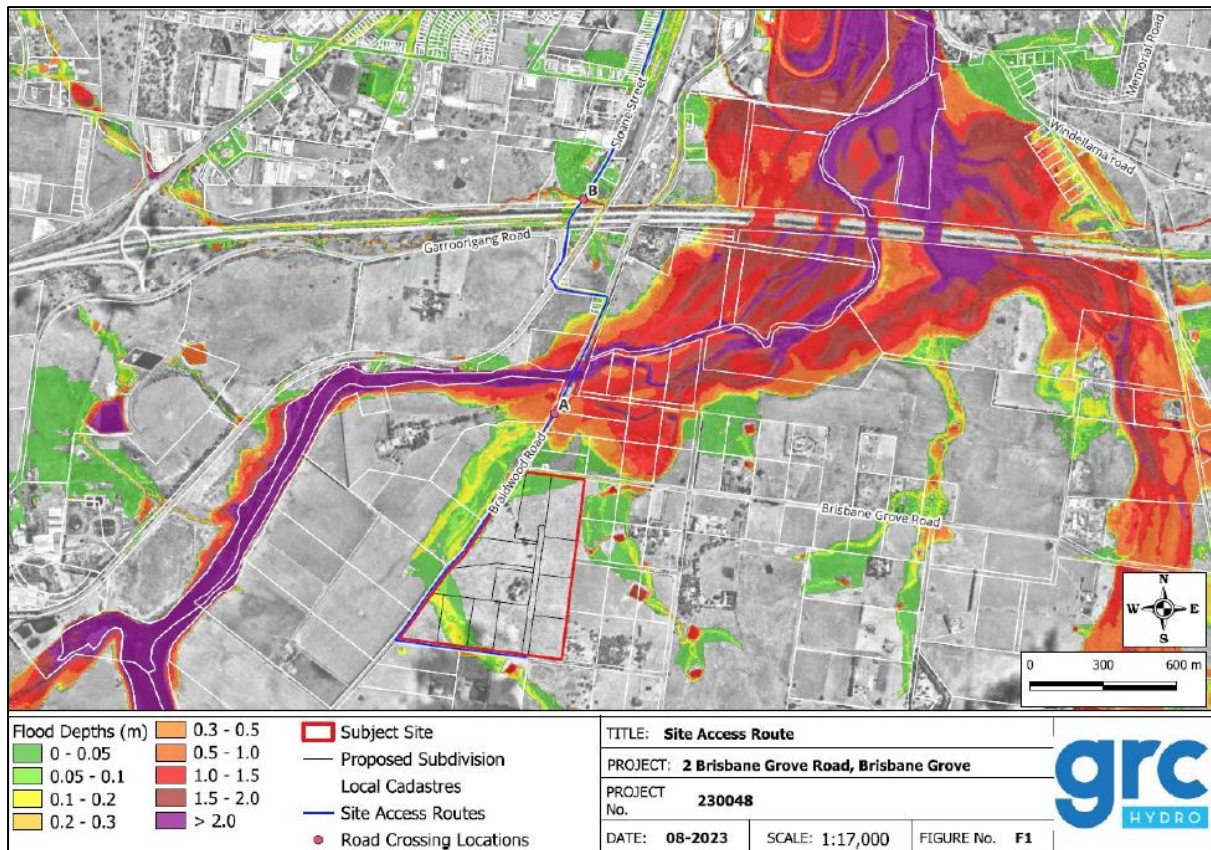
The FIRA identifies that the proposed development will provide internal access roads which are flood free up to and including the PMF. The internal access road is proposed to connect to Johnsons Lane which is on the fringe of the PMF flood extent into an area of H1/H2 hazard (**Figure 29**).

Figure 29: Flood Planning Constraint Category Map with proposed internal layout



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 30).

Figure 30: Flood depth Map along Braidwood Road Evacuation route



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

Table 4: Depth & Duration of Flood inundation for various flood events

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

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: Mulwaree Catchment Flood Travel Times

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

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

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

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

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

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

As noted above, the subject site and any future residents would be 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 16a**) 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 1,000 AEP or 0.1%.

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

### For Secondary Risks

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

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

For Human Behaviour

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

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

The proposed mitigations listed above have been developed in consultation with Council, Ambulance NSW, Rural Fire Service, SES and DPE- Biodiversity and Conservation. A summary of the consultation undertaken is presented in Attachment A to C of the FIRA (**Appendix 16a**).

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 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 via the DCP 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 and within the PMF extent.

The FIRA (**Appendix 16a**) 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.

The overall probability of requiring emergency management services when isolated during a 1% AEP (or rarer) flood event is estimated as 0.1% AEP. This proposal is not considered to result in a significantly increased requirement on emergency management services, flood mitigation or emergency response measures.

#### **Consistency**

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

The proposal seeks to ensure no development is sited within any flood prone land including the PMF flood extent through 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 significantly increased requirement for government spending, and
- Would not permit hazardous industries or storage establishments.



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

Safe occupation from inundation of flood water is 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 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 floodwater 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 s.88b restriction on the title of 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, alongside very low proposed dwelling yields and density and large 2ha+ minimum lot size, 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 Precinct's 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 prohibit 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.

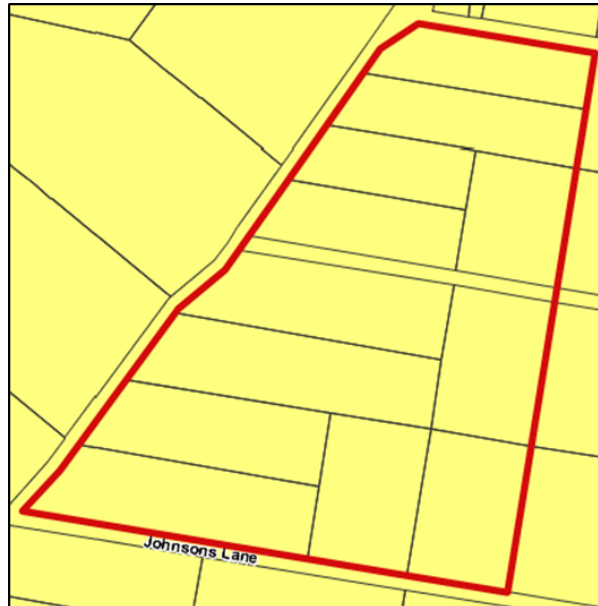
This Direction applies to all local government areas where a relevant planning authority prepares a planning proposal that will affect, or is in close proximity to, land mapped as bushfire prone land.

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 perimeter road.
  - b. For infill development (that is development within an already subdivided area) where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
  - c. Contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - d. Contain provisions for adequate water supply for firefighting purposes,
  - e. Minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - f. Introduce controls on the placement of combustible materials in the Inner Protection Area

**Comment:** The subject site stands in the rural area in land currently zoned RU6 Transition which is identified as Category 3 vegetation with a medium bushfire risk as illustrated in **Figure 31**. The subject site is therefore bush fire prone land and this direction applies.

Figure 31: Category 3 Bush fire prone Land Map



The large residential lots proposed on the subject site stand approximately 3km from the Goulburn Urban Area and will not be serviced by Goulburn's reticulated water system. The lots will therefore rely on on-site provisions for water supply.

The proponent has submitted a Strategic Bushfire Study (**Appendix 14a**) to provide an independent assessment of the proposal's suitability for large lot residential development in regards to bushfire risk. The assessment has been undertaken in accordance with NSW Rural Fire Service guidance document '*Planning for Bushfire Protection 2019*.'

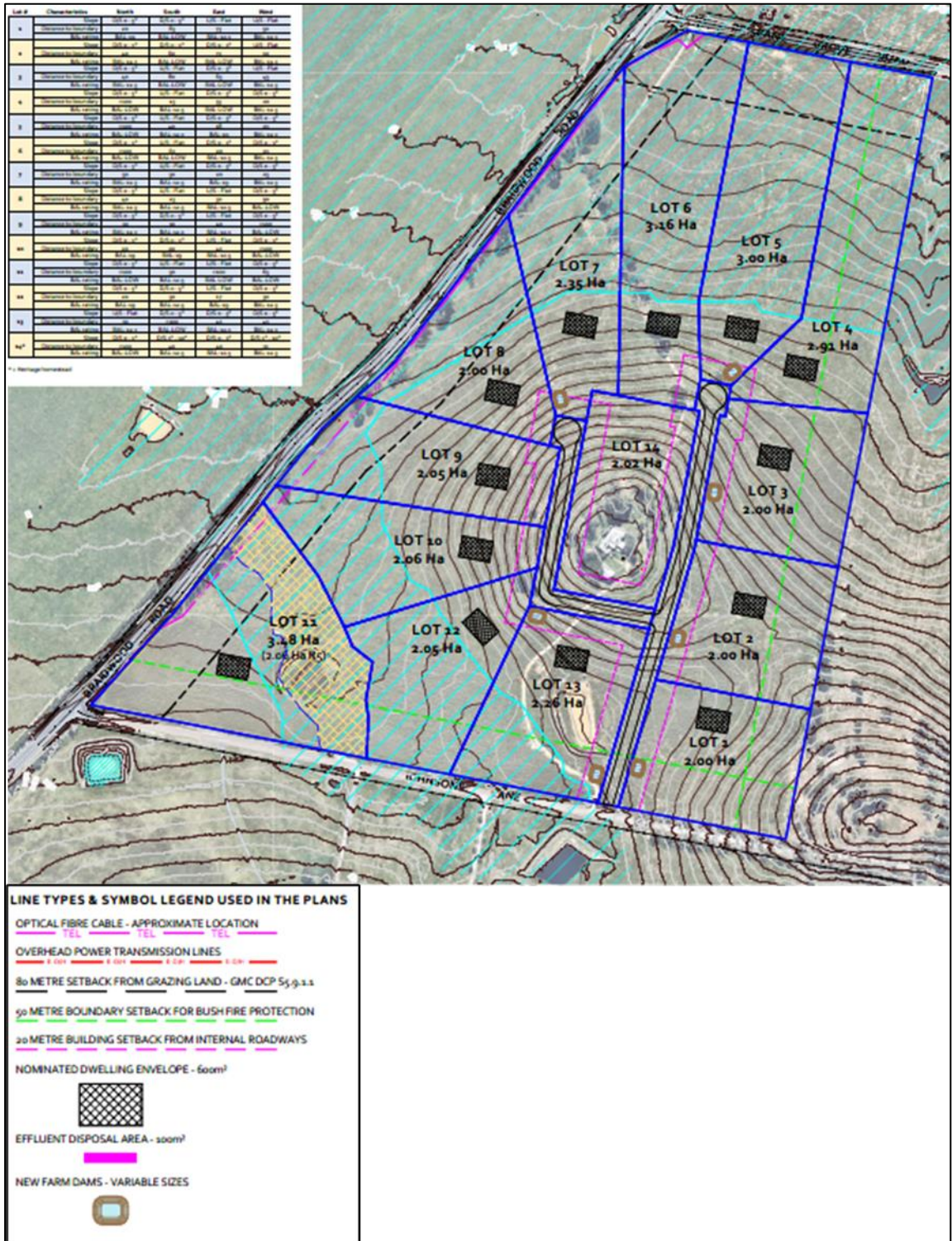
The Study has identified the requirements of the NSW Rural Fire Service guidance and sets out how the proposal seeks to meet them and also includes a strategic bush fire study site plan, with development setbacks to provide appropriate Asset Protection Zones, as illustrated in **Figure 32** and **Appendix 14b**.

The Study includes the following bushfire protection measures:

- Lots large enough, at 2 hectares, to provide suitable Asset Protection Zones within individual lot boundaries to ensure no dwelling site would be exposed to radiant heat levels exceeding BAL-19 (low to medium risk), as illustrated in **Appendix 14b**;
- Availability of two-way existing perimeter roads which are sealed and all-weather on three of the four site boundaries which have minimum corridor widths of 20 metres, namely:
  - Braidwood Road (classified road) along the western boundary;
  - Brisbane Grove Road (local road) on the northern boundary, and
  - Johnson's Lane (local road) along the southern boundary to provide access to the internal access road.
- Provision of two new internal access roads off Johnson Lane through the centre of the site;

- Provision of 7 farm dams to provide static water supplies for firefighting purposes, fronting the new internal access roads
- No slopes which exceed 10 degrees.

Figure 32: Strategic Bushfire Study Site Plan



It is noted in the Study that a perimeter road and two access points (for subdivisions over 3 lots), as required by Table 5.3b of *Planning for Bush Fire Protection 2019*, have

not been included and instead proposes that a variation to this requirement be considered to meet the performance criteria. The Study considers that the existing three sealed roads which border the site with the addition of the new sealed internal road and 50m setback distance between dwelling pads and the bushfire hazard (eastern boundary) would be sufficient for the purposes of bush fire protection. The network of formed roads around and within the site will allow suitable access for firefighting resources to combat grass fires, assisted by the location of dams fronting some proposed lots. The creation of an additional perimeter road to the east of the site is considered to have potential traffic management issues with road users using the perimeter road as a 'rat-run' to avoid the Braidwood Road/ Brisbane Grove Road intersection with consequential safety and amenity issues. In addition, Brisbane Grove Road is identified within a floodway and suffers flood inundation making a connection with the internal access road unsuitable.

The *Traffic and Parking Assessment Report (Appendix 15)* submitted with this planning proposal concludes that traffic generation would be low with no adverse impact on the current road network.

The proposed subdivision arrangement allows multiple locations and fronts for emergency services to access properties. This combined with the sites proximity to the Goulburn urban area (3km) and multiple travel routes would suggest occupants would not become isolated. Access from Braidwood Road is not considered suitable due to the 100kph speed limit on the road with access unlikely to be supported by Transport for NSW.

The proposal includes the creation 14 lots with an R5 Large Lot residential zoning and 2ha minimum lot size to provide dwelling entitlements. This compares with the existing 12 lots already extant under an RU6 Transition zoning albeit without dwelling entitlements (with the exception of Allfarthing heritage property). This scale of development is considered minor which combined with the site's proximity to the Goulburn Urban Area 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 has capacity to provide suitable Asset Protection Zones, contains provisions for a two-way, sealed access road, includes provisions for adequate water supplies and minimises the interface between the hazard and dwellings through a 50m setback. A subsequent development application will also be required to submit a Plan

of Management in accordance with the *Goulburn Mulwaree Development Control Plan* which will introduce controls on the placement of combustible materials.

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

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

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

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

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

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

When this Direction applies:

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

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

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

The PSI assessed the potential for contamination based on past and present land uses and makes recommendations on the need for further investigation.

In relation to current and previous land uses on the site, the PSI identified the site had likely been used for agricultural use and as a residential dwelling since at least 1975 based on a review of historical aerial photographs. No previous contamination assessments undertaken for the site were identified.

The PSI included information sourced from desktop site information and through a site walkover undertaken by an environmental scientist on 15 April 2021.

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

- S1- Fill associated with current buildings on the site, driveways and dam wall with associated COPC's which include metals, total recoverable hydrocarbons, benzene, toluene, ethylbenzene, xylene, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, organochlorine pesticides, phenols and asbestos.
- S2- Current site buildings with associated COPC's which include asbestos containing materials, synthetic mineral fibres, lead (in paint) and PCB. The potential for these contaminants is highlighted due to the age of the "Allfarthing" heritage item, raising potential for hazardous building materials.

It was noted however that these potential sources are relatively minor and are likely limited to small areas of the site, particularly around the residential building and driveways.

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 potential for the limited quantity of fill and small amount of hazardous building materials. 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
- A Hazardous Building Materials Survey be undertaken if any buildings are to be demolished or altered.

The PSI concludes with the following statement:

"Whilst there is a risk of contamination associated with the fill, DP (*Douglas Partners*) considers due to the limited likely quantity of fill and the likely small

amount of HBM (*Hazardous Building Material*) potentially present, an intrusive investigation is not considered necessary at this stage. Nevertheless, it is recommended that a Hazardous Building Material Assessment and 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 10f**) received on 26 March 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 (**Appendix 1**) to ensure the above recommendations are included within a subsequent development application.

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

#### Previous Planning Proposal (PP 2021\_6932)

Water NSW provided a pre-gateway referral response on the previous planning proposal. The referral response received on 5 May 2022 (**Appendix 10d**) confirmed their support for the above recommendations and considers that these matters can be addressed at development application stage. No additional comment was made on this direction through Water NSW's second referral response received on 26 September 2022 (**Appendix 10e**).

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

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

- a. Improving access to housing, jobs and services by walking, cycling and public transport, and
- b. Increasing the choice of available transport and reducing dependence on cars, and
- c. Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and



- d. Supporting the efficient and viable operation of public transport services, and
- e. Providing for the efficient movement of freight.

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

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

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

#### Consistency

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

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

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

The proposal is seeking to rezone an area of 34.8 hectares from RU6 Transition to provide 14 R5 Large Lot Residential lots. The site is located approximately 3km south 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 road of 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 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 8 minute drive. The subject site is located relatively close to the urban area whilst also facilitating a site size large enough to accommodate the 2ha minimum lot size prescribed in the *Urban and Fringe Housing Strategy*.

The proposed density of the 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)**, 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 lots at 2ha serves to balance out the majority of smaller lot provision elsewhere in Goulburn with large lot opportunities to provide a greater diversity in housing choice when considered on an LGA-wide basis.

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

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

The objectives of this direction are to:

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

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

When this direction applies:

1. A planning proposal must include provisions that encourage the provision of housing that will:

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

#### Consistency

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

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

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

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

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

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

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

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

The planning proposal is situated between three existing roads, namely, Braidwood Road, Brisbane Grove Road and Johnson's Lane. The Traffic and Parking Assessment Report submitted with the planning proposal (**Appendix 15**) identifies that these roads, particularly Braidwood and Brisbane Grove 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 (14 in total) and the sites relatively close proximity and easy access to the Goulburn urban area would not result in an additional requirement for fire, police or education services or facilities beyond Goulburn's existing provision.

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

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

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

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. 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 **Sections 3.6.4 Direction 3.1 Conservation** and **3.6.7 Direction 4.1 Flooding** of this planning proposal report, the subject site is not identified as of particular biodiversity value and 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 planning proposal subject site is currently zoned RU6 Transition which is a rural zone. The site is proposed to be rezoned 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 pastureland zoned RU6 Transition in which this proposal seeks to rezone to a R5 Large Lot Residential zone. Whilst the subject site currently experiences little agricultural activity, the rezoning, subdivision and provision of building entitlements would remove 34.8 hectares of agricultural land 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 subject of the planning proposal.

The inconsistency with Direction 9.1 Rural Zones is justified.

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

The objectives of this direction are to:

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

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

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

When this Direction applies:

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

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

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

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

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

The *Urban and Fringe Housing Strategy* considered the significance of agriculture and primary production when determining suitable opportunity areas for housing growth in the local government area. In particular, the Strategy specifically considered the Department of Primary 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 Conservation** 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 Biodiversity Assessment (**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 "Allfathing" within the subject site but also the nearby heritage items of 'Wyadra', 'Brigadoon' and 'Yattalunga'. The proponents Heritage Impact Statement (**Appendix 9a**), alongside advice from Council's heritage advisor (**Appendix 9b**) 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**).

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

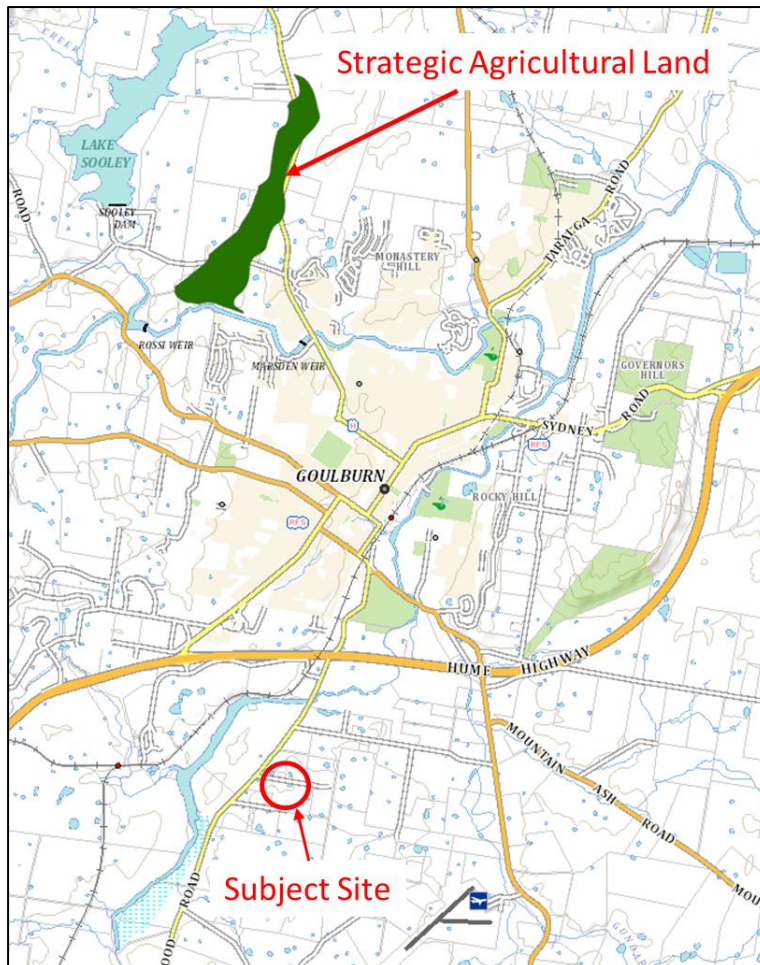
This planning proposal seeks to facilitate the ultimate subdivision of the subject site from 12 existing RU6 Transition zoned lots to fourteen 2 hectare R5 large residential lots which would result in fragmentation of rural land. The relatively low density of the proposal, large lot sizes and the relatively contained nature of the site between three existing roads is 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 33**.

Figure 33: Strategic Agricultural Land



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 water and sewer, does stand in relatively close proximity to the Goulburn urban area and the broad range of services it provides. The proposal will utilise existing road infrastructure 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 Biodiversity Assessment (**Appendix 11a**) which involved a field and database assessment to identify the sites biodiversity values and highlight potential constraints to any future rezoning or development.

The biodiversity assessment 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 Conservation** 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 stands in proximity to four possible noise sources with potential to adversely affect residential amenity, these include:

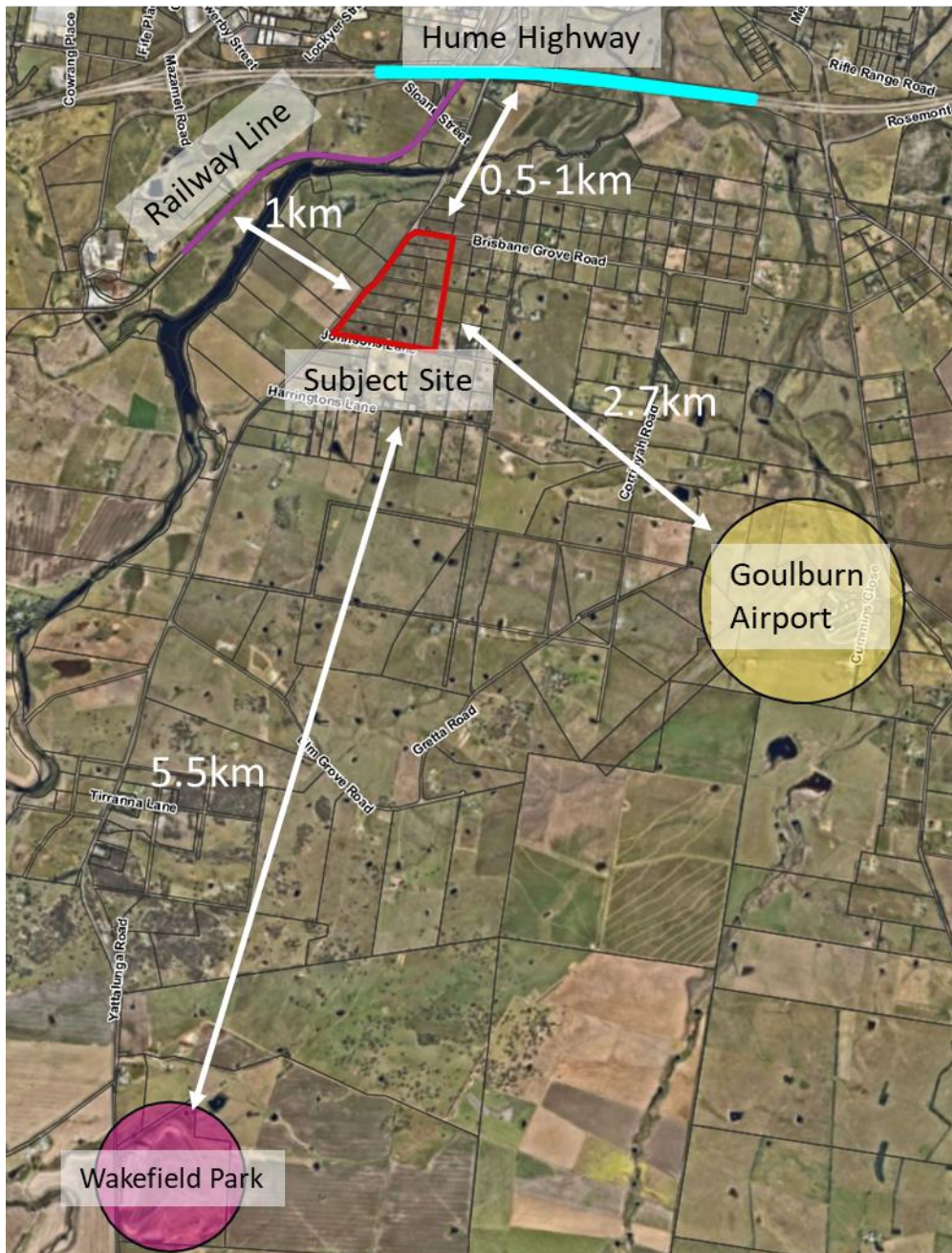
- The railway line which stands approximately 1km to the south west of the site on the opposing side of the Mulwaree River;
- The Hume Highway which stands between 0.5km and 1km to the north of the site;
- Goulburn Airport which stands approximately 2.7km to the south east of the site, and
- Wakefield Park Raceway which stands approximately 5.5km to the south west of the site.

These multiple noise sources derived from all directions (**Figure 34**) 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 have been addressed through the Precinct-specific Development Control Plan chapter which requires an internal noise limit of 35dbI, as illustrated in **Appendix 1**. This can be achieved via a number of methods including through design, orientation, landscaping and earthworks or built solutions.

Figure 34: Proximity of Potential Noise Sources



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

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

**Section D- State and Commonwealth Interests**

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

The subject site is bounded on three sides by existing roads with two of these roads, namely Brisbane Grove Road and Johnson's Lane, proposed to be utilised for site and dwelling access. Two additional internal access roads from Johnson's Lane for lot

access. The Traffic and Parking Assessment Report (**Appendix 15**) highlights significant spare 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 has been identified.

The subject site is not connected to the Goulburn reticulated water and sewer network and the 14 proposed lots will require on-site water storage and wastewater and effluent disposal to meet the needs of residents.

An electricity power line (low voltage) runs along the sites western boundary with Braidwood Road and through the site to connect to existing Allfathing property. This will facilitate electricity connections to newly created lots.

An optical fibre cable runs parallel to the sites western boundary with Braidwood Road which provides opportunity for connection to the new lots.

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

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

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

In accordance with the Ministerial Direction for the Sydney Drinking Water Catchment, 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 4** illustrate the area to which this proposal relates and includes the proposed amendment from the RU6 Transition Zone to R5 Large Lot Residential and the amendment of the minimum lot size from 10 hectares to 2 hectares.

## **Part 5- Community Consultation**

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

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

## **Part 6- Project Timeline**

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

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

## Part 7- Appendices

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

<b>Appendix 1</b>	Draft Brisbane Grove & Mountain Ash Precinct-Specific Development Control Chapter V9
<b>Appendix 2</b>	Concept Subdivision Layout Plan- current
<b>Appendix 3</b>	Proponents Submitted Planning Proposal- current
<b>Appendix 4</b>	Concept Subdivision Layout Plan- previous PP
<b>Appendix 5</b>	Proponents Submitted Planning Proposal- previous PP
<b>Appendix 6a</b>	Council Report & Resolution- 15 March 2022
<b>Appendix 6b</b>	C2 MLS Council Report & Resolution- 20 September 2022
<b>Appendix 6c</b>	Special Flood Council Report & Resolution- 2 November 2021
<b>Appendix 7a</b>	Gateway Determination- previous PP
<b>Appendix 7b</b>	Gateway Alteration- previous PP
<b>Appendix 8a</b>	Aboriginal Due Diligence Assessment
<b>Appendix 8b</b>	Aboriginal Cultural Heritage Assessment
<b>Appendix 9a</b>	Heritage Impact Statement
<b>Appendix 9b</b>	Council's Heritage Consultant Advice
<b>Appendix 9c</b>	Heritage NSW Post-gateway Referral Response- previous PP
<b>Appendix 10a</b>	Water Cycle Management Study Report
<b>Appendix 10b</b>	Wastewater Management Site Plan
<b>Appendix 10c</b>	Stormwater Management Site Plan
<b>Appendix 10d</b>	Water NSW Initial Pre-gateway Referral Response- 5 May 2022- previous PP
<b>Appendix 10e</b>	2 <sup>nd</sup> Water NSW Pre-gateway Referral Response- 26 September 2022- previous pp
<b>Appendix 10f</b>	Water NSW Post-gateway Referral Response- 22 December 2022- previous pp
<b>Appendix 10e</b>	Water NSW Pre-gateway Referral Response- 26 March 2024
<b>Appendix 11a</b>	Biodiversity Assessment
<b>Appendix 11b</b>	Council's Biodiversity Officer referral comments
<b>Appendix 12</b>	Preliminary Site Investigation (Contamination)
<b>Appendix 13</b>	Development Control Plan Flood Policy
<b>Appendix 14a</b>	Strategic Bush Fire Study
<b>Appendix 14b</b>	Strategic Bush Fire Study Site Plan
<b>Appendix 15</b>	Traffic and Parking Assessment Report
<b>Appendix 16a</b>	Flood Impact and Risk Assessment
<b>Appendix 16b</b>	Flood Assessment Site Plan with subdivision layout
<b>Appendix 16c</b>	DPE-BCD Post-gateway Referral Response- 16 Feb 2023- previous PP

<b>Appendix 16d</b>	Presentations given to the Goulburn Flooding Technical Working Group
<b>Appendix 16e</b>	Goulburn Mulwaree Development Control Plan Flood Policy

*\*Shaded entries denote documents directly relating to the previously submitted planning proposal (PP\_2021\_6932).*