



Goulburn Mulwaree Council

**Planning Proposal to Rezone 36 Howard Boulevard,
Goulburn from RE1 Public Recreation to R1 General
Residential**

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Exhibition Version**



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Introduction

This planning proposal seeks to rezone a Council owned site at 36 Howard Boulevard, Goulburn NSW 2580 (the Subject Site) from RE1 Public Recreation to R1 General Residential, and the establishment of a minimum allotment size of 700m². The site is located within an existing, low density residential area, north of the Wollondilly River, and approximately 2.5 kilometres north of Goulburn CBD, as illustrated in **Figure 1**.

Figure 1 – Locality Plan



The site has an area of 3,219m² and comprises one lot (Lot 164, DP250803) which is currently zoned RE1 Public Recreation, being a vacant mown grassed area with no improvements.

The site is bounded Gibson Street to the west and Howard Boulevard to the north. Single storey detached dwellings are located to the east and south separated from the site by an internal public footpath which wraps around the site and links through to Gundry Street to the south.

The site is relatively flat, can access Council's reticulated water and sewer network, is in close to other areas of open space and is well connected via existing roads, bus routes and footpaths.

This planning proposal is Council-led and directly relates to a formal Collaboration Agreement between Goulburn Mulwaree Council (Council) and New South Wales Land and Housing Corporation (NSW LAHC) (now NSW Homes) which aims to facilitate improvements and increases to social housing within the local government area (LGA) via cooperation. The objectives of this agreement were identified by Council as a means of achieving several strategic actions relating to social and affordable housing adopted within

the [Social Sustainability Strategy and Action Plan \(2020\)](#), [Urban and Fringe Housing Strategy \(2020\)](#), and the [Local Strategic Planning Statement \(2020\)](#).

In pursuit of the Collaboration Agreement, Council subsequently received a request from NSW LAHC for a land swap where NSW LAHC would exchange ownership of a nearby area of parkland and Council would receive in exchange an area of parkland currently in NSW LAHC ownership being 29 Gibson Street (Lot 257 DP 749419), Goulburn as shown in **Figure 2** below.

Figure 2: Properties Subject to the Proposed Land Swap Between Council and NSW LAHC.



The subject site and this rezoning proposal follow on from the agreement with NSW LAHC. Council resolved to proceed with a Planning Proposal subject to a separate land reclassification process at its meeting held on 7 March 2023. A copy of the Council Report and Resolution dated 7 March 2023 is available in **Appendix 1**.

The subject site was originally classified as community land and a reclassification to operational land under the NSW [Local Government Act 1993](#) was required before any rezoning and subsequent development could take place as per Council's resolution 7 March 2023.

A public hearing on the reclassification was held on 14 September 2023 in which the public and stakeholders were provided the opportunity to make submissions on the proposed reclassification from operational land to community land. A total of 31 written submissions were received, 4 in support and 27 objecting to the reclassification.

Council at its meeting held the 19 December 2023 considered the responses to the public hearing, alongside the community benefit, and approved the land swap to NSW LAHC, the reclassification of the land to operational, and endorsed agreement to the rezoning. A copy of the Council report (including the Public Hearing Report) and Resolution from 19 December 2023 is available in **Appendix 2**.

Notwithstanding the above, it was identified during the preparation of this Planning Proposal that the Certificate of Title (**Appendix 2a**) for the Subject Site is constrained by a caveat relating to a public reservation. Council at its meeting of 18 June 2024 considered a further report on the Planning Proposal and Reclassification (**Appendix 2b**) which included the amendment of the Planning Proposal to include the reclassification of land as required in Section 30 of the *NSW Local Government Act 1993* in order for it to cease being a public reserve and to discharge the operation of any estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land. The reclassification of the site to “community” land under the Local Government Act 1993 was also included in the resolution to facilitate this process occurring through the Planning Proposal. A further public hearing will be held no sooner than 3 weeks following the closure of the public exhibition period for the Planning Proposal.

Council is not seeking to be the delegated plan making authority for this Planning Proposal in accordance with [LEP Practice Note \(PN 16-001\)](#).

Part 1- Objectives

1.1 Intended Outcomes

The objective of the planning proposal is to rezone No. 36 Howard Boulevard, Goulburn (the Subject Site) from RE1 Public to R1 General Residential, and to apply a minimum allotment size of 700m² to enable the provision of social and affordable housing in Goulburn’s existing urban landscape.

The planning proposal also intends to reclassify the site to “operational” land under Section 30 of the [NSW Local Government Act 1993](#) and to discharge any trusts, estates, interests, dedications, conditions, restrictions, and covenants affecting the land or any part of the land, except for—

- (a) any reservations that except land out of a Crown grant relating to the land, and
- (b) reservations of minerals (within the meaning of the [Crown Land Management Act 2016](#)).

Part 2- Explanation of Provisions

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

- Amending the land use zoning map of the GM LEP 2009 for Lot 164 DP250803 from RE1 Public Recreation to R1 General Residential.
- Amending the Minimum Lot Size map of the GM LEP 2009 for Lot 164 DP250803 from no minimum lot size to 700m².
- Amending Part 2, Schedule 4 Classification and reclassification of public land (to Clause 5.2) by inserting in the relevant columns: Column 1, Locality: Howard

Boulevard Park, Column 2, Description: Lot 164 DP250803, and Column 3: Any trust etc not discharged – Nil.

Figure 3 illustrates the current and proposed zoning and minimum allotment size amendment to the GM LEP 2009 for the site.

Figure 3 – Current and Proposed Zoning and MLS



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 planning proposal aims to achieve improved access to social housing for members of the local community as a key objective of Councils Collaboration Agreement with NSW LAHC. The objective of this agreement is to identify underutilised land within the local government area (LGA) that can be used for increasing the supply of social housing. The site provides the opportunity of developing social housing, as the subject site is located within a mix of existing government owned and privately owned housing. Providing more land for social housing also aligns with key priorities of the [Social Sustainability Strategy and Action Plan \(2020\)](#), [Urban and Fringe Housing Strategy \(2020\)](#), and the [Local Strategic Planning Statement \(2020\)](#).

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

A planning proposal is required to amend the zoning and minimum allotment size of the subject site to R1 General Residential and 700m². The current zoning of RE1 Public Recreation prohibits residential accommodation, and therefore would not permit social housing.

Rezoning of the land to accommodate residential uses can only be achieved through a planning proposal which also reclassifies the land to “operational” under the *Local Government Act, 1993* whilst discharging any trusts, estates, interests, dedications, conditions, restrictions, and covenants affecting the land or any part of the land.

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 22, 24, and 27 as detailed below:

Direction 22: Build socially inclusive, safe and healthy communities

Direction 22 of the *South East and Tablelands Regional Plan* promotes the establishment of neighbourhoods that are environmentally sustainable, socially inclusive, easy to access, healthy and safe. A core priority is locating parks and recreational facilities near residential areas, and ensuring provisions for walkways, cycleways, and public transport facilities.

The subject site is in an existing residential area which has good access to existing public transport networks, parks, open space, and cycleways. As discussed in detail in part 3.6.10, the site is located 290 metres from an existing active bus stop, providing connection to Goulburn's CBD. The site is also 300 metres from Leggett Park (to the east) and the Wollondilly walking and cycling track (to the south). The removal of this park will not adversely impact existing residents due to the proximity of other open space in the precinct, which will also benefit new residents of this site if developed for residential use.

The proposal is consistent with Direction 22 as the site can take advantage of the proximity to existing recreational and transport infrastructure, thereby encouraging and promoting social inclusivity.

Direction 24: Deliver greater housing supply and choice

Direction 24 of the *South East and Tablelands Regional Plan* seeks to encourage greater supply and choice of housing through the promotion of strategies that take advantage of both infill and greenfield developments. The strategy aims to respond to the housing needs of demographic subgroups, especially the rise in single person households, and the need for more affordable housing.

This proposal seeks to rezone land currently zoned as RE1 Public Recreation to R1 General Residential in accordance with an agreement between Goulburn Mulwaree Council and NSW LAHC to improve the availability of social housing in the Goulburn region. This objective is outlined as a priority in Council's *Social Sustainability Strategy and Action Plan*, *Urban and Fringe Housing Strategy* and the *Local Strategic Planning Statement* as a key housing priority to meet the growing need for the provision of social housing for residents. Specific housing design has not been provided in this planning proposal, however, the zoning of the land to R1 General Residential will enable the permissibility of a broad range of residential accommodation including residential flat buildings and multi dwelling housing. This has the potential to encourage a wider variety of housing types and densities to accommodate dwelling occupancy changes, namely single person and single parent households.

The planning proposal is consistent with Direction 24 and related actions 24.3 by rezoning underutilised public recreational land to R1 General Residential to promote housing variety and density located in an existing residential area.

Direction 27: Deliver more opportunities for affordable housing

Direction 27 of the *South East and Tablelands Regional Plan* seeks to encourage initiatives and incentives to improve the provision of affordable housing, and to facilitate greater housing diversity, specifically smaller dwellings to meet the needs of changing household composition.

Council has supported a land swap and consequential rezoning of the subject site to facilitate the construction of social housing in this region. This objective is consistent with the [Social Sustainability Strategy and Action Plan](#) as it identified that there is a need to improve the availability of social housing to enable affordable, quality, and secure shelter to improve the wellbeing and dignity of the most vulnerable members of our community. The [Urban and Fringe Housing Strategy](#) also illustrates the need for social housing in the region. It identified that studio and one-bedroom dwellings have a wait time of more than ten years, and that Goulburn's shortage of public

housing could be problematic due to an increase in single person households and demand for one bedroom and studio dwellings. In addition to this, the agreement between Council and NSW LAHC aligns with the directive in the [Local Strategic Planning Statement](#) requiring Council to advocate for increased social housing.

The rezoning of the subject site will enable NSW LAHC to design and construct social housing in line with the design principles of the [State Environmental Planning Policy \(Housing\) 2021](#). The R1 General Residential zoning also provides greater permissibility for different dwelling types, enabling the proposal to provide, in principle, options for varied dwelling types and densities.

The proposal is consistent with Direction 27 as it provides more social housing in the Goulburn region, offering safe and appropriate accommodation for vulnerable community members.

3.3.2 Draft South East and Tablelands Regional Plan 2041

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

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

3.3.3 The Goulburn Mulwaree Community Strategic Plan 2042

The [Goulburn Mulwaree Community Strategic Plan 2042](#) identifies priorities 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:

- Strategic Objective: Our communities have access to affordable and safe accommodation and housing.
- Strategic Objective: Safe and quality transport options are available for all residents to access major centres and services

The planning proposal aims to achieve affordable and safe accommodation and housing through the rezoning of the subject site to R1 General Residential to enable LAHC to provide social housing. This objective is outlined as a priority in Council's [Social Sustainability Strategy and Action Plan](#), [Urban and Fringe Housing Strategy](#) and the [Local Strategic Planning Statement](#) as a key housing goal to meet the growing need for the provision of social housing for residents. Specific housing design has not been provided in this planning proposal, however, the zoning of the land to R1 General Residential will enable the permissibility of hostels, residential flat buildings, and multi dwelling housing.

The subject site will use existing road infrastructure and bus stops as the primary means of transportation to the site. Details are discussed in section 3.6.10 of this report. These transport connections provide provision for commutes into the central business district, along with other areas of Goulburn. The site is surrounded by existing footpaths that link to local parks and recreational facilities.

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 3: Community Facilities, Open Space and Recreation** which illustrates the importance of parks and open space for the community to engage in recreational activities. It also identifies current oversupply of local parks and notes the need to rationalise the use of these facilities.

The reclassification of the subject site from "Community Land" to "Operational Land" under the [Local Government Act 1993](#) also requires consideration of the need for a park in this location. The site, in its current form, is an underutilised recreation space, and provides no supporting recreational facilities. The loss of this site as a recreational facility would not constitute a loss due to the following reasons.

- The proximity of two other recreational sites within 300m (to the east and south) illustrates the existing residential area has an adequate provision of recreational space that is already zoned and used accordingly.
- The rezoning of the subject site will not subtract from the objective of providing quality parks and recreational space for residents, as Council will receive ownership of 29 Gibson Street, Goulburn (Lot 257 DP749419), a site which is already zoned as recreational space and adjoins the Riverside Walkway.
- Upon rezoning of the subject site, LAHC will provide Council new public recreation improvements to the value of \$170,000 for 29 Gibson Street. Facilities that would be constructed on the site may include pathways, picnic tables, picnic shelters, barbeque equipment, public exercise equipment, a dog-park, or a children's bike or scooter track. The exact type of facilities is yet to be determined between Council and LAHC, however, such facilities would improve the quality of public open space, and contribute to the recreational improvements, thereby meeting Planning Priority 3.

The LSPS includes **Planning Priority 4: Housing** which outlines the need for more social and affordable housing through the facilitation of housing diversity, especially the provision of studio and one and two bedroom dwellings. It also references key objectives of the [Urban and Fringe Housing Strategy](#), notably the consideration of "sites on a merit-basis where service lots within existing urban footprint become surplus to needs" as a consideration when delivering housing.

The key objective of the Collaboration Agreement is to increase the availability of social housing within the LGA. Rezoning the subject site to R1 General Residential will enable LAHC to develop social housing. Further, the use of the site to accommodate residential development aligns with directions of the *Urban and Fringe Housing Strategy*, considering the site is underutilised for its current purpose. The sites proximity to other residential dwellings, its ease of connection to town water and sewer, and the utilisation of existing transport linkages, shows in merit, that the site is suitable for residential development. This planning proposal is consistent with Planning Priority 4: Housing.

The LSPS includes **Planning Priority 8: Natural Hazards** which identifies that the Goulburn Mulwaree region is expected to face more severe and frequent bushfire, drought, and flooding events due to changing climatic conditions. The plan aims to identify, plan for, and mitigate for natural hazards where possible.

The subject site sits outside the bushfire prone area, and is not directly impacted by flood inundation identified in the [Goulburn Floodplain Risk Management Study and Plan 2022](#). Furthermore, the site has minimal impact from overland flow as outlined in the [Goulburn Overland Flow Mapping 2022](#). In the event of a probable maximum flood, the site has an evacuation route to the north of Goulburn. It is not expected that flooding or bushfire mitigation control measures will be needed to rezone the site.

The LSPS includes **Planning Priority 10: Natural Environments** which sets a vision for the protection and enhancement of natural environments and ecosystems. It also includes Action 10.8 Locate, design, construct and manage new developments to minimise impacts on water catchments, including downstream impacts and groundwater sources.

A biodiversity assessment was completed by Council's Biodiversity Assessment Officer which identified the presence of various flora and fauna including an apple tree (*Malus* sp.), exotic grasses and pasture weeds, and various groundcover species as detailed in **Appendix 3**. Despite the presence of these, the site contained no threatened ecologically endangered communities, is not of high biodiversity significance, outstanding biodiversity value, or includes a declared critical habitat. No significant habitat features were found on the land, plus the site has been historically cleared, is in a residential area, and subject to disturbance from pedestrian and vehicle movements. In its current form, development on the site is not likely to have any significant adverse impacts on biodiversity.

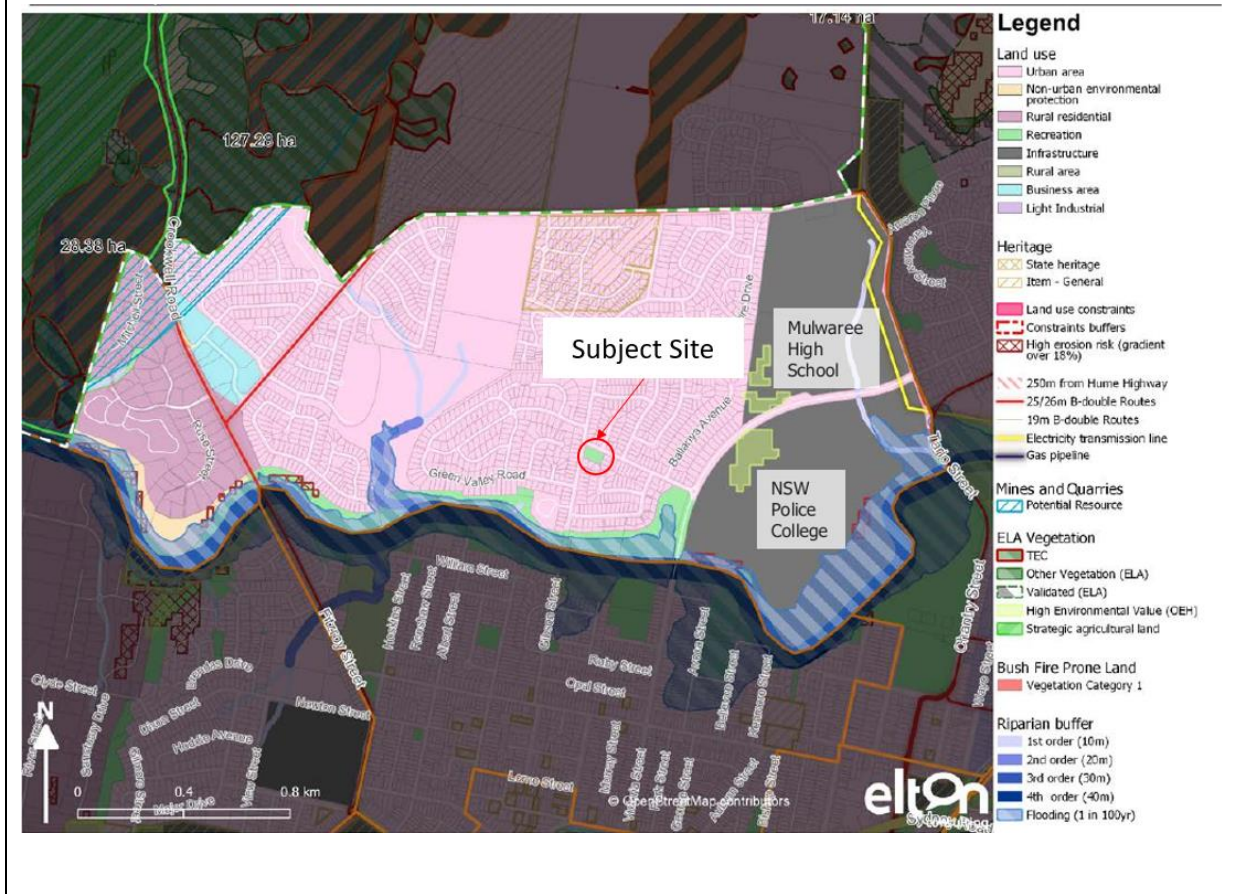
The site is within the Sydney drinking water catchment where development is required to achieve neutral or beneficial effect on water quality. Therefore, any development on the site will have to comply with the neutral or beneficial effect (NorBE) test for water quality and connect to existing sewerage and stormwater infrastructure.

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) in an existing developed area as illustrated in **Figure 4**. An aim of the strategy is to facilitate the provision of infill development. Infill development provides the opportunity to contain some growth within the existing urban footprint.

The planning proposal to rezone and amend the minimum allotment size of the site aligns with the infill objectives of the Urban and Fringe Housing Strategy by enabling the site to be rezoned and subsequently promote infill residential development.

Figure 4 - Urban and Fringe Housing Strategy Mary's Mount Constraints and Opportunities



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 the [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#) 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 in an existing residential area that is serviced by Goulburn's reticulated water and sewerage system (**Figure 5**). All future development on the site will need to connect to this system.

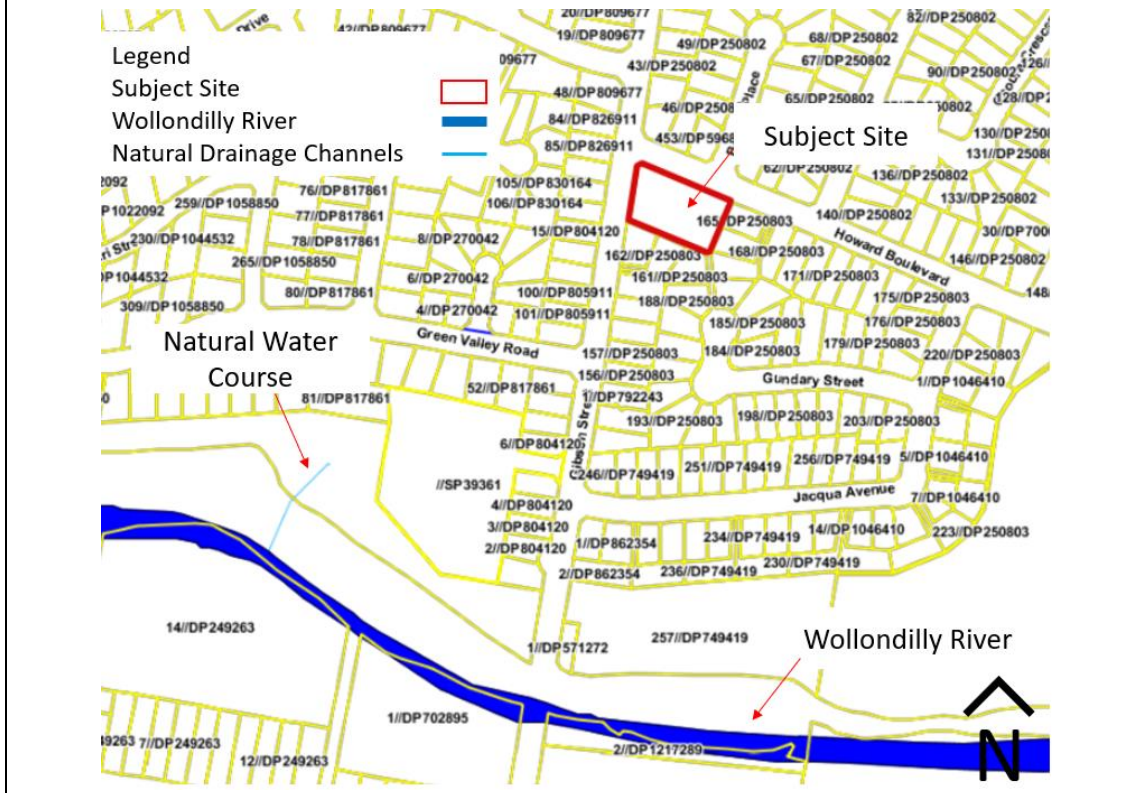
Figure 5 - Subject Site Proximity to Reticulated Water and Sewer System



Any further development of the site for residential accommodation will require either a development application or complying development certification process. NSW LAHC as a relevant authority can undertake its own Review of Environmental Factors (REF) pursuant to Chapter 2, Part 2 Division 6 of [State Environmental Planning Policy \(Housing\) 2021](#) (Housing SEPP). As the Housing SEPP permits residential development without consent (for up to 75 dwellings on land which permits that form of development i.e., residential flat building, multi dwelling housing, as permitted in the R1 General Residential zone). Regardless of the planning pathway for development, there is a requirement to consider environmental impacts such as water quality and meet the neutral of beneficial effect (NorBE) test requirements.

The site is located approximately 380 metres from the Wollondilly River and does not have any identified natural drainage channels running through it (**Figure 6**).

Figure 6 - Natural Drainage Channels Located near the Site



It is considered that the site will be capable of meeting NorBE requirements for water quality for a future residential development.

3.5.2 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 contaminated land register nor identified as significantly contaminated land by the NSW Environment Protection Authority (EPA).

A Preliminary Site Investigations (PSI) has been undertaken by EI Australia (Appendix ..) which found:

- *The site consisted of a vacant block of grassed land, utilised for recreational purposes (i.e., a park), and has been utilised this way since at least the 1970s.*
- *The local surroundings consist of low-density residential properties, with Wollondilly River located approximately 370m to the south. The former Goulburn Tannery is located further to the south.*
- *The site was free of statutory notices and licencing agreements issued under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997. No part of the property was included on the List of NSW Contaminated Sites Notified to the EPA.*
- *The site walkover revealed no obvious sources of contamination, with the entirety of the site being used for recreational purposes. A public concrete pathway ran along the eastern boundary of the site. Some natural soils and granite bedrock were exposed and accessible throughout the site. Historical aerial and street imagery revealed a children's playground was present on the site for at least a few years in the early 2000s and was demolished by 2009.*
- *The sub-surface conditions are expected to comprised of a minimal layer of filling (0.5m thickness), overlying natural Aeolian deposits, dominated by sand, silt and clay, followed by granite bedrock at depth. The potential for ASSs to be present was considered to be low.*
- *A major cut and fill operation was unlikely to have occurred on the property.*
- *The inferred groundwater flow direction was in a south easterly direction, concurrent with the local topography and concurrent with the Wollondilly River.*
- *The CSM established that the site posed a low risk with respect to land contamination, derived from several potential sources. The site has not been disturbed for several decades and is located in a low risk area, and is unlikely to be impacted by significant contamination sources.*

The PSI concludes:

Based on the findings of this PSI, and with consideration of EI's Statement of Limitations (Section 7), it is concluded that there was a low potential for contamination to exist on the site. Based on the site history and current site conditions EI consider that further intrusive investigations are not required and consider the site can be rezoned from 'RE1' to 'R1 residential' in accordance with the SEPP (Resilience and Hazards), 2021 under the Environmental Planning & Assessment Act (1979).

It is considered that the Planning Proposal is consistent with [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#).

3.5.3 State Environmental Planning Policy (Housing) 2021

The principles of this Policy are:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,
- (c) ensuring new housing development provides residents with a reasonable level of amenity,
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- (e) minimising adverse climate and environmental impacts of new housing development,
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- (h) mitigating the loss of existing affordable rental housing.

Comment:

This Proposal is consistent with the principles of [State Environmental Planning Policy \(Housing\) 2021](#) as the intended outcome is to rezone land to R1 General Residential to permit its development by NSW LAHC for social housing.

The R1 General Residential zone permits a broad range of residential accommodation; however, it is noted that NSW LAHC is likely to construct a residential flat building to accommodate the demand for seniors housing, specifically smaller dwellings which are underrepresented in the current social housing portfolio in Goulburn.

The provision of additional social housing will allow for further social housing opportunities for families in larger dwellings that are not fit for purpose for single aging occupants. This will assist in providing a broader range of affordable housing in the LGA.

The Subject Site is within an existing residential area in Goulburn which enjoys good amenity in relation to its proximity to established bus routes, recreational areas and other State services such as the recently upgraded Goulburn Base Hospital, schools, shops etc.

Council's Development Control Plan (DCP) provides design standards, but NSW LAHC also has its own design standards for new public housing. These standards consider a range of issues such as long-term maintenance (and overall build quality).

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 has been considered in Section 3.3.1 [South East and Tablelands Regional Plan](#) of the report. This planning proposal is consistent with this plan.

3.6.2 *Direction 1.3 Approval and Referral Requirements*

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

When this direction applies a planning proposal must:

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

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

The planning proposal seeks the rezoning and minimum allotment size amendment of the subject site to R1 General Residential to enable the construction of dwellings in an infill site. Dwellings are a permissible use within the RI General 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 site does not sit within a conservation zone or Terrestrial Biodiversity mapping layer in the [Goulburn Mulwaree Local Environmental Plan 2009](#). Council's Environment and Biodiversity Assessment Officer has undertaken an assessment of the site for biodiversity value (**Appendix 3**). A desk top review and site survey found:

" [A] Site inspection confirmed the findings of [the] desktop survey. The land has been historically cleared and is maintained by regular mowing.

The small tree identified on aerial imagery is an Apple Tree (*Malus* sp.).

The site is dominated by exotic grasses and pasture weeds, with a high component of African Love Grass *Eragrostis curvula*, Chilean Needle Grass *Nassella neesiana*, Paspalum *Paspalum dilatatum*, Kikuyu *Cenchrus clandestinus* Flatweed *Hypochoeris radicata*, Brazilian Whitlow *Paronychia brasiliensis* and Ribwort *Plantago lanceolata*.

The site does feature small numbers of some native groundcover species, including occasional patches of Couch *Cynodon dactylon*, Red Stem Grass *Bothriochloa macra* and Hairy Panic *Panicum effusum*, but these are not sufficiently abundant for the vegetation present on the land to be recognized as a PCT (Plant Community Type) under current biodiversity legislation.

Some scattered plants of Tufted Bluebell *Wahlenbergia communis* were found in the road reserve near the bus stop, but no plants of this species were found to be within the boundaries of the lot.

No threatened ecological communities, plants or animals were found to be present on the land. Given the previous and ongoing management of the site, it is not likely that any threatened flora or fauna are present on the land.

No significant habitat features such as large trees with hollows, loose surface rock, caves, fallen timber, water bodies, mistletoes or dense shrubs are present on the subject land. The land is surrounded by residential housing and subject to constant disturbance from people, domestic pets and vehicle traffic on Howard Boulevard and Gibson Street.

Development of this site (36 Howard Boulevard, Lot 164 DP 250803) is not likely to have any adverse significant impacts on biodiversity.”

Based on the above assessment the rezoning of the site to RE1 General Residential is consistent with this direction as it has considered whether any of the site is an environmentally sensitive area. Given that no areas of environmental sensitivity or high biodiversity value are present, the application of a conservation zone in this instance is not applicable.

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 site does not contain an item of environmental heritage, nor it is located within a heritage conservation area as defined by the [Goulburn Mulwaree Local Environmental Plan 2009](#). The closest item of environmental heritage is located approximately 620m to the north (I 1447 – Ravensworth). The site is not visible to or from Ravensworth and is separated by an existing urban residential area. Therefore, there are no identified impacts on European heritage identified in this Proposal.

Aboriginal Cultural Heritage

An Aboriginal Heritage Due Diligence Report was prepared by Artefact on the 21 March 2024 (**Appendix 4**) which investigated the potential for Aboriginal artefacts on the site by including a site inspection by a qualified archaeologist, and desktop research which considered:

- *Statutory requirements under the National Parks and Wildlife Act 1974 as amended.*
- *DECCW Due Diligence Code of Practice.*
- *The results of the AHIMS search and visual inspection* • *The likely impacts of the proposed development.*

The report found that:

- *According to the Aboriginal Heritage Study for Goulburn Mulwaree Council (AMBS 2012), the study area is situated within an area classified as 'Potential Aboriginal Artefacts'.*
- *The study area is not located within 200m of any sensitive landscape features.*
- *No AHIMS registered sites are located within or proximity to the study area.*
- *The study area contains high levels of ground disturbance that has likely greatly impacted archaeological evidence of Aboriginal use and occupation.*
- *No Aboriginal objects or areas of archaeological potential were identified during the visual inspection.*

The report made the following recommendations:

- *The study area does not contain and is not likely to contain any Aboriginal objects. It is recommended that no further Aboriginal heritage assessment or investigation are required, and the proposed works can proceed with caution.*
- *This Due Diligence assessment does not constitute consent to harm Aboriginal objects, nor it is a 'site clearance' mechanism to allow activities to occur in an area where Aboriginal objects are likely or known to be present.*

- *If Aboriginal objects are discovered during the proposed works, works must stop immediately and an assessment must be undertaken in accordance with Part 6 of the National Parks and Wildlife Act 1974. If the activity cannot avoid harm to Aboriginal objects, works cannot proceed until an Aboriginal Heritage Impact Permit has been issued.*

Since there is no likelihood of Aboriginal cultural heritage being present on the site and given the lack of identified impacts on European heritage it is considered that the Proposal is consistent with the Ministerial Direction and that no further provisions to protect cultural heritage are necessitated by the zoning change.

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:
 - f.

Land	Zone under Standard Instrument (Local Environment Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	C2 Environmental Conservation

Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked “Water Supply Systems” on the Land Zoning Map)
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and,

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

Comment:

The subject is located within the Sydney Drinking Water Catchment, as such this direction applies. The site is not, however, within a “Special Area”.

The site is located approximately 360 metres north of the Wollondilly River and is located within an existing urban residential area. The site is generally flat but does fall to the northwest (**Figure 7**).

Figure 7 - Street drainage network and 2m contours.



The site is situated within an existing residential area serviced by Goulburn’s reticulated sewer and water network (**Figure 8**). As such, all future development will be required to connect to existing sewer and water infrastructure to and to ensure any stormwater runoff is directed into the existing street drainage system and meets the water quality requirements of NorBE. **Figure 9** (Waterways and natural drainage paths) illustrates that the site does not have any waterbodies or natural drainage ways traversing the subject site.

Figure 8 - Reticulated water and sewer network

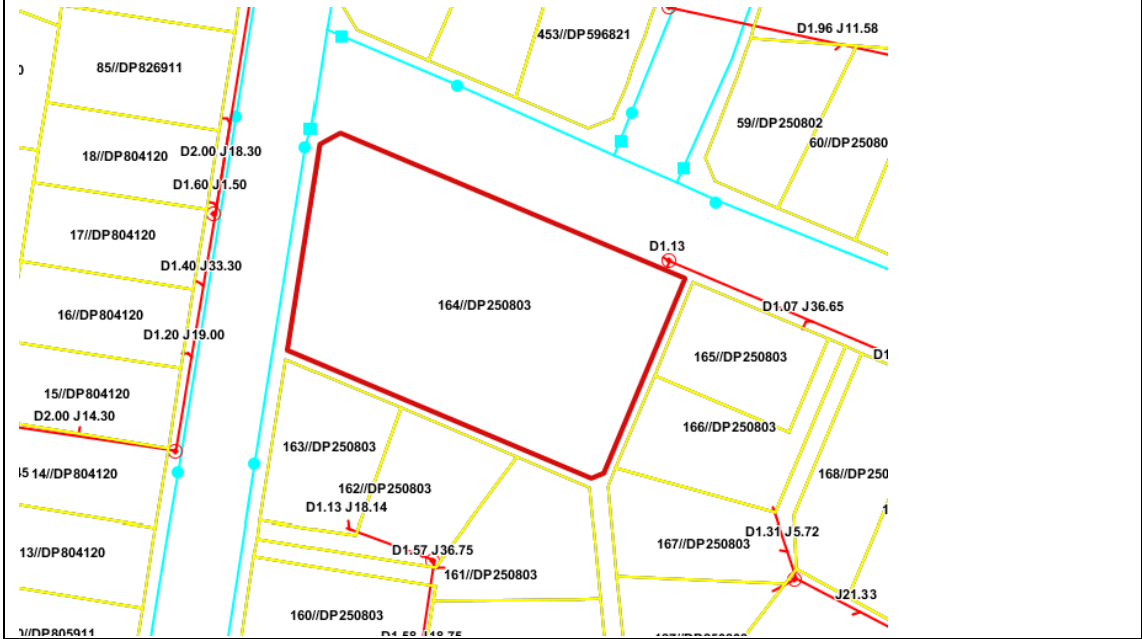
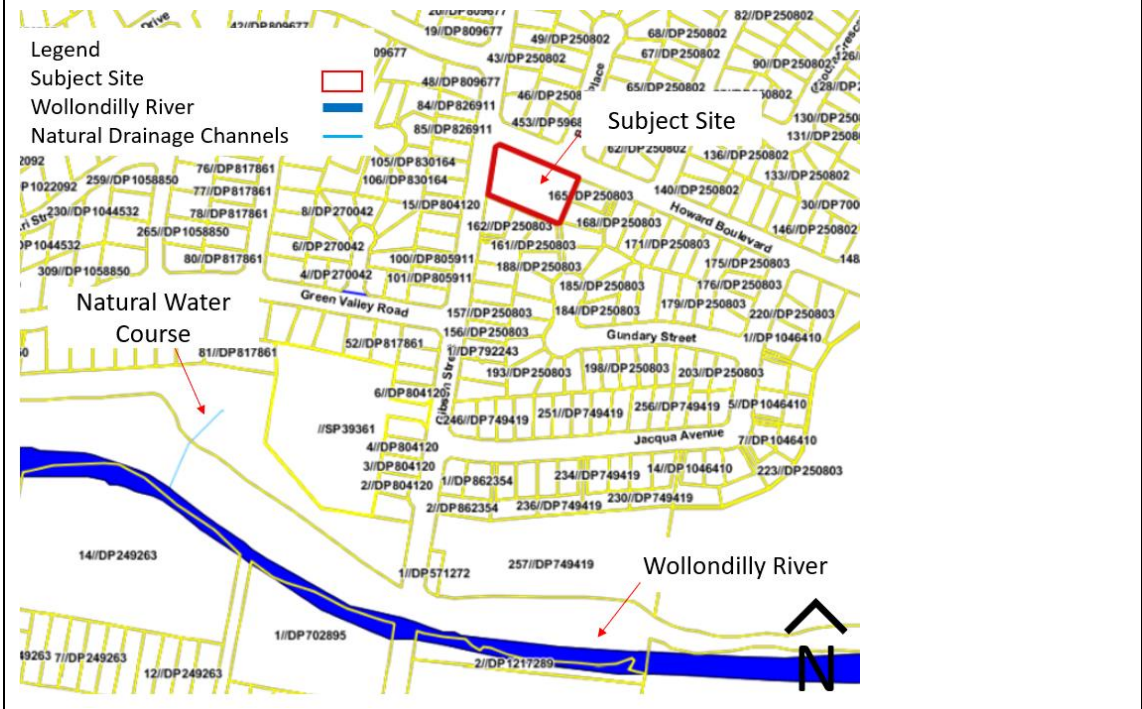


Figure 9 - Waterways and Natural Drainage Paths



The Strategic Land and Water Capability Assessment (SLAWCA) map provided by Water NSW indicates that the site is in the low risk category for residential sewerred lots in relation to water quality as shown in **Figure 10**.

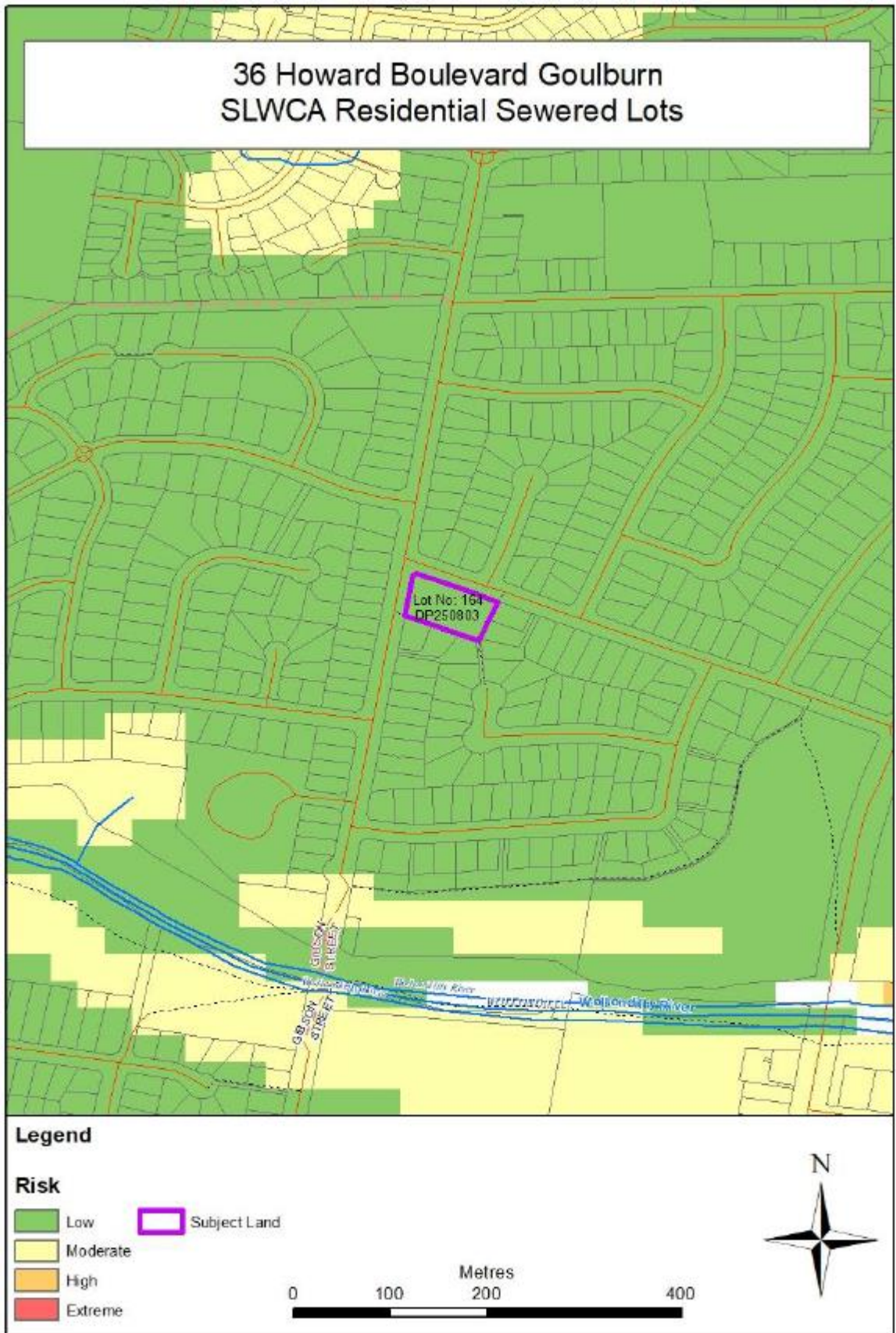


Figure 10- Strategic Land and Water Capability Assessment

Any further development of the site for residential accommodation will require either a development application or complying development certification process. NSW LAHC as a relevant authority can undertake its own Review of Environmental Factors (REF) pursuant to Chapter 2, Part 2 Division 6 of [State Environmental Planning Policy \(Housing\) 2021](#) (Housing SEPP). As the Housing SEPP permits residential development without consent (for up to 75 dwellings on land which permits that form of development i.e., residential flat building, multi dwelling housing, as permitted in the R1 General Residential zone). Regardless of the planning pathway for development, there is a requirement to consider environmental impacts such as water quality.

Council has consulted with Water NSW at the pre- Gateway, and at the post Gateway stages of the Planning Proposal process. The most recent advice from Water NSW dated 19 August, 2024 raises no objections to the proposal and there are no outstanding matters identified to be addressed.

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:

Applicability of Direction 4.1

The subject site is located approximately 360 metres north of the Wollondilly River in an established residential area.

The [Goulburn Floodplain Risk Management Study and Plan \(FRMSP\)](#) was adopted by Council on 16 August 2022 and has been developed in collaboration with the then Department of Planning, Industry and Environment. The flood study was prepared in accordance with and is consistent with:

- The NSW Flood Prone Land Policy
- The principles of the Flood Plain Development Manual 2005 (now the Flood Risk Management Manual 2023), and
- Considering flooding in land use planning guideline 2021.

The Goulburn FRMSP assessed riverine flooding and associated risk in Goulburn. The extent of the flood planning area (1% AEP + 0.8m freeboard) and the Probable Maximum Flood (PMF). **Figure 11** (FPA and PMF) illustrates that the site is outside the range of flood events for all design flood events including the PMF.

Figure 11 - FPA and PMF



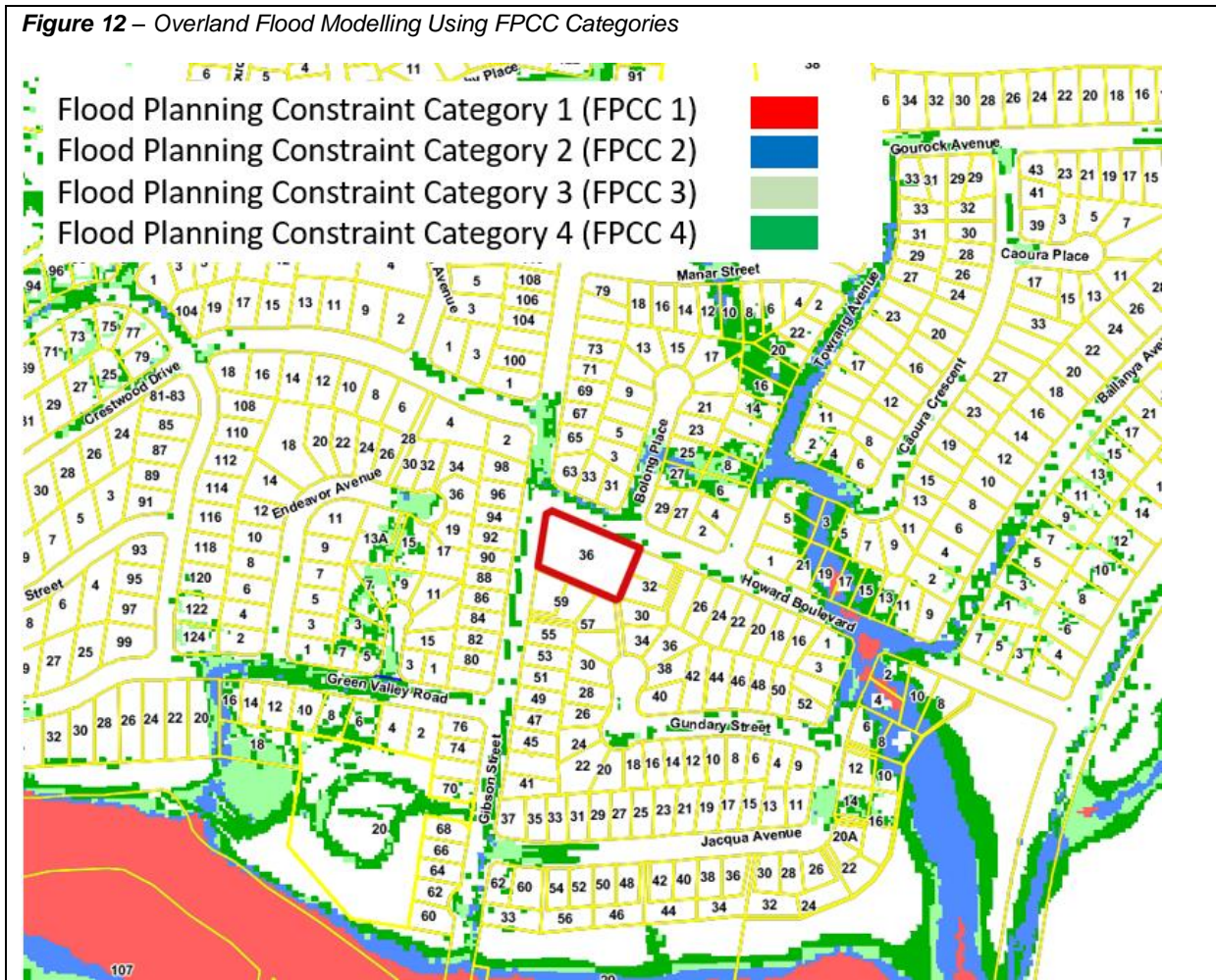
The Goulburn FRMSP and the [Goulburn Mulwaree Development Control Plan \(DCP\) 2009](#) flood policy implements Flood Planning Constraints Categories (FPCC) which groups similar types and scales of flood related constraints.

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 the table below:

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 of 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 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 evacuation occur.

In association with the Goulburn FRMSP 2022, Council commissioned [Overland Flow Mapping](#) using the same LiDAR and ARR 2019 information used for the FRMSP. This overland flood modelling has also been mapped using the FPCCs.

Figure 12 illustrates overland flood modelling. The site is located outside FPCCs 1-4.



Further, the site is surrounded with existing street drainage infrastructure that will enable appropriate levels of water management.

Direction 4.1 Flooding would not be applicable to the site as the land is not flood prone land in any PMF event (riverine or from overland flooding).

3.6.8 Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

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

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

Where this Direction applies:

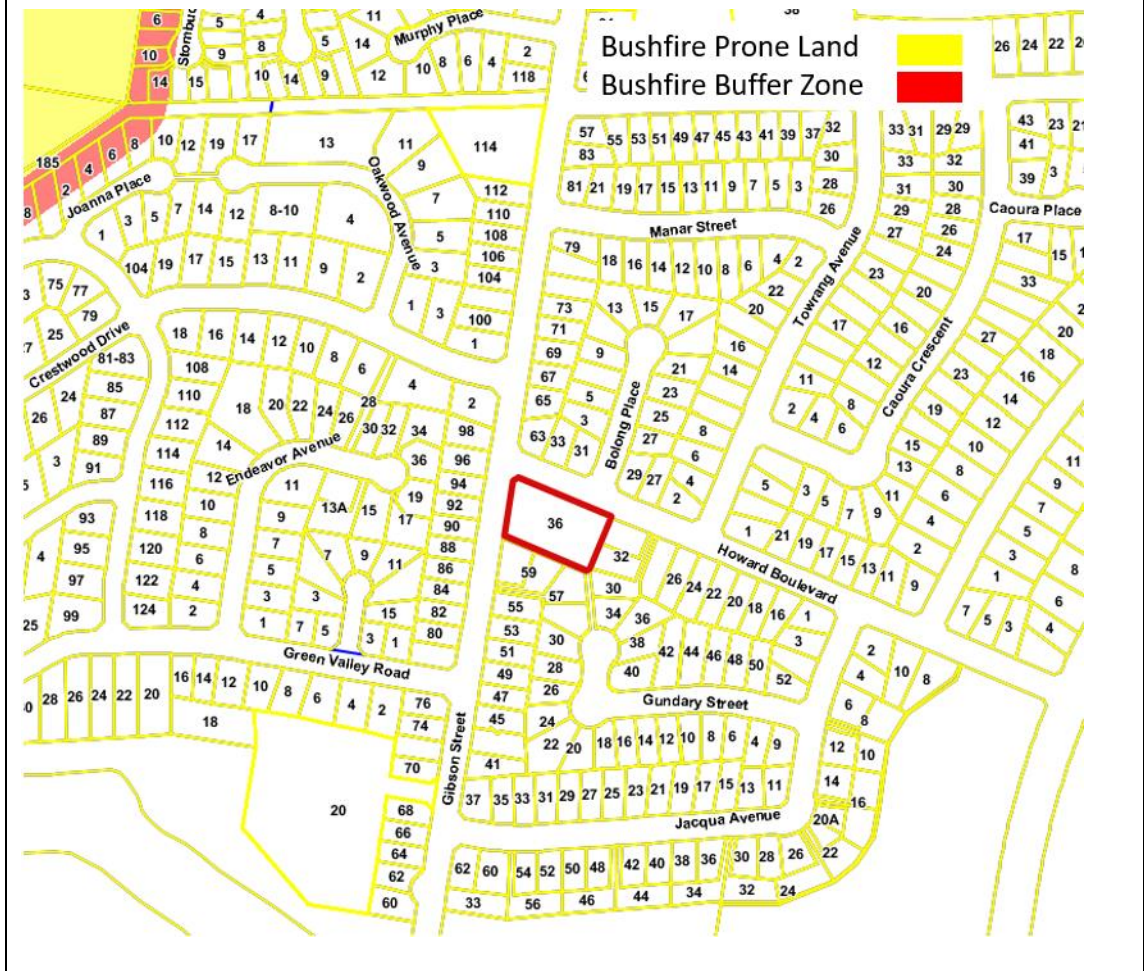
1. A relevant planning authority when preparing a planning proposal must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
 - a. Have regard to *Planning for Bushfire Protection 2019*,
 - b. Introduce controls that avoid placing inappropriate developments in hazardous areas , and
 - c. Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
 - a. Provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i. An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, with the property, and
 - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the permitter road.
 - b. For infill development (that is development within an already subdivided area) where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
 - c. Contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 - d. Contain provisions for adequate water supply for firefighting purposes,
 - e. Minimise the perimeter of the area of land interfacing the hazard which may be developed,
 - f. Introduce controls on the placement of combustible materials in the Inner Protection Area

Comment:

The subject site is located in an existing residential area and can be connected the Goulburn's reticulated sewer and water system. The site is located outside areas of identified bushfire hazard affectation on the Bush Fire Prone Land Map as illustrated in **Figure 13**.

As a result, this direction is not applicable as the site is not affected by, or near land mapped as bushfire prone land. Direction 4.3 Planning for Bushfire Protection does not apply.

Figure 13 – Bushfire Prone Land Map



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 contaminated land register nor identified as significantly contaminated land by the NSW Environment Protection Authority (EPA).

A Preliminary Site Investigation (PSI) has been undertaken by EI Australia (**Appendix 7**) which found:

- *The site consisted of a vacant block of grassed land, utilised for recreational purposes (i.e. a park), and has been utilised this way since at least the 1970s.*
- *The local surroundings consist of low density residential properties, with Wollondilly River located approximately 370m to the south. The former Goulburn Tannery is located further to the south.*
- *The site was free of statutory notices and licencing agreements issued under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997. No part of the property was included on the List of NSW Contaminated Sites Notified to the EPA.*
- *The site walkover revealed no obvious sources of contamination, with the entirety of the site being used for recreational purposes. A public concrete pathway ran along the eastern boundary of the site. Some natural soils and granite bedrock were exposed and accessible throughout the site. Historical aerial and street imagery revealed a children's playground was present on the site for at least a few years in the early 2000s and was demolished by 2009.*
- *The sub-surface conditions are expected to be comprised of a minimal layer of filling (0.5m thickness), overlying natural Aeolian deposits, dominated by sand, silt and clay, followed by granite bedrock at depth. The potential for ASSs to be present was considered to be low.*
- *A major cut and fill operation was unlikely to have occurred on the property.*

- *The inferred groundwater flow direction was in a south easterly direction, concurrent with the local topography and concurrent with the Wollondilly River.*
- *The CSM established that the site posed a low risk with respect to land contamination, derived from several potential sources. The site has not been disturbed for several decades and is located in a low risk area and is unlikely to be impacted by significant contamination sources.*

The PSI concludes:

Based on the findings of this PSI, and with consideration of EI's Statement of Limitations (Section 7), it is concluded that there was a low potential for contamination to exist on the site. Based on the site history and current site conditions EI consider that further intrusive investigations are not required and consider the site can be rezoned from 'RE1' to 'R1 residential' in accordance with the SEPP (Resilience and Hazards), 2021 under the Environmental Planning & Assessment Act (1979).

It is considered that the Planning Proposal is consistent with the Ministerial Direction.

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:

- Improving access to housing, jobs, and services by walking, cycling and public transport, and
- Increasing the choice of available transport and reducing dependence on cars, and
- Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- Supporting the efficient and viable operation of public transport services, and
- 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:

- Improving Transport Choice- Guidelines for planning and development (DUAP 2001), and*
- 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:

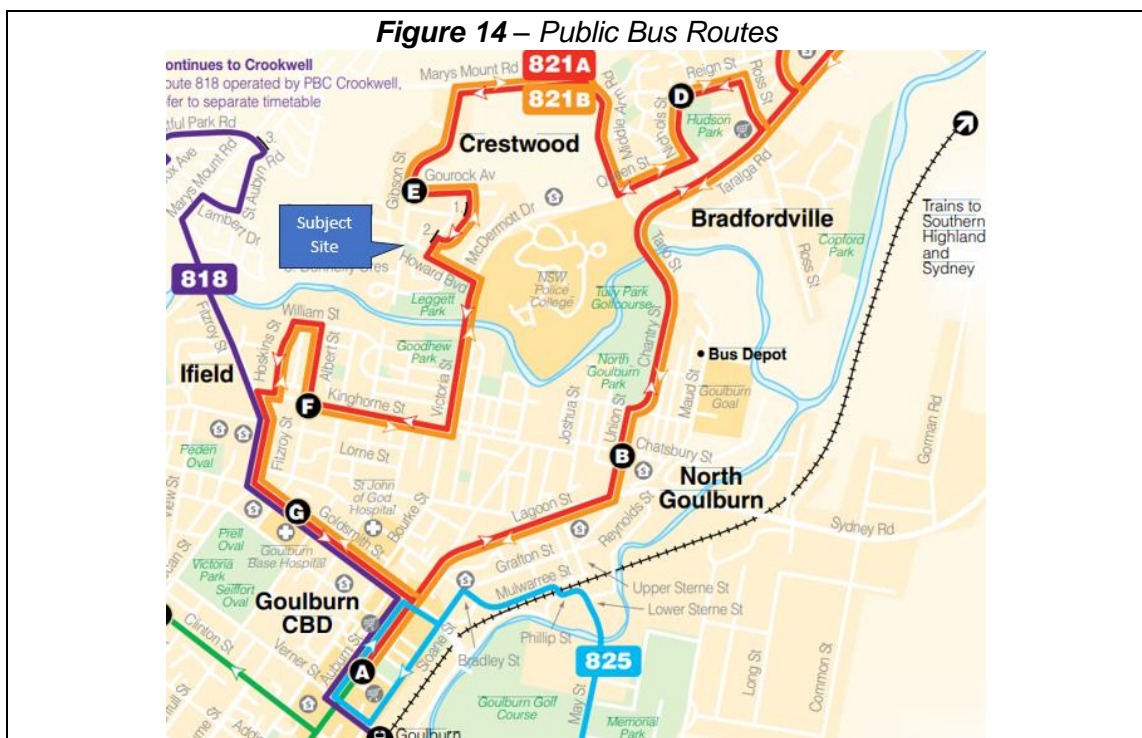
- (a) Justified by a strategy approved by the Planning Secretary which:
 - i. Gives consideration to the objective of this direction, and
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) Justified by a 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 seeks to change the zone of the subject site from RE1 Public Recreation to R1 General Residential. This zone change will result in residential development of the site for social housing, which will require appropriate transport connections. The site is in an existing urban area in the northern part of Goulburn located approximately 2 kilometres from the CBD. There are established roads, public footpaths, cycle networks, and public transport routes near the site.

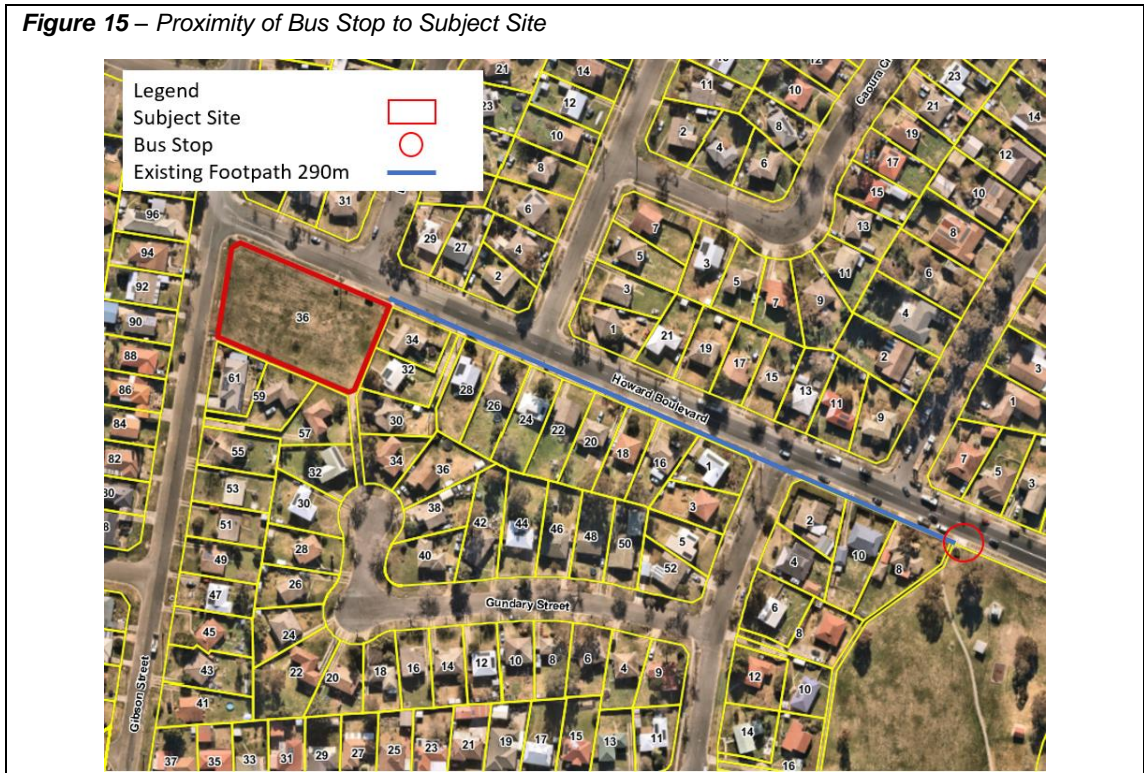
The key objectives outlined in [Improving Transport Choice – Guidelines for Planning and Development](#) (DUAP 2001) is the promotion of effective transportation systems, with a focus on providing transportation by means other than personal motor vehicle. The guide endorses the provision of effective walking, cycling, and public transport infrastructure that connects residential areas to places of work, education, leisure, and other essential services like hospitals and healthcare.

The planning proposal meets the objectives of the guide as the site is in an existing residential area with multiple methods of transportation. Access to public transport is provided through a bus stop located 290 metres from the site. This service is operated by Goulburn Public Bus Company who provide the morning 821A and afternoon 821B service, which loops into Goulburn’s CBD (**Figure 14**).



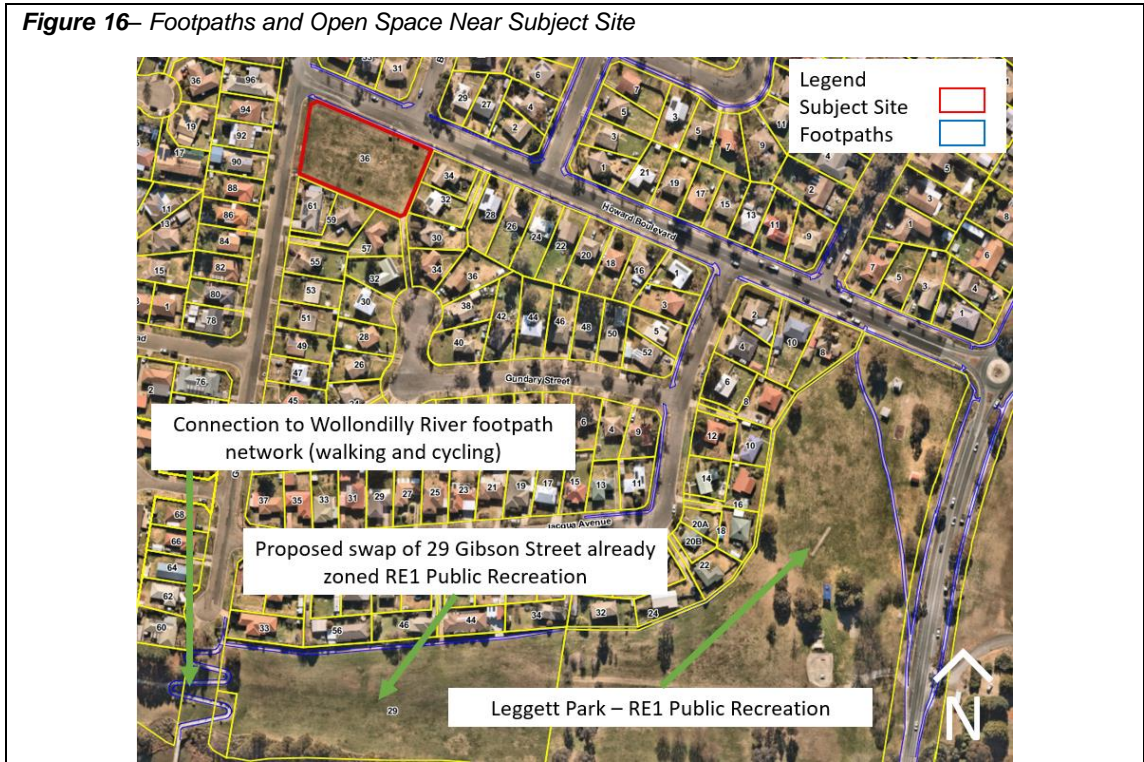
This bus stop can be accessed from the site by an existing footpath as shown in **Figure 15**.

Figure 15 – Proximity of Bus Stop to Subject Site



The site is surrounded by existing footpath connections that lead to public open space and provide connection for cycling along the Wollondilly walking and cycling path network. **Figure 16** illustrates the footpath connections, open space and walking and cycling track.

Figure 16– Footpaths and Open Space Near Subject Site



The proximity of the site to existing road networks, public transport stops, and walking and cycling facilities, enables a choice of effective transportation to access key amenities and services. Therefore, the proposal meets the objectives of Direction 5.1.

3.6.11 Direction 5.2 Reserving Land for Public Purposes

The objectives of this direction are to:

- a. facilitate the provision of public services and facilities by reserving land for public purposes, and
- b. facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This direction applies to all relevant planning authorities when preparing a planning proposal. The Direction states that:

(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).

(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:

- (a) reserve the land in accordance with the request, and
- (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and
- (c) identify the relevant acquiring authority for the land.

(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:

- (a) include the requested provisions, or
- (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.

(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Comment:

The Subject Site is currently zoned RE1 Public Recreation and is owned by Goulburn Mulwaree Council, therefore this Direction applies.

Council has entered into a formal Collaboration Agreement with NSW LAHC to facilitate improvements to, and the development of, social housing within this LGA. As

a part of this agreement Council has resolved to participate in a land swap with NSW LAHC, refer to the Council Reports.

This site was identified as being surplus to Council's requirements for recreational open space. The available open space within this precinct has expanded substantially with the development of the riverside walkway (along the Wollondilly and Mulwaree River frontages) and the new Riverside Park (a new regional park to the west of this site and accessible by the riverside walkway at 900m, or via the local roads at around 600m). Leggett Park is also located only 300m to the east of the site with playground, cricket pitch, skate facilities, picnic area and access to the riverside walkway network. A usage survey was also undertaken for the park which reflected very low usage rates. The survey can be found as an attachment to the Council Reports dated 7 March 2023 and further survey undertaken for 19 December 2023 report.

The development of new subdivisions to the north of Mary Mount Road is resulting in additional dedication of local parks and reserves.

The site is proposed to be reclassified as "operational" land under Section 30 of the [Local Government Act 1993](#) with relevant interests and public reserve status discharged.

3.6.12 Direction 6.1 Residential Zones

The objectives of this direction are to:

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

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

When this direction applies:

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

Comment:

The proposal seeks to rezone the subject site from RE1 Public Recreation to R1 General Residential, therefore, this direction applies.

The [Urban and Fringe Housing Strategy](#) identifies areas suitable for the provision of additional housing to meet demand generated by population growth, which is expected to increase by an additional 5000 to 7000 residents by 2036. The strategy identifies opportunities for the provision of 3500 additional dwellings, primarily focused on the urban areas of Goulburn and Marulan. Along with meeting housing demand for expected population growth, the strategy illustrated the need for increased supply of social housing. The need for increased social housing is being pursued due to rising wait times, especially for studio and one-bedroom properties. This demand is expected to increase as single person households become more common.

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.”

The proposal is seeking to rezone land in an existing urban area to facilitate the provision of social and affordable housing to meet the objectives of the [Urban and Fringe Housing Strategy](#) and the [Goulburn Mulwaree Local Strategic Planning Statement](#). Considering the shortage of social and affordable housing in the Goulburn region, this proposal will broaden housing options available in the market by increasing the supply of social housing, thereby accommodating the growing demand for this type of dwelling arrangement.

The rezoning of the land, and subsequent permissible increase in residential population, will use existing healthcare, educational, leisure, and social services that are existing in the Goulburn area, and will not require a substantial increase of additional capacity of these services.

The Subject Site is in an existing urban area and will utilise existing services and infrastructure like reticulated water and sewer, water drainage services (**Figure 17**), and electricity connection (**Figure 18**). The rezoning of this land will permit the development of residential flat buildings (and other residential accommodation) as defined under the [Goulburn Mulwaree Local Environmental Plan 2009](#).

Figure 17 – Water, Sewer and Stormwater

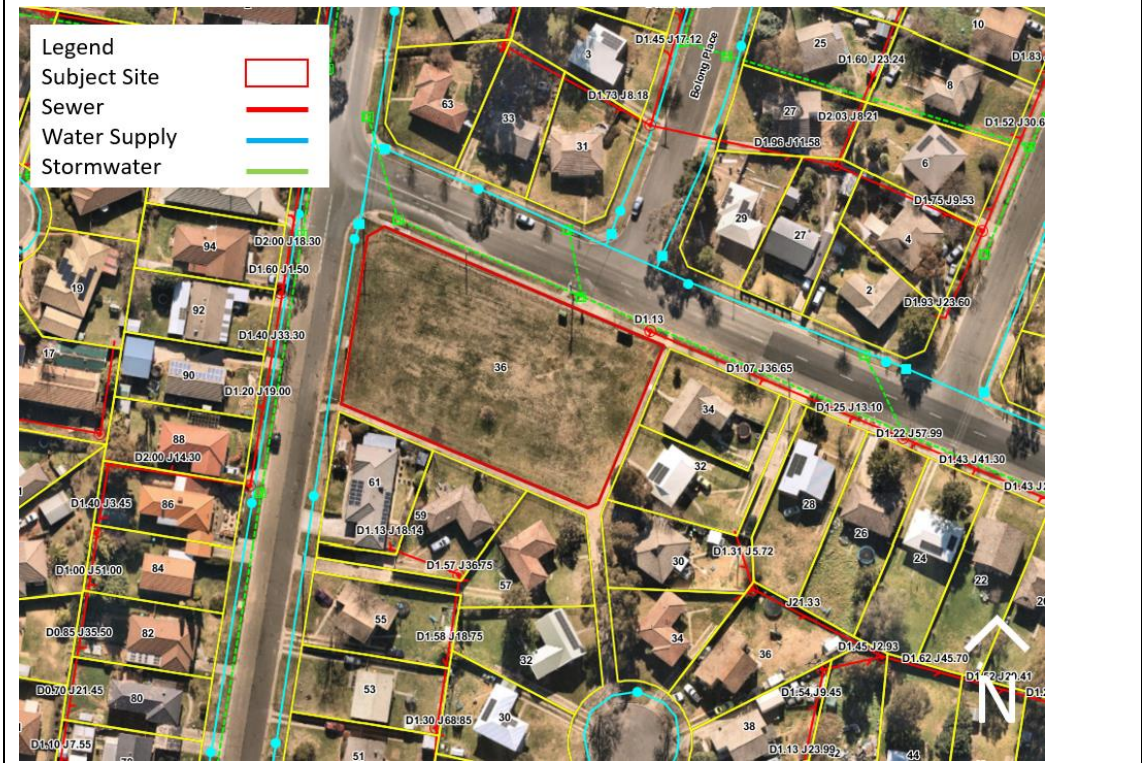


Figure 18 - Electrical Poles



The proposal seeks to rezone an existing urban area, and will be using existing underutilised public recreational land, therefore the proposal will not be consuming land on the urban fringe.

The planning proposal seeks only to rezone the subject site, and establish a minimum allotment size, and therefore does not include detailed design guidance. Depending on the planning pathway either the provisions of [State Environmental Planning Policy \(Housing\) 2021](#) will apply or the provisions of Council's [Development Control Plan \(DCP\)](#). It should be noted that NSW LAHC also has its own design guidelines for new development.

The proposed future use of this site for social housing in an established residential area is consistent with the Ministerial Direction.

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 is supported by a biodiversity assessment conducted by Council's Environment and Biodiversity Assessment Officer (**Appendix 3**). The assessment included an investigation of the site to identify existing flora and fauna, and to highlight any potential biodiversity loss due to the rezoning of the site.

The assessment identified the presence of an Apple Tree (*Malus* sp.), exotic grasses, and pasture weeds. Native groundcover species were also identified, but not sufficiently abundant to be recognised as a Plant Community Type (PCT).

The report recognised that the site is surrounded by residential houses and subject to constant disturbance from people, domestic pets, and vehicle traffic, combined with previous and ongoing management of the site, it is not likely that any threatened flora or fauna are present on the subject land. Therefore, there is little likelihood that critical habitat or threatened species would be adversely affected by the proposal.

3.8 Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The report prepared by Council's Biodiversity Assessment Officer did not identify that any further environmental effects were likely resultant from the planning proposal in relation to biodiversity.

In relation to the development of the site for residential one of the main environmental concerns expressed in submissions to the public hearing for the land reclassification was the impact of a future development on traffic and car parking in the immediate area. A Traffic Impact Assessment was prepared (**Appendix 5**) which found:

- *The Planning Proposal (PP) seeks approval to rezone 36 Howard Boulevard, Goulburn (Lot 164, DP250803) from RE1 – Public Recreation to R1 – General Residential in order to facilitate a multi dwelling residential development.*

- *For the purposes of this assessment a concept scheme has been envisaged by Homes NSW, comprising a multi dwelling residential development with up to 30 units.*
- *The planning proposal envisaged vehicular access will be provided via Howard Boulevard in accordance with AS 2890.1 (2004) requirements. Notwithstanding, vehicular access options via Gibson Street or Gundry Street will also be explored at DA stage and are inconsequential for the purposes of this PP traffic assessment.*
- *A detailed design of the access arrangements, off-street parking and loading facilities will be conducted at DA stage in full compliance with AS 2890.1 (2004) requirements.*
- *The total provision of off-street parking will be assessed at DA stage in accordance with SEPP (Housing) (2021) requirements.*
- *The traffic generation arising from the development has been assessed as a net change over existing condition. SIDRA modelling shows a LoS 'A' in all scenarios for the key intersections surrounding the site. As such, there are no road improvements or intersection upgrades required to support the planning proposal.*

Any further development of the site for residential accommodation will require either a development application (DA), complying development certificate or Review of Environmental Factors (REF). NSW LAHC as a relevant authority can undertake its own Review of Environmental Factors (REF) pursuant to Chapter 2, Part 2 Division 6 of [State Environmental Planning Policy \(Housing\) 2021 \(Housing SEPP\)](#). As the Housing SEPP permits residential development without consent (for up to 75 dwellings on land which permits that form of development i.e., residential flat building, multi dwelling housing, as permitted in the R1 General Residential zone). Regardless of the planning pathway for development, there is a requirement to consider environmental impacts with the subsequent design such as privacy, overshadowing, overlooking, streetscape, landscaping, drainage etc.

It is unlikely that the proposal will have other environmental effects given the existing surrounding residential environment.

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

The Planning Proposal is intended to create an improved social outcome by providing vacant residential land suitable for development of social housing for development by NSW LAHC. As previously stated in this Proposal, Council has entered into a formal Collaboration Agreement with NSW LAHC to facilitate the delivery of improved and additional social housing to meet the needs of the community.

Forty five percent (45%) of NSW LAHC's existing properties in Goulburn have just 1 occupant with the average age of the lead tenant being 60 and 38% of these tenants are living in 3 – 4 bedroom houses, often on a large block that they cannot maintain.

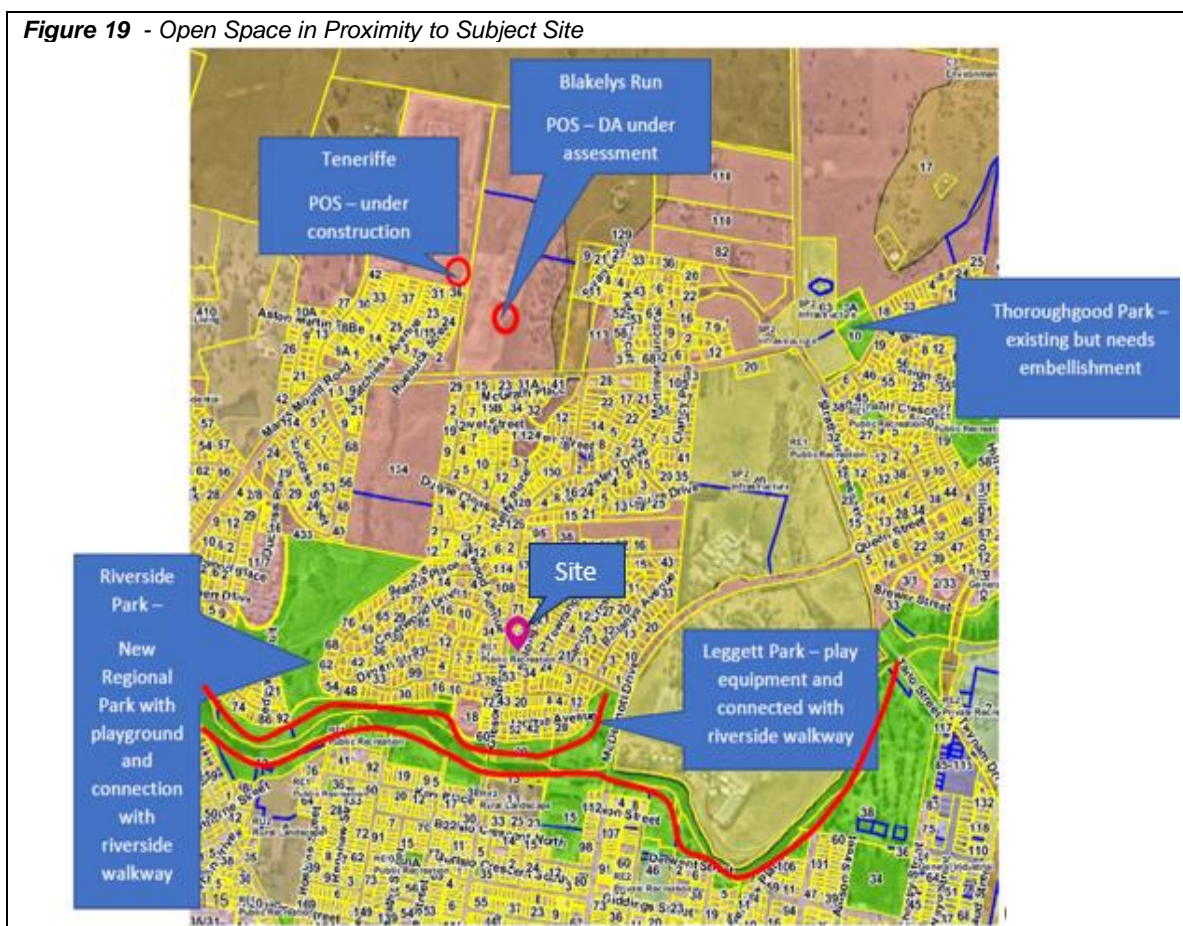
Additionally, a further 20% of NSW LAHC properties only have 2 occupants with the average age of the lead tenant being 55 years and 85% of these are living in 3–4-bedroom houses.

With these statistics NSW LAHC has advised that it needs to rapidly reshape its portfolio, particularly to suit the needs of aging senior tenants. This portfolio renewal

is cyclic as the 3–4-bedroom houses to be vacated will free up housing for the hundreds of families currently on its waitlist for Goulburn.

In relation to the loss of public open space (POS) this area is relatively well served with several recreational facilities. This site was identified as being surplus to Council's requirements for recreational open space. The available open space within this precinct has expanded substantially with the development of the riverside walkway (along the Wollondilly and Mulwaree River frontages) and the new Riverside Park (a new regional park to the west of this site and accessible by the riverside walkway at 900m, or via the local roads at around 600m). Leggett Park is also located only 300m to the east of the site with playground, cricket pitch, skate facilities, picnic area and access to the riverside walkway network. A usage survey was also undertaken for the park which reflected very low usage rates. The survey can be found as an attachment to the Council Reports dated 7 March 2023 and further survey undertaken for the 19 December 2023 report.

The development of new subdivisions to the north of Mary Mount Road is resulting in additional dedication of local parks and reserves for future public open space (POS) as identified in **Figure 19** below.



In relation to social concerns raised by submissions to the public hearing for the land reclassification NSW LAHC has advised in its response to submissions to the public hearing for the land reclassification (Refer Council Report dated 19 December 2023):

“LAHC believes the proposed new housing that is designed and built [is] mostly to accommodate the future needs of its existing elderly and senior

tenants is highly unlikely to increase problems with alcohol, drug use, domestic violence and that a well-considered design will enhance the overall neighbourhood.”

In relation to economic benefits, NSW LAHC has advised:

“This new housing would also aid to build Goulburn’s economy, creating more jobs. Our research data shows that approximately 5 jobs are created for every \$1 million that LAHC invests into house construction.

We estimate that we will outlay more than \$10 million on this project, which means the creation of over 50 jobs”.

Section D- State and Commonwealth Interests

3.10 Is there adequate public infrastructure for the planning proposal?

The subject site is located on the corner of Howard Boulevard and Gibson Street which will provide the potential for direct access to either frontage.

The supporting Traffic and Impact Assessment has found that no upgrades to the intersections will be required because of the proposal.

The site is within proximity to a bus stop which provides public bus services into the Goulburn CBD.

The subject site can be connected to the Goulburn reticulated water and sewer network as illustrated in **Figure 17**.

The site is bordered by two power lines running parallel to the site’s northern and western boundary, enabling the provision of electricity to the site.

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 post-Gateway stages and during the public exhibition if required.

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

Part 4- Mapping

The maps included within **Figure 3** illustrate the area to which this proposal relates and includes the proposed amendment from the RE1 Public Recreation to R1 General Residential, and the proposed establishment of a minimum allotment size of 700m².

The following are the map reference for the LEP maps to be amended:

- Land Zoning Map – Sheet LZN – 001D
- Lot Size Map – Sheet LSZ- 001D

Part 5- Community Consultation

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination, *LEP Plan Making Guidelines* and Council's [Community Participation Plan](#).

Written notification will be provided to adjoining landowners.

Part 6- Project Timeline

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

Gateway Determination	22 July 2024
Timeframe for completion of technical studies	N/A – No further studies identified.
Timeframe for agency consultation	August - September 2024
Public Exhibition	October - November 2024
Public Hearing	November 2024 (21 days following public exhibition)
Consideration of submissions	February 2025
Date of submission of LEP to DPIE	March 2025
Anticipated date of plan made	April 2025
Anticipated date plan forwarded to DPIE for notification	April 2025

Part 7- Appendices

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

Appendix 1	Council Report and Resolution 07 March 2023
Appendix 2	Council Report, Public Hearing Report and Resolution 19 December 2023
Appendix 2a	Certificate of Title
Appendix 2b	Council Report and Resolution 18 June 2024
Appendix 3	Howard Boulevard Park – Biodiversity Assessment
Appendix 4	Aboriginal Cultural Heritage Due Diligence Assessment
Appendix 5	Traffic Impact Assessment
Appendix 6	Pre- Gateway Consultation – Water NSW Advice
Appendix 7	Preliminary Site Investigation (PSI)