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# **BUSINESS PAPER**

## **Ordinary Council Meeting**

### **20 February 2024**

**Aaron Johansson**  
**Chief Executive Officer**

We hereby give notice that an Ordinary Meeting of Council will be held on:  
 Tuesday, 20 February 2024 at 6pm  
 in the Council Chambers, Civic Centre  
 184 - 194 Bourke Street, Goulburn

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**Cr Peter Walker**  
**Mayor**




**Aaron Johansson**  
**Chief Executive Officer**

**16 REPORTS TO COUNCIL FOR DETERMINATION**

**16.1 REZ/0003/2324, PLANNING PROPOSAL LOT 11 DP 1044967, 69 GORMAN ROAD GOULBURN**

**Author:** Senior Strategic Planner  
 Director Planning & Environment

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Submitted Planning Proposal [↓](#)   
 2. Concept Plan [↓](#)   
 3. Gorman Road Precinct [↓](#) 

<b>Reference to LSPS:</b>	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
<b>Address:</b>	69 Gorman Road Goulburn (Lot 11 DP 1044967)

<p><b>RECOMMENDATION</b></p> <p>That:</p> <ol style="list-style-type: none"> <li>1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to <i>Goulburn Mulwaree Local Environmental Plan 2009</i> be received.</li> <li>2. Council prepares a Planning Proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to rezone part of Lot 11 DP 1044967 from RU6 Transition to R5 Large Lot Residential, and to amend the minimum lot size from 10 hectares to 2 hectares for the R5 Large Residential area.</li> <li>3. The development proponent is required to submit to Council, the following additional information, prior to the Planning Proposal being submitted to the Department of Planning, Housing and Infrastructure for a gateway determination:             <ol style="list-style-type: none"> <li>a) The submitted Aboriginal and Historical Cultural Heritage Due Diligence Assessment is required to be amended to include details of mandatory consultation that is required to be held with the Local Aboriginal Land Council.</li> <li>b) The submitted Aboriginal and Historical Cultural Heritage Due Diligence Assessment is required to be amended to include details of all European heritage that is located in the vicinity of the site and address potential impacts on the significance of these heritage items.</li> <li>c) A Preliminary Site Investigation (PSI) that considers the site’s former use as an orchard and recommends the suitability of the site to accommodate future large lot residential uses. A Detailed Site Investigation (DSI) is required, should it be recommended in the PSI.</li> <li>d) An amended concept plan is to be provided to ensure that the existing zone and lot size boundaries remain unchanged for the portion of the site zoned E3 Environmental Management.</li> </ol> </li> <li>4. The Planning Proposal is forwarded to the NSW Department of Planning, Housing and Infrastructure for a gateway determination, with further community and government consultation to be undertaken in accordance with the directions of the gateway determination.</li> <li>5. Council requests the NSW Department of Planning, Housing and Infrastructure that it be the delegated plan making authority for this Planning Proposal.</li> </ol>
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Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

## INTRODUCTION

This report considers a Planning Proposal for Lot 11 DP 1044967, 69 Gorman Road Goulburn, submitted to Council via the Planning Portal on 24 October 2023 by Planned Town Planning Solutions, on behalf of the property owner. The Planning Portal reference is PP-2023-2264 and Council's reference is REZ/0003/2324.

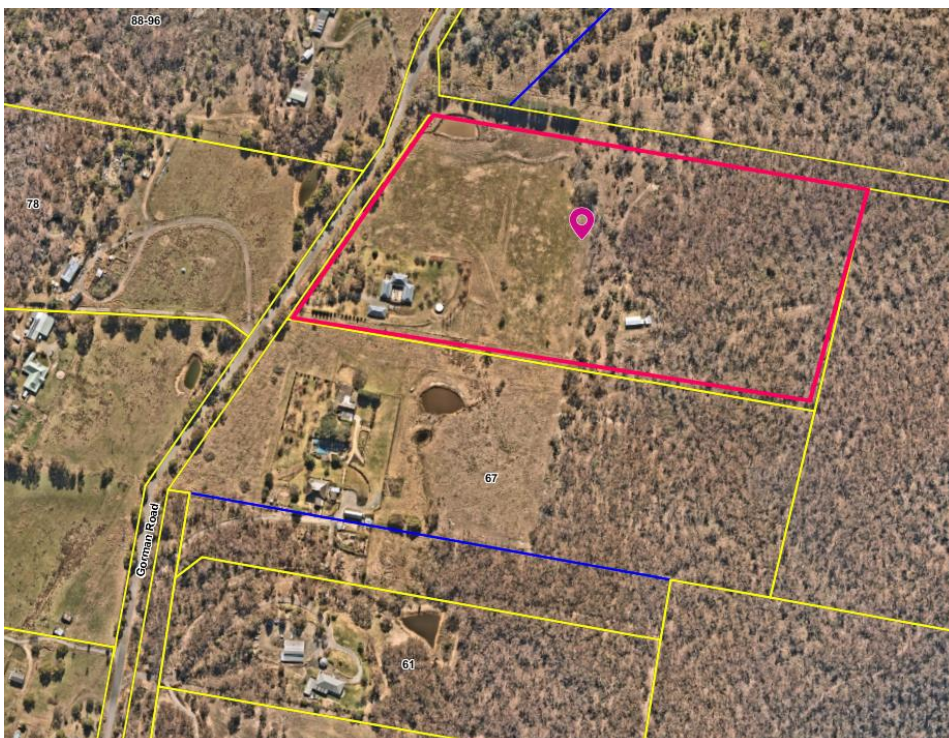
The Planning Proposal is seeking an amendment to the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* as follows:

- Rezoning part of Lot 11 DP 1044967 as shown in the Goulburn and Marulan Urban and Fringe Housing Strategy (*the Strategy*), within the Gorman Road Precinct, from RU6 Transition to R5 Large Lot Residential; and
- Amendment of the minimum lot size maps, from 10 hectares to 2 hectares.

There are no changes proposed to the existing zoning boundary between the RU6 Transition zone and the C3 Environmental Management zone, and there are no changes proposed to the existing minimum lot size boundary.

A copy of the submitted Planning Proposal is in **Attachment 1**.

The site comprises a single lot with a total area of 10.11 hectares and fronts Gorman Road, approximately 3 kilometres northeast of the urban fringe. The land contains an established dwelling house, ancillary development, and grounds at the southwest corner. The balance of the land contains a dam, an open sided structure and remnants of a former stone building that was previously used in conjunction with the established orchard that formerly operated on the land. Some of the trees from the former orchard are still located on the land. A copy of the aerial image of the site is shown below in **Figure 1**.



**Figure 1. Aerial Image of subject site (Near map Australia Pty Ltd, 2023)**

The proposal includes a concept subdivision layout for one additional lot for future large lot residential purposes. The additional lot will accommodate a future dwelling and will be larger than the lot proposed for the existing dwelling, accommodating a large majority of the land making up the former orchard, two structures that were associated with the former orchard, and the dam. The proposed lot also includes the eastern portion of the site zoned E3 Environmental Management which contains the entirety of Plant Community Type (PCT) 3747 Southern Tableland Western Hills Scribbly Gum Forest and is unimpacted by this Planning Proposal.

The residual lot will contain the existing dwelling house, ancillary structures and grounds, to be contained within the southwestern corner of the land. The concept plan demonstrates that each lot will have frontage to Gorman Road.

The Planning Proposal concept plan demonstrates that a subdivision proposal will be possible under the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*, specifically clause 4.1E which applies to certain zones. This clause enables the creation of an additional lot, that includes R5 Low Density Residential and C3 Environmental Management zoned land, where the C3 portion of the land need not meet the requirements of clause 4.1 (100 hectare minimum lot size), as long as the entirety of the land zoned C3 will be in a single lot.

The concept subdivision plan is included in **Attachment 2**.

As indicated above, the location of the existing zone and lot size boundary will not be altered in this Planning Proposal. It is noted that the concept plan shows an alteration to this boundary although the proponent has confirmed that the alteration was an unintentional oversight and the concept plan will be altered to reflect the existing C3 zone boundary extent.

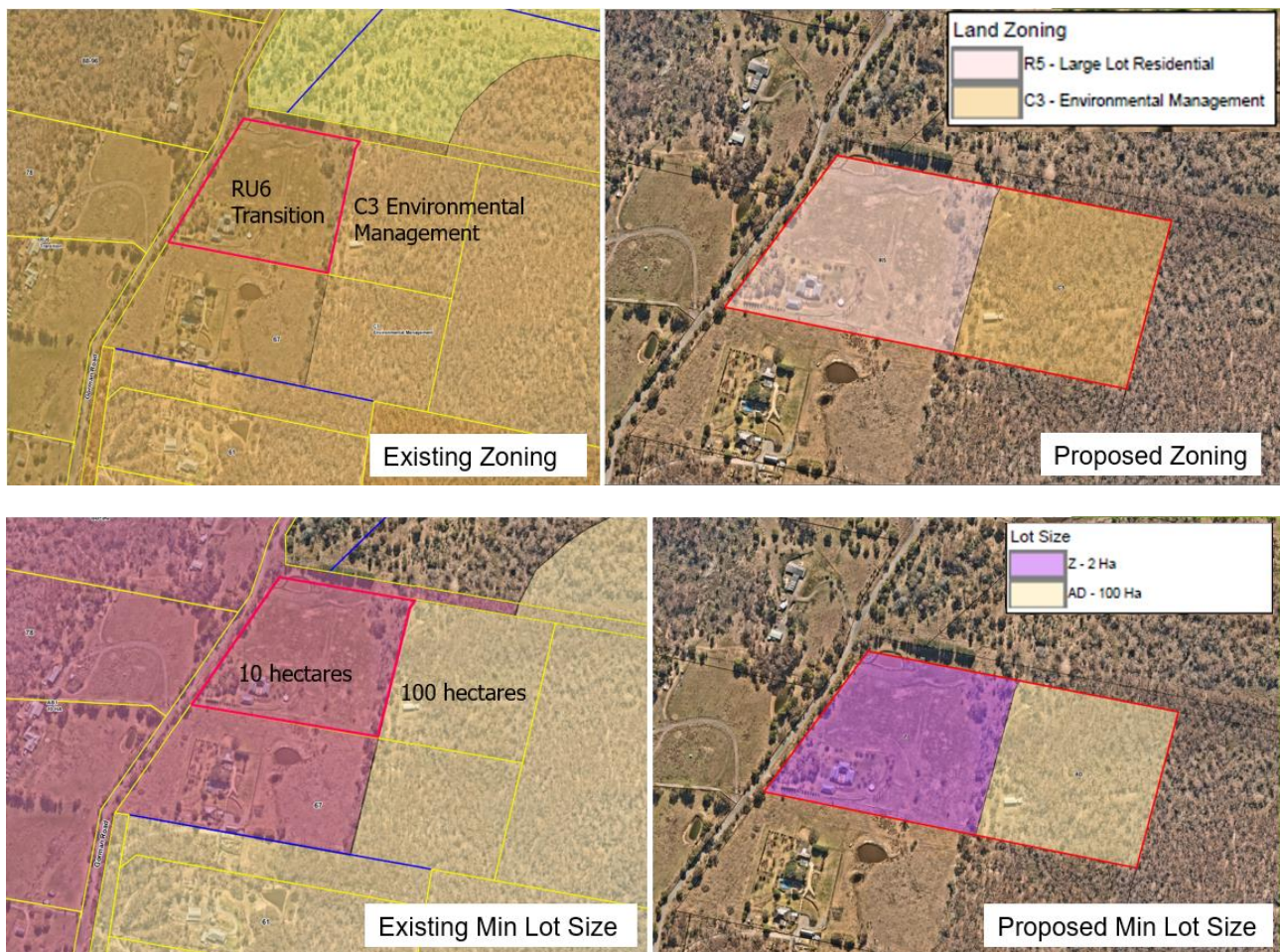
**REPORT****Urban and Fringe Housing Strategy**

*The Strategy* identifies part of the subject site within Precinct 8 – Gorman Road, as shown in **Attachment 3**. The part of the land identified in *the Strategy* is approximately 4.8 hectares in area and is least constrained by topography and biodiversity values.

The site is unsewered and not serviced by Council's mains water, with services unlikely to be extended to this area. The Strategy indicates opportunities for large lot residential, incorporating a minimum lot size of 2 hectares, limited to existing cleared land fronting Gorman Road. Development in this precinct is limited to large lot residential development, therefore, provision of reticulated water and sewer infrastructure to future lots is not proposed. Limiting servicing and minimum lot sizes to 2ha will maintain the rural transition character of the Precinct.

The existing and proposed zoning maps and minimum lot size maps are shown below in **Figure 2**.





**Figure 2. Existing (on left) and proposed (on right) zoning map (top) and minimum lot size map (bottom).**

**Constraints**

Aboriginal Heritage

The land is mapped as containing potential Aboriginal heritage. An Aboriginal and Historical Cultural Heritage Due Diligence Assessment has been prepared that investigates the presence of potential Aboriginal heritage. This is in alignment with the actions contained within the South-East Tablelands Regional Plan.

The Due Diligence Assessment does not identify any Aboriginal Sites or Potential Archaeological Deposits (PAD) within the site subject to the Planning Proposal. The Due Diligence Assessment does not indicate any consultation has been undertaken with the Local Aboriginal Land Council. The proponent will be required to undertake this consultation and provide an amended report.

European Heritage

The Planning Proposal is in the vicinity of multiple locally listed heritage items. It is anticipated that there will not be any detrimental impacts on the heritage significance of these items, However, the Aboriginal and Historical Cultural Heritage Due Diligence Assessment is being amended to address potential impacts to each of these heritage items.

Contamination

The site is not included in Council's contaminated land register nor listed as significantly contaminated. However, it is recognised that the land has potential for contamination due to its

former use as an orchard or undertaking of an agricultural activity, which is listed in Table 1 of the *Contaminated Land Planning Guidelines*. Therefore, Council is required to demonstrate whether the land is contaminated and can be remediated to a suitable standard for residential development in accordance with the Ministerial Directions for plan making.

The proponent has submitted a Preliminary Site Investigation (PSI) which indicates that there are potential sources of contamination, however does not further investigate these. The report concludes that *the site is considered to be suitable for the proposed subdivision, However, if any future development is proposed at the site that would result in a change in land use, it is recommended that further investigation should be undertaken to better define the actual contamination risks (if any) that the potential contamination may pose on subsequently proposed development.*

The Planning Proposal if endorsed would result in a change in land use from a Transition zone to a Large Lot Residential zone and would enable an additional dwelling entitlement from the creation of an additional lot. Therefore, the potential contamination risk of the land is required to be further considered to determine the land's suitability for future large lot residential development. This includes the commissioning of a Detailed Site Investigation (DSI) and submitting the same to Council for further consideration.

### Bushfire

The site is wholly classified as Category 3 bushfire prone land. The Ministerial Directions in relation to bushfire prone land aim to protect life, property, and the environment from bush fire hazards, and encourages sound management of bushfire prone areas. The Planning Proposal must:

- have regard to *Planning for Bushfire Protection 2019*;
- introduce controls that avoid placing inappropriate developments in hazardous areas; and
- ensure that bushfire hazard reduction is not prohibited in the Asset Protection Zone (APZ).

The proponent has submitted a Bushfire Strategic Study that investigates the site's capability for the creation of an additional future lot for the purposes of large lot residential development. The Study has been undertaken in accordance with NSW Rural Fire Services *Planning for Bushfire Protection 2019*.

The Bushfire Strategic Study identifies that:

- The land's vegetation type is grassland (west) and forest (east). The site slope is upslope and flat to the east, west and south, and 0-5 degrees downslope to the north.
- A future additional dwelling on the additional lot can accommodate suitable Asset Protection Zones (APZs) within the same lot, and can achieve a Bushfire Attack Level (BAL) of 29 kW/m<sup>2</sup> or less.
- Each lot will have its own frontage to Gorman Road and therefore will enable the safe evacuation of all vehicles in accordance with *Planning for Bushfire Protection 2019*.
- Reticulated/mains water is not available to the land. Static water supply is capable of being provided to future dwellings by way of a dedicated fire-fighting supply tank.

The concept plan submitted with the Planning Proposal details a building envelope greater than 200 metres in distance from the access road, which is a prescribed acceptable solution under *Planning for Bushfire Protection 2019*. However, there is scope to alter the location of the building envelope that will be outside overland flood prone areas and still meet the water quality requirements of the submitted Site and Soil evaluation if required.

Gorman Road is not a through road, therefore, the site's evacuation route is southward to Sydney Road, a distance of 1.7 kilometres. From there, vehicles can either evacuate to the north or to the



south. Gorman Road is sealed to a width of approximately 5.5 metres with an overall road reserve width of 20 metres.

It is considered that the Planning Proposal presents a low risk for isolation for future occupants, in the event of a bushfire. Gorman road has the capacity to service emergency vehicles in the event of a bushfire and in accordance with *Planning for Bushfire Protection 2019*. In addition, the Gorman Road precinct has limited additional capacity for additional future residential growth (i.e. in the order of 24 large lot dwellings).

Section 3.17 of the *Goulburn Mulwaree Council Development Control Plan (DCP) 2009* includes provision for development within bushfire prone land to be carried out in accordance with *Planning for Bushfire Protection 2019*. The development proponent will be required to demonstrate how the proposal will meet each relevant requirement.

Considering Ministerial Direction 4.3 it is considered that each of the requirements can be met. Council will consult with and seek any feedback from the NSW Rural Fire Service (RFS) as part of the gateway determination, and prior to public exhibition.

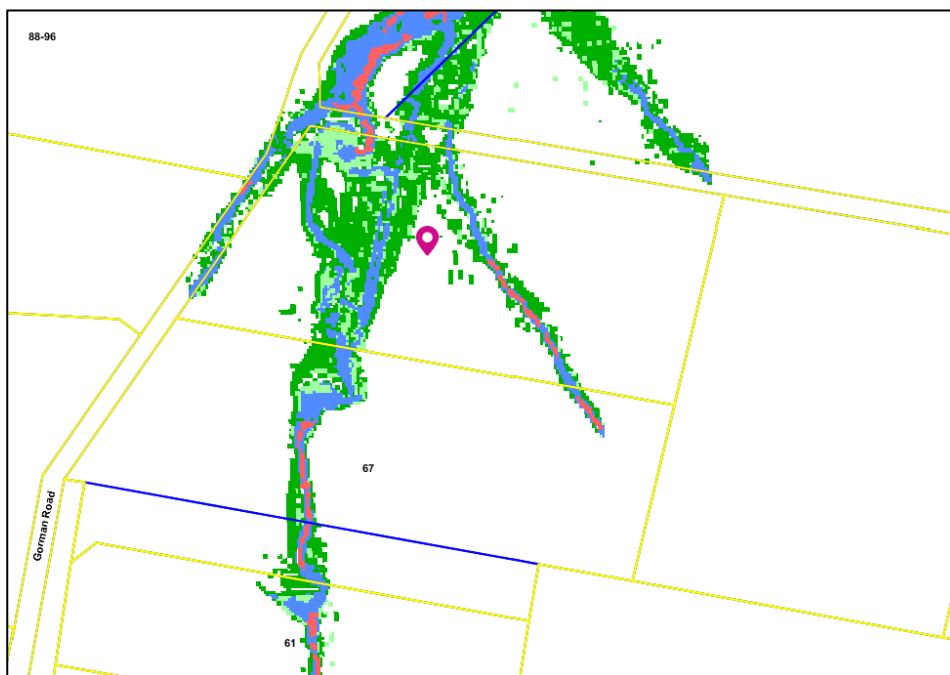
### Access

The Planning Proposal facilitates the creation of an additional lot and future additional dwelling. Each lot indicated on the concept plan has frontage to Gorman Road which enables direct and independent access to be achieved, incorporating suitable sight distance.

Given the minor increase in development potential for this site, it is anticipated that no intersection or road upgrades will be associated with this proposal other than a future driveway crossing.

### Flooding

The land is subject to overland flooding impacts that follow the existing riparian areas. Refer to **Figure 3** below.



**Figure 3. Extent of overland flooding**

Ministerial Direction 4.1 requires that Planning Proposals that impact flood prone land are consistent with NSW Flooding Manuals and Guidelines, and an adopted Council Flood Study. The

objectives of this Ministerial Direction are to ensure that consideration has been given to potential flood impacts.

The subdivision concept plan has demonstrated that an additional lot can accommodate a dwelling that is free from flooding risk. The access driveway from Gorman Road will be subject to some inundation. However, depth and velocity data have been considered for the area likely to accommodate an access driveway and it is concluded that access can still be facilitated during the most severe flood, being the Probable Maximum Flood (PMF).

During this flood event, flood depths will be up to 31cms and velocity will be up to 1.3 metres per second. In accordance with the Department of Planning and Environment document *Flood Hazard, Flood Risk Management Guideline FB03*, prepared in June 2023, this places the risk category to 'least constrained' and is safe for vehicles, people and buildings.

It is noted that parts of Gorman Road, are subject to overland flooding in accordance with **Table 1**, **Table 2** and **Table 3** below:

**Table 1: Overland flood maximum depth and velocity data for Gorman Road, along the site frontage.**

<b>Flood Event (Annual Recurrence Interval)</b>	<b>Depth (metres)</b>	<b>Velocity (Metres/second)</b>
1%	0.02	0.22
0.05%	0.036	0.7
Probable Maximum Flood (PMF)	0.055	0.9

**Table 2: Overland flood maximum depth and velocity data along the frontage of 14 Gorman Road (Lot 491 DP 669162).**

<b>Flood Event (Annual Recurrence Interval)</b>	<b>Depth (metres)</b>	<b>Velocity (Metres/second)</b>
1%	0.18	0.6
0.05%	0.34	0.9
Probable Maximum Flood (PMF)	0.46	1

**Table 3: Overland flood maximum depth and velocity data from 14 Gorman Road to evacuation point (service station- 53 Sydney Road).**

<b>Flood Event (Annual Recurrence Interval)</b>	<b>Depth (metres)</b>	<b>Velocity (Metres/second)</b>
1%	0.01	0.18
0.05%	0.024	1.13
Probable Maximum Flood (PMF)	0.234	2.7

It is noted that the flood data presented in the Tables above are considered against the highest and most severe event scenarios.

The depth and velocity data for Gorman Road, at the site frontage, as per Table 1, will pose the least hazard and therefore can be utilised by people and vehicles during a PMF event.

As shown in Table 2, the frontage of 14 Gorman Road presents the greatest flood hazard for persons and vehicles, particularly during a PMF event. The flood hazard category is unsafe for small vehicles, although would be considered a low hazard for people and larger vehicles (not necessarily a four wheel drive vehicle).

Considering Table 3, the PMF event, from the frontage of 14 Gorman Road, to an evacuation point (service station) at 53 Sydney Road incorporates a significant velocity figure for the deepest point of inundation (0.234 metres). This results in a moderate hazard classification for people (adults) and surpasses a safe depth for children, when it comes to the stability of people in floods. A large 4WD vehicle would be required at a minimum to cross these floodwaters, considering the stability of vehicles during a PMF event.

Considering the above, the data for a 0.05% ARI was obtained to understand what the flood behaviour would be for a 1 in 2000 year flood event, being the flood event that is most severe, after a PMF flood event. The deepest point of inundation is 0.34 metres, and the maximum velocity is 0.9 metres per second, which results in a low hazard classification.

Considering the data above, and that this Planning Proposal is to rezone land to enable one additional large lot residential allotment to be created, the overall risk is considered to be acceptable. It will be possible to evacuate the site by a small vehicle, including crossing of shallow floodwater in a large majority of flood events.

The figures considered above for a PMF event, being the most severe but rarest flood event, largely result in a low risk hazard classification, with the exception of part of the frontage of 14 Gorman Road resulting in a moderate hazard classification. This still enables the safe evacuation of adult persons by foot if required, otherwise by a 4WD vehicle.

### Biodiversity

The land has potential to contain significant native flora and fauna due to the rural nature of the land and presence of remnant native vegetation.

An Ecological Impact Assessment (EIA) has been submitted that investigates the site's potential for the occurrence of native flora. The report has been reviewed by Council's Environment and Biodiversity Assessment Officer and a site inspection has been undertaken.

The eastern portion of the land which remains largely uncleared is dominated by Plant Community Type (PCT) 3747 Southern Tableland Western Hills Scribbly Gum Forest, which is in good condition. The Planning Proposal is occurring within the disturbed western portion of the land and therefore avoids any potential impacts on the biodiversity values of this PCT.

The western portion of the land is disturbed and contains remnants of PCT 3376 Southern Tableland Grass Box Woodland, consisting of scattered trees. This PCT is in degraded condition. The indicative building envelope, access driveway and lot layout avoid areas of native vegetation and impacts on biodiversity.

Council's Environment and Biodiversity Assessment Officer also notes that *no threatened flora or fauna species have been found to be present on the subject land, but it is likely that some fauna species may utilise the area for foraging on occasion. These include Dusky Woodswallow, Varied Sitella, Scarlet Robin, Flame Robin and Diamond Firetail.*

It is considered that the Planning Proposal is not likely to have significant impacts on any threatened species (ecological communities, flora, fauna, populations or habitats) and will therefore meet the 'avoid, minimise and offset' hierarchy under the *Biodiversity Conservation Act 2016* as prescribed by the *South East and Tablelands Regional Plan 2036*.

### Water Quality

The land is located within the Sydney Drinking Water Catchment. Ministerial Direction No. 3.3 contains the objective that water quality must be protected. The other principle to be applied is that development must have a neutral or beneficial impact on water quality. Future land use within the catchment is to be matched to land and water capability. The development proponent has submitted a Wastewater Management: site and soil evaluation that considers on-site waste-water capability and stormwater quality management, for the proposed concept design.

The report concludes that a neutral or beneficial impact on water quality is able to be achieved for a 2 lot residential subdivision, and for a future new dwelling assuming five (5) bedrooms. The report includes a potential effluent disposal area outside any overland flood prone areas. The most suitable wastewater treatment system is one that accommodates secondary treatment due to surface water constraints, and subsurface irrigation.

As required by the Ministerial directions, Water NSW will be consulted, and advice sought prior to the Planning Proposal being submitted to the Department of Planning, Housing and Infrastructure for a gateway determination.

### **Conclusion and Recommendation**

The Planning Proposal is consistent with the Urban and Fringe Housing Strategy in that the land is:

- Included within the Gorman Road Precinct;
- Proposed to be rezoned to Large Lot Residential; and
- Proposed to incorporate a minimum lot size of 2 hectares.

Following the consideration of all submitted technical information, the Planning Proposal has demonstrated that:

- Future development impacts from overland flooding can be adequately managed.
- Compliance with *Planning for Bushfire Protection 2019* can be achieved for a future subdivision and dwelling proposal.
- Future subdivision and dwelling proposals can demonstrate a neutral or beneficial impact on water quality.
- Future lot access to and from Gorman Road can be facilitated in a safe manner.

There is sufficient information and justification to proceed with the preparation of a Planning Proposal and to seek a gateway determination from the Department of Planning, Housing and Infrastructure, subject to the development proponent submitting, for Council's consideration, the following information:

- An updated Preliminary Site Investigation (PSI) to recommend on the suitability of the site to accommodate future large lot residential uses. A Detailed Site Investigation (DSI) is also required, should it be recommended.
- An updated Aboriginal and Historical Cultural Heritage Due Diligence Assessment, to include details of consultation with the Local Aboriginal Land Council.
- An updated Aboriginal and Historical Cultural Heritage Due Diligence Assessment, to address potential impacts to locally listed heritage items in the vicinity of the site.

The concept plan is to be altered to ensure that the existing zone and lot size boundary remain unchanged, as per the intent of Planning Proposal.

**FINANCIAL IMPLICATIONS**

There are no known financial implications of this Planning Proposal.

**LEGAL IMPLICATIONS**

There are no known legal implications of this Planning Proposal.



## P L A N N E D

12 October 2023

Kate Wooll  
Business Manager Strategic Planning  
Goulburn Mulwaree Council  
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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 only<sup>1</sup>.

<sup>1</sup> 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.

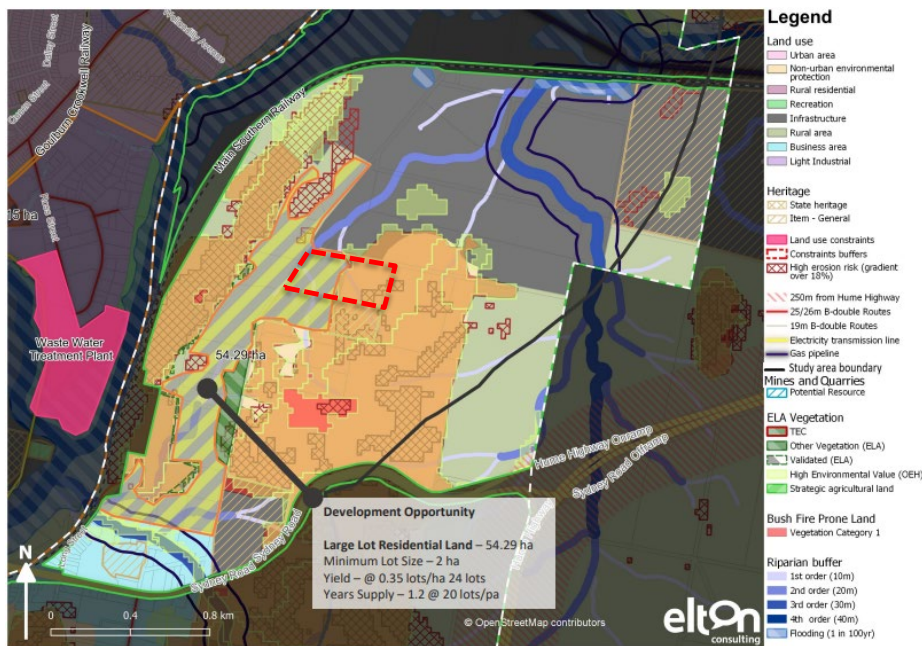


Figure 3: Extract from Urban and Fringe Housing Strategy (location of the subject land outlined red)

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](mailto:elizabeth@planned.net.au).

Yours sincerely,

*Elizabeth Slapp*

**Elizabeth Slapp RPIA**  
Senior Town Planner



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## P L A N N E D

### 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).

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# P L A N N E D

ATTACHMENT 3 - Extract from the Conceptual Subdivision Layout Plan

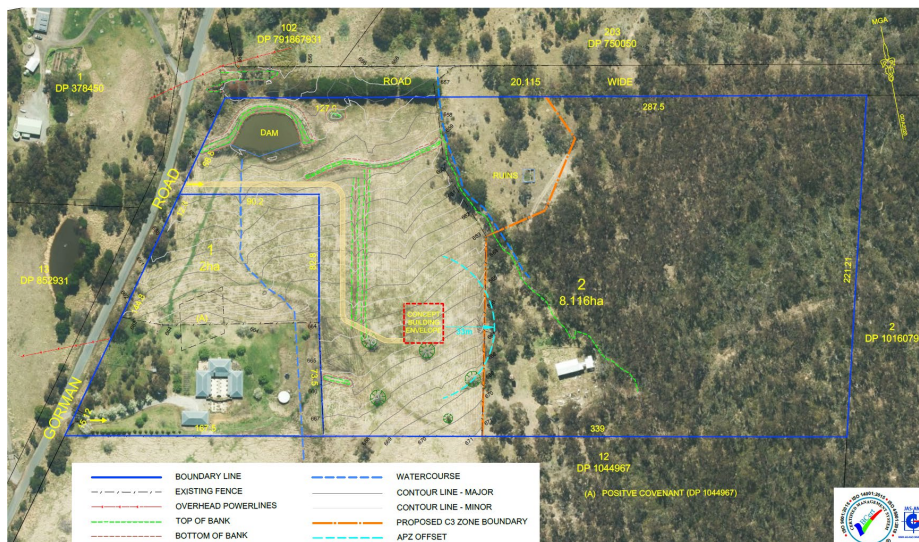
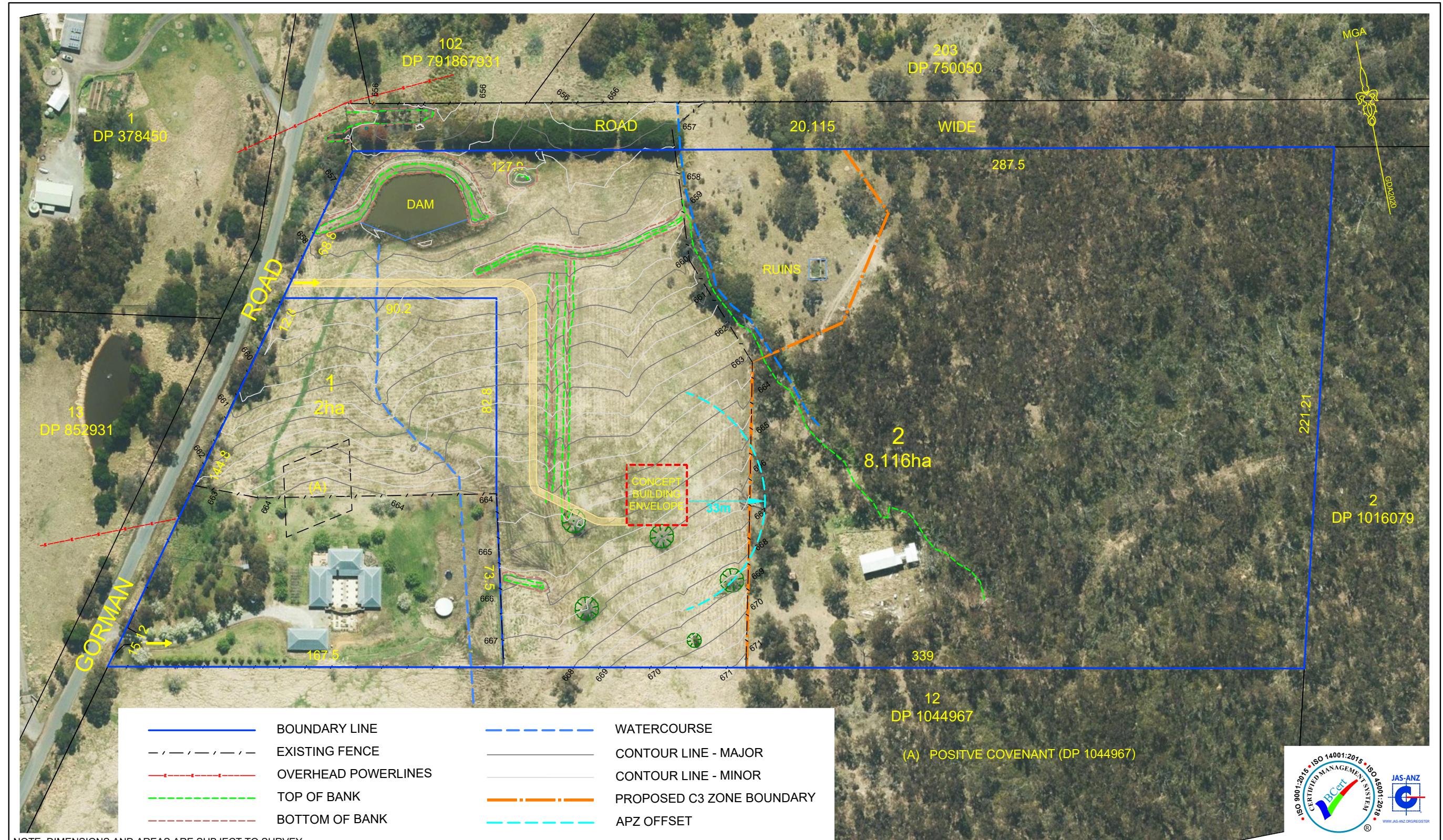


Figure 7: Extract from Conceptual Subdivision Layout Plan



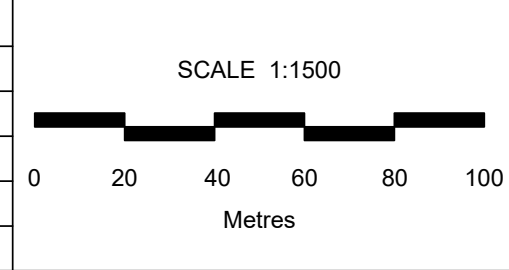






NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY

ISSUE	AMENDMENT	DATE
A	INITIAL ISSUE	24/09/2021
B	BOUNDARY ADJUSTMENT	28/01/2022
C	BOUNDARY ADJUSTMENT	29/03/2022
D	EXTRA DETAIL	19/07/2022
E	BUILDING ENVELOPE ADDED	25/08/2023



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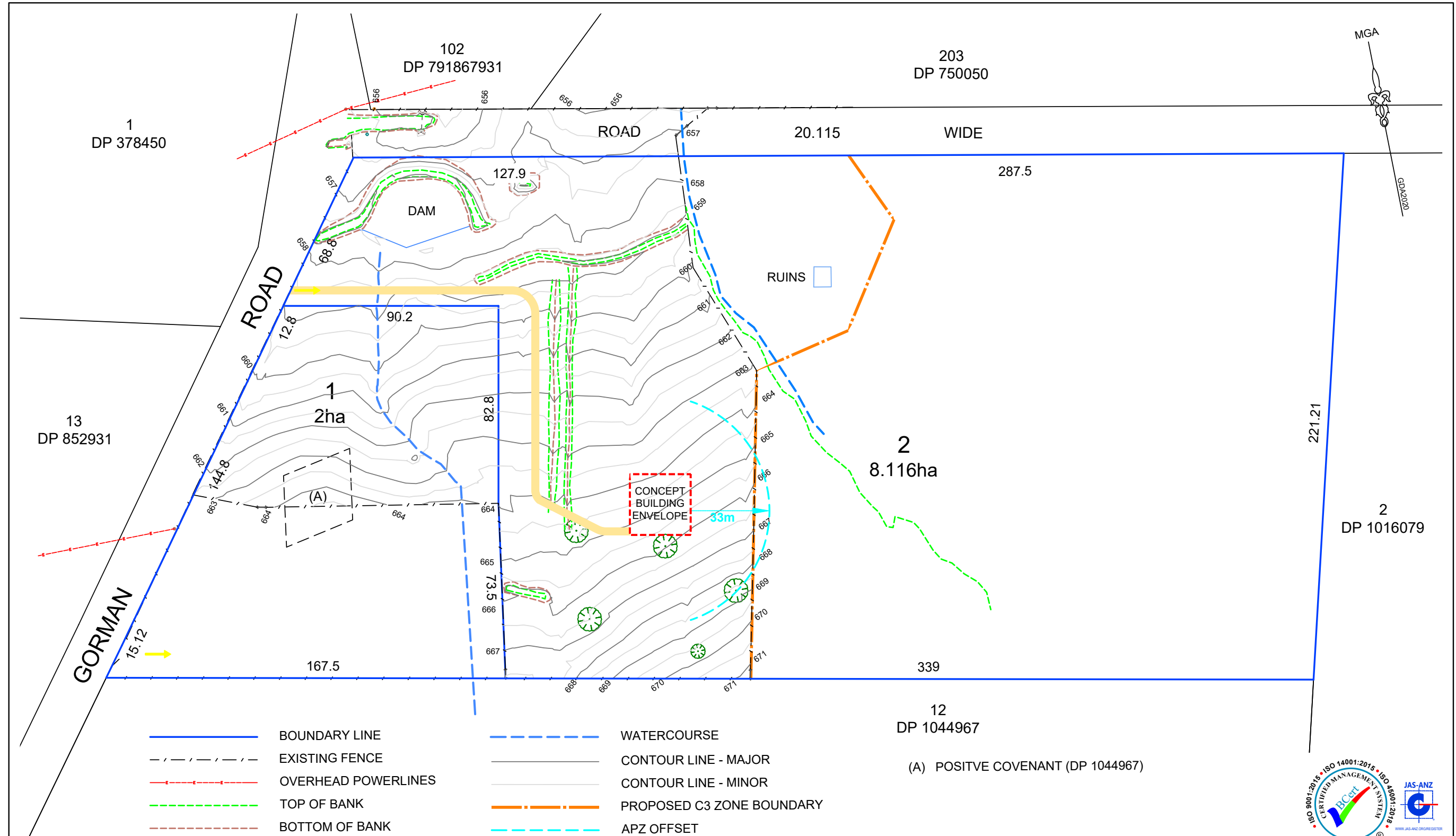


A3 SHEET  
**J & B HOSKINS**  
 GOULBURN MULWAREE COUNCIL  
 PLAN  
 OF PROPOSED SUBDIVISION  
 LOT 11 1044967,  
 69 GORMAN ROAD, GOULBURN.

DATE: 23/09/2021	ISSUE <b>E</b>
SURVEYED: N/A	
DRAWN: SH	DRAWING No. <b>215271-DA01-01</b>
CHECKED: JK	
DATUM: N/A	
CONTOUR INTERVAL: N/A	







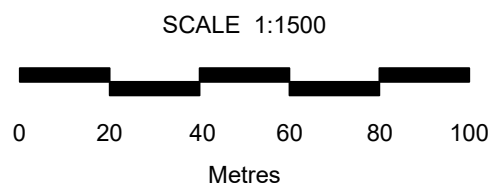
- BOUNDARY LINE
- - - - - EXISTING FENCE
- · - · - OVERHEAD POWERLINES
- - - - - TOP OF BANK
- - - - - BOTTOM OF BANK
- - - - - WATERCOURSE
- CONTOUR LINE - MAJOR
- CONTOUR LINE - MINOR
- · - · - PROPOSED C3 ZONE BOUNDARY
- - - - - APZ OFFSET

(A) POSITIVE COVENANT (DP 1044967)



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 PLAN  
 OF PROPOSED SUBDIVISION  
 LOT 11 1044967,  
 69 GORMAN ROAD, GOULBURN.

DATE: 23/09/2021  
 SURVEYED: N/A  
 DRAWN: SH  
 CHECKED: JK  
 DRAWING No.  
**215271-DA01-02**

DATUM: AHD CONTOUR INTERVAL: 0.5m

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8 - Gorman Rd constraints and opportunities

