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12 October 2023

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REQUEST FOR RE-ZONING PLANNING PROPOSAL

Proponent: Elizabeth and James Hoskins

Description: Partial Re-Zoning of Land to Reduce Prescribed Minimum Lot Size Provision

Property: Part Lot 11 DP1044967, No. 69 Gorman Road, Goulburn NSW

Dear Kate,

We are acting on behalf of the landowner of Lot 11 DP1044967, No. 69 Gorman Road, Goulburn who is requesting that Goulburn-Mulwaree Council prepare a Planning Proposal to re-zone part of the subject landholding.

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

- Aboriginal and Historical Cultural Heritage Due Diligence Assessment, prepared by Past Traces, dated 17 August 2023.
- Bushfire Assessment Report, prepared by Ember Bushfire Consulting, dated 27 July 2023.
- Concept Plan of Proposed Subdivision, prepared by Land Team, dated 29 August 2023.
- Ecological Impact Assessment, prepared by Capital Ecology, dated 20 July 2023.
- Preliminary Site Investigation for Contaminated Land Report, prepared by Douglas Partners, dated 22 March 2023.
- Wastewater Management: Site and Soil Evaluation, prepared by Strategic Environmental & Engineering Consulting, dated 7 October 2023.

Objective of Proposed Rezoning Request

The objective of this request is for Goulburn-Mulwaree Council to prepare a Planning Proposal seeking to amend the Goulburn-Mulwaree Local Environmental Plan 2009 (**GMLEP 2009**) by reducing the minimum lot size as it applies to the RU6 Transition Zone (as relevant to the subject land) from 10 hectares to 2 hectares.

Background Context

Site Description

Lot 11 DP1044967, No. 69 Gorman Road, Goulburn is currently owned by Elizabeth and James Hoskins.

The subject land has an area of approximately 10.12 hectares and is currently developed for rural residential purposes, with a dwelling house and ancillary structures positioned with large setbacks (circa 60m+) to Gorman Road.

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Vehicular access to Gorman Road is via an existing driveway arrangement near to the southwest corner of the allotment.

The topography of the subject land is noted to be gently undulating, with the elevation ranging from approximately 657m Australian Height Datum (AHD) in the northeast corner, rising to 671m AHD towards the south-western extent of the subject land. Within the northeast corner is a small farm dam, which appears to be fed by an unnamed overland flow path.

As shown in **Figure 1** below, the eastern portion of the subject land is noted to comprise native forest vegetation. The western portion comprises exotic grassland vegetation with some native woodland vegetation noted along part of the northwest boundary adjoining Gorman Road. The immediate areas around the existing dwelling house comprise exotic grassland vegetation together with established landscaping comprising both native and exotic plant species.

Under the provisions of the GMLEP 2009, the subject land is zoned part RU6 Transition (circa 5.2 hectares) and part C3 Environmental Conservation (circa 4.92 hectares) with corresponding minimum lot sizes of 10 hectares and 100 hectares respectively. In general, it is that part of the subject landholding comprising the native forest vegetation that is zoned C3 Environmental Conservation.

Extracts from the current Land Zoning Map (LZN_001G) and Lot Size Map (LSZ_001G) are included at **Attachment 1**.



Figure 1: Subject Land – outlined yellow ([MapBrowser | Nearmap](#), August 2023)

Site Context

The subject land is located within the rural fringe east of Goulburn – approximately 4.5km from the Goulburn CBD.

Adjoining and adjacent lands are zoned RU6 Transition and C3 Environmental Conservation and are typically characterised by a rural/rural residential lot pattern offering a variety in lot shapes and sizes. Rural dwellings of various architectural styles and age are present together with established rural surrounds. The majority of these rural dwellings front Gorman Road – albeit with large front setbacks.

Land adjoining to the south, being Lot 12 DP1044967 comprises a dwelling known as ‘Kentgrove’ and a former fruit packing shed (circa 1850), which have local historical significance and are listed as Local Heritage Item (I348) under Schedule 5 of the GMLEP 2009. Another locally listed heritage item, being the Veterans Allotments (I600) adjoins the

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subject land to the north (being, Lot 102 DP791867). An extract from the current Heritage Map (HER_001G) is included at **Attachment 2**.

Land distant to the south is zoned C2 Environmental Conservation and is associated with the Governors Hill and Mount Grey area. Land to the north is zoned SP2 Public Utility Undertaking and is associated with the former Goulburn sewerage treatment plant, with ponds and associated irrigation area/s. Land distant to the west is the Main Southern Railway beyond which is the Wollondilly River and its associated riparian areas/corridor.

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



Figure 2: Local Site Context ([MapBrowser | Nearmap](#), August 2023)

Rationale for Proposed Re-Zoning Request

With regard to Council's adopted *Urban and Fringe Housing Strategy (UFHS)*, the subject land is noted to be within 'Precinct 8 – Gormon Road'. This Precinct (circa 54.3 hectares) is recommended (as a high priority) for re-zoning from RU6 Transition to R5 Large Lot Residential with a corresponding minimum lot size of 2 hectares. The overall intent of the UFHS in relation to Precinct 8 is to maintain the rural transition character of the Precinct whilst enabling limited rural residential development (circa 24 new allotments) of land that has minimal environmental constraints.

An extract of the UFHS is included below at **Figure 3**.

In response to the recommendations of the UFHS, this request for re-zoning seeks to facilitate a future rural residential subdivision to create a 2 hectare allotment comprising the existing rural dwelling and its immediate curtilage, and an allotment comprising the balance of the land (circa 8 hectares) with a dwelling entitlement registered within the cleared land extent.

An extract from the conceptual subdivision layout plan is included at **Attachment 3** for information purposes only¹.

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

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In our opinion, the proposed re-zoning and future developed outcome would be consistent with the UFHS in that it would provide an opportunity for additional residential housing whilst preserving the established rural setting and areas of ecological value. It would also be consistent with the objectives of the RU6 Transition Zone on the basis that it would maintain the transitional 'buffer' between the existing urban areas (west of the Wollondilly River) and areas of environmental and/or rural landscape value distant to the east.

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

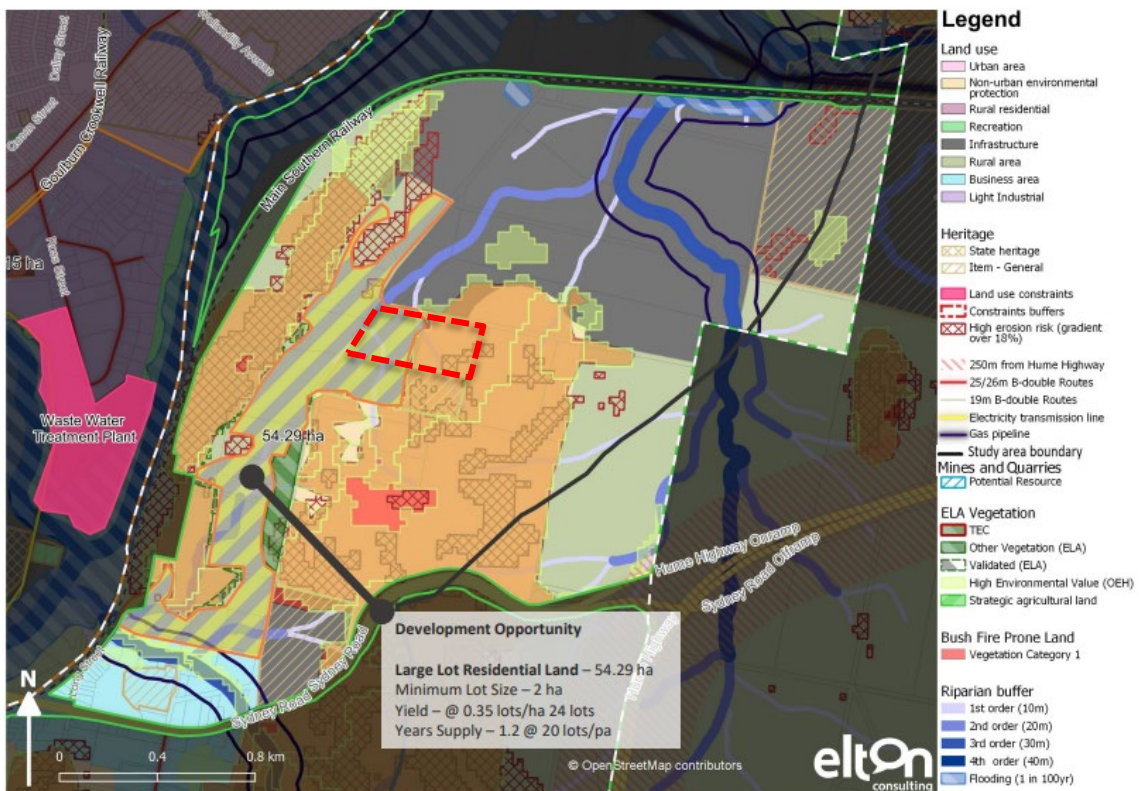


Figure 3: Extract from *Urban and Fringe Housing Strategy* (location of the subject land outlined red)

Biodiversity

An Ecological Impact Assessment (EIA) Report [dated 20 July 2023] was prepared by Capital Ecology.

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

The EIA determines that the proposed rezoning (and future developed outcome):

- will not impact any area identified on the NSW Biodiversity Values Map;
- will not exceed the native vegetation clearance threshold for the smallest minimum lot size associated with the subject land; and

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- is unlikely to significantly impact any EPBC Act and/or BC Act listed threatened flora or fauna species or threatened ecological community.

Based on the above, the EIA confirms that:

- EPBC Act referral is unwarranted and not recommended; and
- the Biodiversity Offset Scheme (**BOS**) is not triggered, and that the preparation of a Biodiversity Development Assessment Report (**BDAR**) is not required.

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

Contamination

A Preliminary Site Investigation (**PSI**) for Contaminated Land [dated 22 March 2023] was prepared by Douglas Partners to assess the potential for contamination at the subject site based on past and present land uses and to comment on the need for further investigation and/or management with regard to the proposed re-zoning request and future intended rural residential outcome.

Whilst the PSI identifies potential sources of contamination at the site, they are considered typical for a rural residential property in this region. As such, the PSI confirms that the identified potential for contamination is not considered to be a constraint that would preclude the proposed re-zoning request or future rural residential use.

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

Aboriginal and Historic Cultural Heritage

An Aboriginal and Historical Cultural Heritage Due Diligence Assessment [dated 17 August 2023] was prepared by Past Traces to provide information in relation to Aboriginal and European heritage that is, or may be present, within the subject site.

As detailed in the Due Diligence Assessment, the impacts associated with the re-zoning request and future rural residential outcome are as follows:

- no known Aboriginal objects or places would be impacted;
- no known historical objects or places are present within the subject site;
- the adjacent 'Kentgrove' dwelling and former fruit packing shed (I348) and Veterans Allotments (I600) would not be impacted; and
- no areas of high potential to contain unrecorded Aboriginal or historical objects or places are present in the subject site.

It is therefore considered that the re-zoning request would satisfy Section 9.1 Ministerial Direction No. 3.2 – Heritage Conservation and the relevant requirements of the *Heritage Act 1977* and/or *National Parks and Wildlife Act 1974*.

Bushfire

The subject land is mapped as bushfire prone (Vegetation Category 1 and 3).

As such, a Strategic Bushfire Assessment Report (**SBAR**) [dated 27 July 2023] was prepared by Ember Bushfire Consulting to accompany this request for re-zoning.

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

Potable Water and Wastewater Management

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

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

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

With regard to effluent management, a Wastewater Management: Site and Soil Evaluation was prepared by Strategic Environmental & Engineering Consulting (dated 7 October 2023). The results of that Evaluation confirm that the site and soil conditions are considered suitable for the on-site management of effluent via a range of disposal options. Notwithstanding, a Site Specific Wastewater Site Assessment would be required as part of the future Development Application process so as to establish the most appropriate wastewater management system for installation.

Conclusion

As detailed above, this request for re-zoning is seeking Council's support in the preparation of a Planning Proposal to amend the GMLEP 2009 by reducing the minimum lot size as it applies to the RU6 Transition Zone (as relevant to the subject land) from 10 hectares to 2 hectares.

The proposed re-zoning is consistent with Council's adopted UFHS and the subject land has been found to be suitable for the future intended use without compromising the objectives of the RU6 Transition Zone.

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

Yours sincerely,

Elizabeth Slapp

Elizabeth Slapp RPIA
Senior Town Planner



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Attachments

- 1) Extracts from the current Land Zoning Map (LZN_001G) and Lot Size Map (LSZ_001G)
- 2) Extract from the current Heritage Map (HER_001G)
- 3) Extract from the Conceptual Subdivision Layout Plan

Disclaimer

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ATTACHMENT 1 - Extracts from the current Land Zoning Map (LZN_001G) and Lot Size Map (LSZ_001G)



Figure 4: Extract from Land Zoning Map (LZN_001G) – location of the subject land outlined yellow ([NSW Planning Portal Spatial Viewer](#), August 2023).



Figure 5: Extract from Lot Size Map (LSZ_001G) – location of the subject land outlined yellow ([NSW Planning Portal Spatial Viewer](#), August 2023).

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ATTACHMENT 2 - Extract from the current Heritage Map (HER_001G)



Figure 6: Extract from Heritage Map (HER_001G) – location of the subject land outlined yellow ([NSW Planning Portal Spatial Viewer](#), August 2023).

