

15.3 POST EXHIBITION REPORT - DRAFT TARAGO VILLAGE STRATEGY**RESOLUTION 2022/215****Moved: Cr Andrew Banfield****Seconded: Cr Daniel Strickland****That:**

- 1. That the post exhibition report from the Business Manager Strategic Planning on the Draft Tarago Village Strategy be received.**
- 2. Council adopt the Draft Tarago Village Housing Strategy as outlined in this report and as amended in Attachment 4.**
- 3. Council staff seek clarification from the EPA and Transport for NSW regarding lead contamination and remediation works and report findings back to Council.**

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.

CARRIED

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

CARRIED**15.4 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOT 21, DP 811954 AND LOT 117 & 118, DP 126140 - 48 MOUNTAIN ASH ROAD & 292 ROSEMONT ROAD****RESOLUTION 2022/216****Moved: Cr Andrew Banfield****Seconded: Cr Bob Kirk****That:**

- 1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.**
- 2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change:**
 - a) The zoning of Lot 21, DP 811954 and Lots 117 & 118, DP 126140 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.**
 - b) The minimum lot size of part of Lot 21, DP 811954 from 100 hectares to 2 hectares.**
 - c) The minimum lot size of Lots 117 & 118, DP 126140 from 20 hectares to part 10 hectares and part 2 hectares.**
- 3. The Department of Planning and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.**
- 4. In the event that the Department of Planning and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of**

the gateway determination.

5. Council separately assess whether an upgrade to the intersection of Mountain Ash Road and Windellama Road (whether due to current or future demand) is required, including costing and prioritisation as a potential amendment to Council's Local Infrastructure Plan 2021.
6. Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.

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.

CARRIED

15.5 2122T0008 WATER METER READING TENDER

RESOLUTION 2022/217

Moved: Cr Carol James

Seconded: Cr Michael Prevedello

That

1. The report from the Director Utilities be received on Tender 2122T0008 Water Meter Reading.
2. That Council accept the tender from Skilltech Consultancy Services for the schedule of rates submitted for Tender 2122T0008 Water Meter Reading.
3. The General Manager be delegated to approve any extension of the contract at the conclusion of the three-year contract as per the conditions of contract.

CARRIED

15.6 2122T0010 BIOSOLIDS DEWATERING, TRANSPORT AND BENEFICIAL REUSE

RESOLUTION 2022/218

Moved: Cr Carol James

Seconded: Cr Jason Shepherd

That

1. The report from the Director Utilities be received on Tender 2122T0010 - Biosolids Dewatering, Transport and Beneficial Reuse
2. That Council accept the tender from OrganicRecycling Pty Ltd for the schedule of rates submitted for 2122T0010 Biosolids Dewatering, Transport and Beneficial Reuse Tender






CARRIED

15.4 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOT 21, DP 811954 AND LOT 117 & 118, DP 126140 - 48 MOUNTAIN ASH ROAD & 292 ROSEMONT ROAD

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Matt O'Rourke, Acting General Manager

- Attachments:**
1. Attachment 1_Proponents Planning Proposal Report.pdf (separately enclosed) 
 2. Attachment 2_Heritage Item Map.pdf (separately enclosed) 
 3. Attachment 3_Heritage Advisor Referral_19 May 2022.pdf (separately enclosed) 
 4. Attachment 4_Biodiversity Officer Referral Comments.pdf (separately enclosed) 
 5. Attachment 5_Indicative Subdivision Plans.pdf (separately enclosed) 

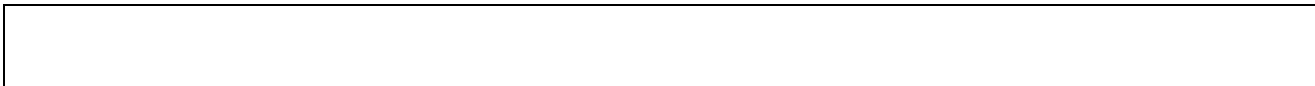
Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
Address:	48 Mountain Ash Road & 292 Rosemont Road

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change:
 - a) The zoning of Lot 21, DP 811954 and Lots 117 & 118, DP 126140 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
 - b) The minimum lot size of part of Lot 21, DP 811954 from 100 hectares to 2 hectares.
 - c) The minimum lot size of Lots 117 & 118, DP 126140 from 20 hectares to part 10 hectares and part 2 hectares.
3. The Department of Planning and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
4. In the event that the Department of Planning and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
5. Council separately assess whether an upgrade to the intersection of Mountain Ash Road and Windellama Road (whether due to current or future demand) is required, including costing and prioritisation as a potential amendment to Council's Local Infrastructure Plan 2021.
6. Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.

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 proponent-led planning proposal submitted to Council through the Planning Portal on 5 April 2022 (Portal ref: PP_2022_1180, Council ref: REZ/0006/2122). The subject site comprises two separate land areas with Lot 21, DP 811954 fronting Windellama Road and Lots 117 & 118, DP 126140 fronting Rosemont Road. The two sites are located to the south of the Mulwaree River and Hume Highway, at 3-4km from the Goulburn urban area as illustrated in **Figure 1**.

The proposal seeks to rezone land identified in the Mountain Ash precinct of the *Urban and Fringe Housing Strategy* from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation with a corresponding minimum lot size of 2 hectares and 100 hectares for these zones respectively. A copy of the submitted planning proposal document is available to view in **Attachment 1**.

Councillors were briefed on this planning proposal on 26 April 2022.

The planning proposal is the third planning proposal seeking rezoning within the wider Mountain Ash and adjacent Brisbane Grove precincts identified in the *Urban and Fringe Housing Strategy* for large lot residential rezoning.

Figure 1: Site Location Plan



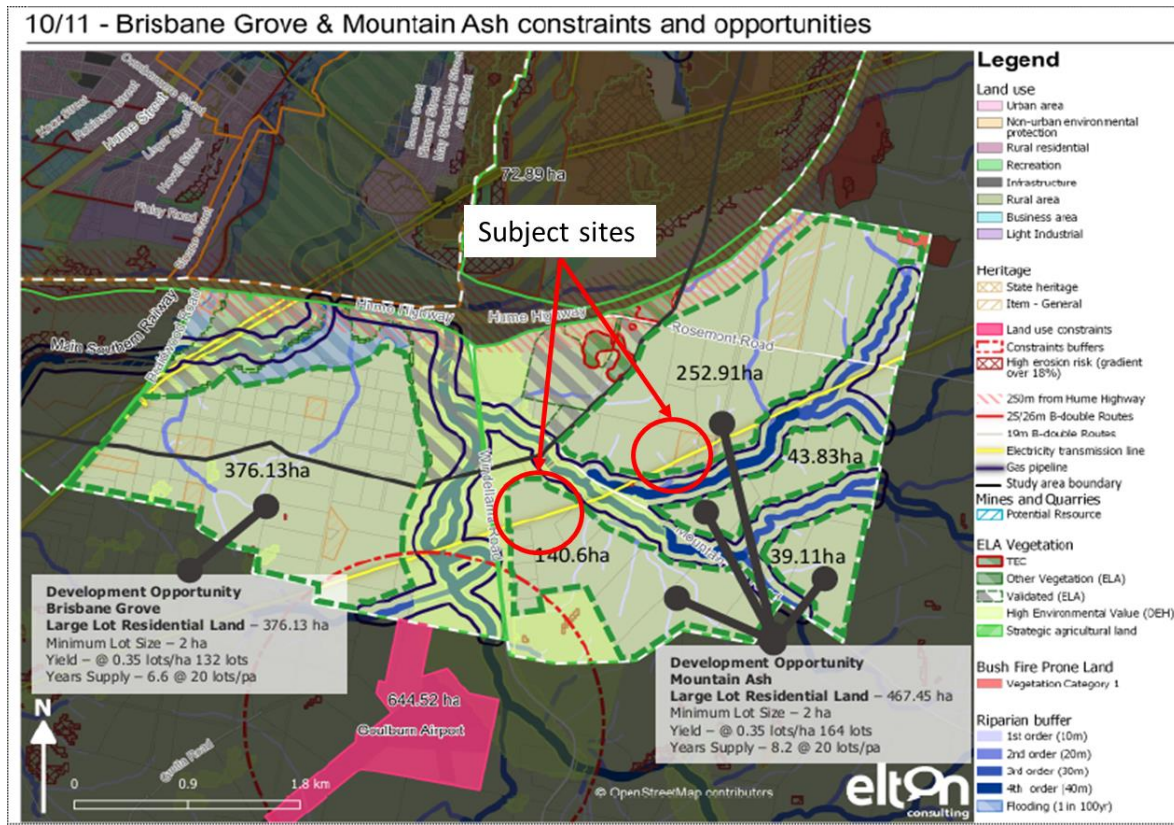
REPORT

Urban and Fringe Housing Strategy

The Urban and Fringe Housing Strategy identifies both areas of the subject site within Precinct 10: Mountain Ash as illustrated in **Figure 2**. The area is currently unsewered and unconnected to the

town’s reticulated water system. The Strategy highlights opportunities for large lot residential development with minimum lot sizes of 2 hectares or greater. It also recommends that a comprehensive Aboriginal cultural heritage assessment would be required for areas planned for development that potential noise issues are addressed and an environmental zoning is applied to flood affected areas.

Figure 2: Extract from Urban and Fringe Housing Strategy



The Proposal

The Windellama Road part of the subject site comprises one lot (Lot 21, DP 811954) of 40.98 hectares in area. The lot has a frontage to both Mountain Ash Road and Windellama Road but access is proposed via an existing unformed council road reserve and new internal access road from Windellama Road. No access is proposed via Mountain Ash Road. The proponent is seeking to provide 10 x 2+ hectare lots with 8 accessed via the new internal access road and 2 lots accessed via the unformed road reserve, as illustrated in **Figure 3**.

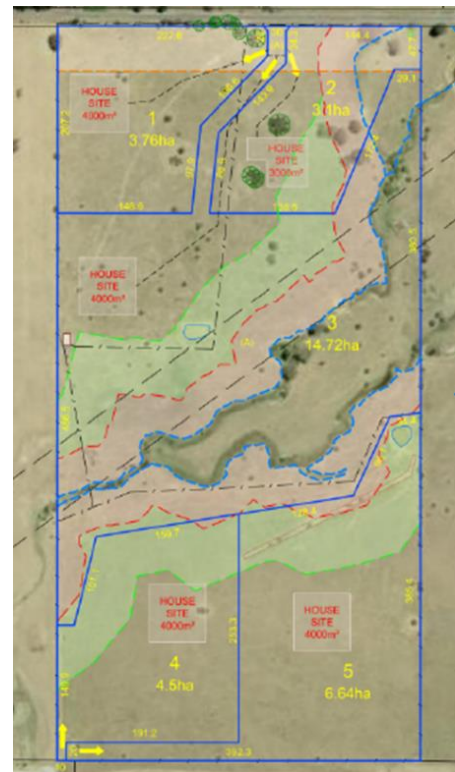
The Rosemont Road part of the subject site comprises two lots (Lot 117 & 118, DP 126140) with a total area of 32.74 hectares. Both lots have a frontage with available access from Rosemont Road to the north with Lot 117, DP 126140 also having available access from Barrett’s Lane to the south. The proponent is seeking to provide 5 x 2+ hectare lots with three accessed off Rosemont Road and two accessed via Barrett’s Lane, as illustrated in **Figure 4**.

Both sites are un-serviced by Goulburn’s reticulated water and sewer system and will rely on on-site effluent management and rain water collection. Both sites are constrained by drainage channels which have overland flow flooding impacts with the most severe and frequent areas of inundation proposed to be zoned C2 Environmental Conservation.

Figure 1: Windellama Rd Indicative Layout Plan



Figure 4: Rosemont Rd Indicative Layout Plan



Addressing Constraints

European Heritage

The ‘Homeden’ locally listed heritage item stands adjacent the Windellama sites northern boundary on Lot 67, DP 126140 and the proposed subdivision will surround the property on two sides as illustrated in **Figure 5**.

Whilst the heritage item is not included within the planning proposal, the subdivision will change the existing rural setting through the introduction of additional dwellings. This equally applies to other nearby heritage items within the wider landscape of the Brisbane Grove and Mountain Ash precincts, including the locally listed ‘Nooga’ heritage item which stands in close proximity to the Rosemont Road part of the site. A map illustrating the number and relationship of heritage items in the locality is provided in **Attachment 2**.

The potential for the subdivisions to affect the setting and significance of heritage items in the precincts has required the preparation and submission of a Heritage Impact Statement to assess the suitability of the proposed subdivision in relation to its potential heritage impact, particularly in relation to its landscape setting.

Homeden Heritage Item



Figure 5: Location on Homeden Heritage Item in relation to Windellama Site

The proponents Statement of Heritage Impact (SOHI) identifies and assesses the proposal’s impact on ‘Homeden’ only but omits consideration of other nearby heritage items whose setting are likely to be impacted by the proposed subdivisions. The SOHI makes the following statement:

“The setting of Homeden will be affected by the increased development but there is no impact on the heritage listed building.”

The SOHI concludes “*there will be no adverse impact on any heritage values or places of significance with the two proposed subdivisions*”

It should be noted that other recently submitted Heritage Impact Statements for planning proposals in the locality have provided a more rigorous assessment of the impact of increased development in the landscape on the context and setting of heritage items. These other heritage impact assessments included recommendations to reduce this impact which have directly informed the draft precinct-specific DCP chapter.

The Council’s Heritage Consultant has reviewed the SOHI and highlighted the following omissions:

- Given that the proposed subdivision will lead to far more intensive development of built form in the current open rural landscape this will certainly alter the character of the setting of ‘Homeden’. This should be identified as a potential impact and discussed more fully in the SOHI.
- The SOHI does not identify ‘Nooga’ as an adjacent heritage item which may be affected. This should be discussed more fully in the SOHI.

A copy of Council’s heritage consultant’s referral response is available to view in **Attachment 3**.

Whilst the SOHI omits robust consideration of the change in context of heritage items in the landscape, Council’s heritage consultant, alongside the strategic planning team, consider that the controls within the draft precinct-specific DCP chapter will mitigate the impacts of more intensive development on heritage items and their landscape setting.

Aboriginal Cultural Heritage

The planning proposal is subject to a potential aboriginal artifacts layer of Council’s mapping system which indicates further investigation is required. This is reinforced by the *Urban and Fringe Housing Strategy* which stipulates a requirement for a comprehensive Aboriginal Cultural Heritage Assessment to be submitted with a rezoning proposal.

In light of these requirements the proponent has submitted Cultural Heritage Due Diligence Assessments for both land areas. These assessments included the following:

- Desktop assessment including an Aboriginal Heritage Information Management System search (AHIMS), heritage register searches, assessment of previous heritage studies, historical land uses and an assessment of levels of disturbance
- Site visit undertaken on 26th July 2021 alongside a member of Pejar local aboriginal land council to verify the findings of the desktop review
- An Impact Assessment

The assessment found that none of the landform impacted by the proposed built development is considered to have high potential for subsurface deposits and no areas of Potential Archeological Deposits (PAD) have been identified on site. Overall the project has low potential to impact on unrecorded Aboriginal or historical heritage sites or areas of PAD and the proposal should be able to proceed with no additional archaeological investigations with no requirement for an Aboriginal Heritage Impact Permit (AHIP).

The scope of works presented in the proponents Cultural Heritage Due Diligence Assessments, including Aboriginal community consultation and investigation of PAD sites is considered to largely fulfil the *Urban and Fringe Housing Strategy’s* requirements for a comprehensive Aboriginal Cultural Heritage Assessment.

Sufficient detail has been provided on potential impacts to Aboriginal cultural heritage to progress to a Gateway determination on this matter.

Biodiversity

The subject site is not identified on the Biodiversity Values Map but all of the three lots are affected entirely or partially by the Terrestrial Biodiversity mapped area which indicates the potential for biodiversity values within the site.

The planning proposal submission has included separate Flora and Fauna Impact Assessments for both areas to identify the sites biodiversity value through a field and database assessment.

The assessments found both site areas had been historically cleared and managed with most of the lots consisting of non-native pasture-improved and regularly grazed grassland.

The assessment for Rosemont Road identified small areas of native grassy woodland belonging to Yellow Box- Blakley's Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (CEEC), as illustrated in **Figure 6**.

Figure 6: Rosemont Road- CEEC's

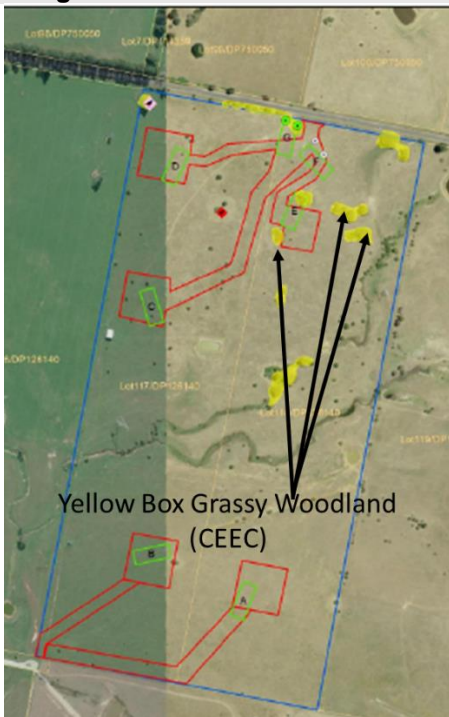
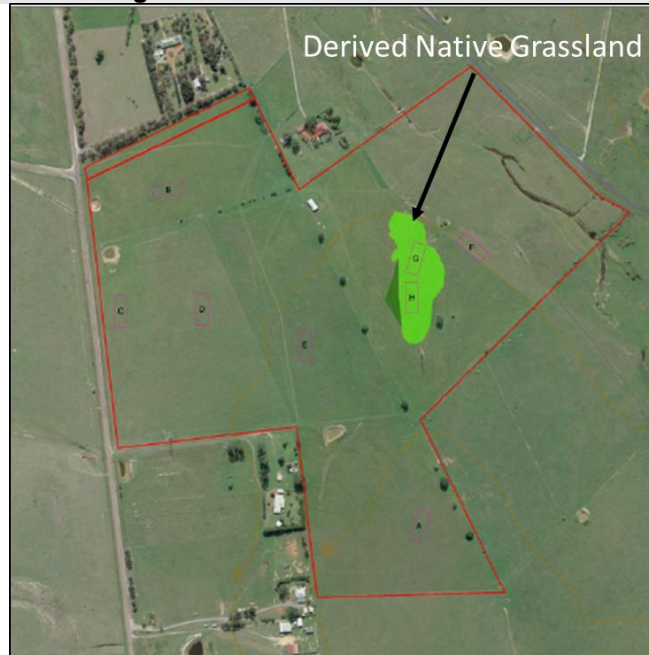


Figure 7: Windellama Road- CEEC's



The proposed subdivision layout for Rosemont Road including dwelling envelopes and access roads all illustrate avoidance of these pockets of native grassy woodland with required clearing limited to exotic dominated grassland, exotic shrubs and two large dead trees only.

The assessment for Mountain Ash Road identified a 1.14 hectare pocket of native grassland on a hilltop in the east of the site belonging to Yellow Box- Blakley's Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community, as illustrated in **Figure 7**.

The proposal includes a requirement to clear a maximum of 0.4 hectares of this native grassland to facilitate the provision of dwelling envelopes and access roads. All native trees and shrubs on site are proposed to be retained with the removal of only a small number non-native trees required.

Both Flora and Fauna assessments conclude that there will be no significant consequences to biodiversity in the locality subject to the implementation of the recommended mitigation measures presented in the reports. These recommendations include:

- Ensure all contractors are suitably qualified, experienced and informed of the sensitive ecological features and potentially occurring threatened species;
- Assign a project ecologist to conduct and oversee all ecological compliance requirements;

- Implement all relevant biological hygiene protocols and requirements to reduce the spread of priority weeds;
- Ensure ongoing management of priority weeds, and
- Ensure all trees outside the development footprint are protected from harm during earthworks and construction.

Council’s Biodiversity Officer has reviewed both the Flora and Fauna Assessments and conducted a site visit on 27 April 2022 to ground truth and verify findings of the assessments. The biodiversity officers comment are summarised in **Table 1** below for both site areas.

Table 1: Council's Biodiversity Officers Comment Summary

292 Rosemont Road	46 Mountain Ash Road
<ul style="list-style-type: none"> • The Biodiversity Offset Scheme area clearing threshold is not triggered • Review of available data and Threatened Species Test of Significance conclusions are supported • Groundcover is almost entirely dominated by exotic species with a significant component of weed species, including areas to be impacted by a future subdivision • No threatened species of flora or fauna were found to be present during the site visit • Scattered remnant Ribbon Gum around drainage lines presents potential habitat for fauna and formal measures should be in place for their protection • Koalas are unlikely to present on site • A S88B Instrument be applied over each lot to safeguard all trees and native vegetation on site. 	<ul style="list-style-type: none"> • Review of available data and Threatened Species Test of Significance conclusions are supported • Confirmation that the majority of the site is dominated by exotic pasture species and exotic trees with considerably less than 50% native groundcover • The native trees in the shelter belt are to be retained and not cleared • There are significant levels of infestation by weed species • No threatened flora and fauna species were found to be present during the site inspection.

The biodiversity officer concludes for the Rosemont Road site:

“Based on the available information and the findings of the site inspection, the conclusion of the report that the proposed development will be of no significant adverse consequence to biodiversity in the locality, region or bioregion is broadly supported”.

The biodiversity officer concludes for the Windellama Road site:

“Following a desktop review and site inspection, it has been confirmed that the findings of the report are broadly supported and the proposed rezoning and subdivision of the land is not likely to have any significant impacts on biodiversity”.

A copy of the Council’s Biodiversity Officers comments on both land areas is available in **Attachment 4**.

The existing Development Control Plan includes a tree and vegetation preservation chapter which applies to all non-rural land (including R5 zoned land) which sets out provisions for the protection of trees and vegetation. This will be referred to and supplemented by the precinct-specific chapter of the DCP.

Contamination

The site is not identified on the Council’s local contaminated land register or identified as significantly contaminated land. However past agricultural activities are listed as a potentially contaminating use within Table 1 of the *Managing Land Contamination- State Environmental Planning Policy (Resilience and Hazards) 2021*.

Ministerial Direction 4.4- Remediation of Contaminated land applies to potentially contaminating land uses listed within Table 1 of the guidelines. This direction requires a planning proposal authority to consider, prior to permitting a change of land use, whether the land is contaminated, if the land is contaminated, the remediation works required to make the site suitable for the proposed residential land use.

The planning proposal submission has included separate Preliminary Site Investigations (PSI's) for contamination for both areas to identify potential sources of contamination. These PSI's have assessed the potential for soil contamination and quantify the required remediation work, if necessary. The two PSI's were undertaken by the same consultant, underwent the same investigation, sampling and testing regime and made the same conclusions.

The PSI's did not identify any visible signs of contamination on either site area such as odour or staining, vegetation stress, building rubble or stored chemicals. There are no known contamination sites on or in proximity to the site and historical aerial imagery did not identify any recent (last 50 years) significant change in the landscape from agricultural uses since 1975.

The PSI's collected soil samples and tested for potential chemicals of environmental concern which found that all sample results were either below the National Environmental Protection Council limits for Residential A land use (the most sensitive indicator) or not detected above the laboratory limit of reporting.

The PSI's therefore conclude that based on the results of the investigation the subject soils are considered suitable for inclusion with the development from a contamination perspective, subject to the implementation of the recommendations of the report.

The studies recommend that no additional investigation or assessment is required and an unexpected finds protocol be implemented which requires further assessment of contaminating materials if discovered during works.

The Goulburn Mulwaree Development Control Plan addresses contamination in relation to water quality but further precinct specific guidance will be included within the precinct-specific development control chapter to ensure the above recommendations are included with a subsequent development application.

Bushfire

The subject sites lie within a rural area and all lots are encompassed by Category 3 vegetation with a medium bushfire risk as illustrated in **Figure 8**.

The Goulburn Mulwaree Development Control Plan already includes Chapter 3.17 Bushfire Risk Management which requires development on bushfire prone land to be developed in accordance with the Rural Fire Service guidelines. The existing chapter is sufficiently detailed to ensure the required bushfire protection measures can be implemented through a subsequent development application.

The planning proposal will include consultation with NSW Rural Fire Service (RFS) in accordance with the requirements of a gateway determination prior to public exhibition, with any comments considered through the planning proposal.

Access and Traffic Generation

The planning proposal has been accompanied by indicative subdivision layout plans for both site areas which include the lot orientation and proposed location of new internal access roads, illustrated in **Attachment 5**.

The Windellama Road site is proposed to be accessed solely from Windellama Road via a newly proposed 20m wide internal access road running through the centre of the site and providing access to 8 of the 10 proposed lots. The remaining two lots (lots 1 and 10) will be accessed via an existing council paper road which will be upgraded to Council's engineering standards.

The Rosemont Road site proposes to enable access to two lots from Barrett's Lane in the south and the remaining three lots accessed from Rosemont Road in the north. There are currently two field access points onto Rosemont Road.

A Traffic Impact Assessment has not been submitted with the planning proposal. However, due to the low volume of proposed lots (15 lots in total) and the distance between the two sites (approx. 1.8km) additional traffic volumes and their impacts are considered to be minor.

As part of the wider precinct rezoning proposals currently being assessed and in anticipation of more rezoning proposals being submitted, Council's Senior Asset and Development Engineer provided some highway considerations for the precinct.

The Engineers comments as they relate to the proposal are summarised below:

- Each proposal will generate a significant proportional increase in traffic to each of the respective roads which front the sites. However, because traffic volumes are low, there is residual capacity to accommodate the additional lots;
- Barrett's Lane should be upgraded and sealed to current standards for the full length;
- Mountain Ash/Windellama Road intersection has poor sight distance and should be upgraded;
- No new driveways onto Windellama and Mountain Ash Roads;
- Internal access roads should have appropriate sight distance with Windellama/Mountain Ash Road intersections, and
- Consideration should be given to the provision of bus stops, walking and cycling paths along roadways.

Evaluation of comments

The Engineer's comments generally concur with the conclusions of the proponent's submitted proposal that the current road network serving the sites have adequate residual capacity to accommodate the additional proposed lots.

Barrett's Lane is proposed to serve two of the five lots for the Rosemont Road site and any required upgrade to this road would directly relate to enabling the southern two lots on this site. As such, any future development application would be required to address any deficiencies in this access and provide upgrades and improvements as required. Road construction standards are currently prescribed within the Chapter 7 of the GM DCP.

The Mountain Ash/Windellama Road intersection stands outside of the subject sites boundaries and whilst the proposed lots are likely to utilise this intersection, it does not directly relate to the proposal. It is therefore unreasonable and disproportionate to require a subsequent development application to fully fund an upgrade to this intersection. An alternative solution is to update the Local Infrastructure Contributions Plan (LICP) to include these intersection improvements into the Roads and Active Transport Schedule of Works. This enables all future subdivisions to contribute proportionally to the number of lots proposed into a communal fund. Further consideration of an intersection upgrade and amendment to the LICP will be subject to a separate report to Council.

As noted above no new driveways are proposed to be constructed from Windellama or Mountain Ash Roads.

The assessment of appropriate sight distances from internal access roads and their intersections with Rosemont and Windellama roads will be assessed at the development application stage.

In terms of pedestrian, cycle and bus stop provision, the low volume of expected lots combined with the dominant mode of travel being the private vehicle, this type of infrastructure would be significantly underutilised. The extent of cycle and footpath provision would also be extensive with several kilometres of provision required. This would be costly to provide and a significant on-going maintenance cost to Council in perpetuity. Considering the proposed density in the precincts alongside the significant cost of provision, this type of infrastructure investment would be more beneficially directed to the urban area.

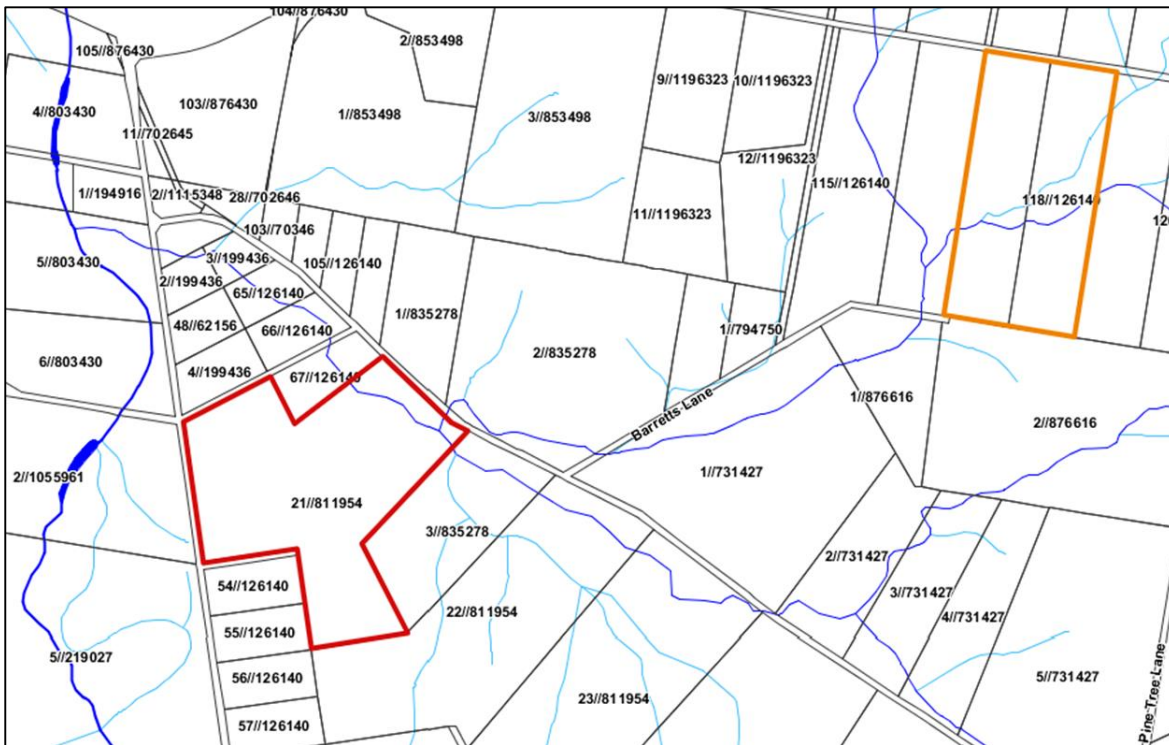
The precinct-specific Development Control Plan will include additional provisions in relation to traffic and access.

Flooding

Both the Windellama and Rosemont Road sites stand outside (with the exception of a very small area) of the Wollondilly and Mulwaree Rivers Flood Study (2003 & 2016) and outside of the initial study area for the emerging *Goulburn Floodplain Risk Management Study and Plan*. As such the council currently holds limited information on potential flooding impacts on these two sites.

Both sites are however considered to be affected by overland flow flooding as a result of perennial drainage paths which run adjacent Mountain Ash Road and along the Windellama Road sites eastern boundary and through the centre of the Rosemont Road site, illustrated in **Figure 9**.

Figure 9: Overland flow paths in Mountain Ash Precinct



The emerging *Goulburn Floodplain Risk Management Study and Plan* included a recommendation to undertake overland flow modelling and a subsequent overland flow study. Overland flow modelling has already been undertaken for the Flood study area and this model is currently being extended to include all of the Brisbane Grove and Mountain Ash Precincts. The overland flow modelling is expected to be completed by the end of June and will identify the most frequent and severely affected overland flow areas.

Once the overland flow modelling has been completed for the precincts this will directly inform the boundaries of a C2 Environmental Conservation Zone. This zone prohibits the majority of development types including dwelling houses, thereby retaining the most affected overland flow locations as undeveloped areas and enables consistency with Ministerial Direction 4.1- Flooding.

Pending the receipt of the extended overland flow modelling the proponent has prepared indicative layout plans for both sites which illustrates the 1% AEP around the drainage channels and applies the C2 Environmental Conservation zone to the expected flood affected land. After receipt of the overland flow modeling, the overland flow affected area and C2 Zone boundary may require revision prior to Gateway.

Water Quality

Goulburn stands within the Sydney Drinking Water Catchment and Ministerial Direction 3.3- Sydney Drinking Water Catchments and Sydney Drinking Water Catchment State Environmental Planning Policy (SEPP) apply to this planning proposal.

The direction requires a planning proposal to be prepared with the general principle that water quality must be protected. The SEPP requires new development to have a neutral or beneficial effect on water quality and to match future land use with land and water capability with consideration to the outcomes of a Strategic Land and Water Capability Assessment.

The proponent has sought to address these considerations through indicative layout plans which demonstrate the ability to achieve required buffer distances between drainage channels and proposed development envelopes which encompass effluent management areas- **Attachment 5**.

The proponent has also submitted an Onsite Wastewater Management Assessment for both site areas, alongside a MUSIC Model Assessment.

The onsite wastewater management assessments examined the feasibility for on-site wastewater disposal for the 15 proposed lots. The assessments included:

- A review of regional maps and reports;
- Observation of surface features on and around the properties;
- A total of 7 test pits to sample surface soils;
- Soil index and classification tests to assist the assessment of the absorption capacity of the soils, and
- An engineering assessment and report which includes sizing of absorption beds.

The assessment was based upon each lot containing a 4 bedroom dwelling with 8 residents using 100l/day of tank water each. The lots were modelled based on the use of an Aerated Wastewater Treatment System (AWTS) draining secondary treated effluent into an absorption bed.

Both reports conclude that:

“the use of on-site wastewater management is assessed as feasible for the proposed...subdivision. The nature and depth of the soil contribute to the suitability of the site for on-site disposal along with the gentle sloping nature of each proposed lot.”

The report recognises that a more accurate assessment for each lot would be required when the exact development proposal details are known.

The MUSIC Model Assessments have sought to assess the effect of the proposed development on water quality and provide recommendations to satisfy the requirements of the SEPP. Both Assessments concluded:

“The results of the assessment and modelling conceptually indicate that a Neutral or Beneficial Effect on water quality can be achieved for the proposed development if the following recommended treatment measures are implemented as part of the development:

- *Bioretention basins for each catchment, and*
- *Drainage swales directing flows from each catchment*

The method of wastewater treatment is detail more relevant to the development application stage but it indicates the site is capable of accommodating the proposed development and achieving a neutral or beneficial effect on water quality.

In addition the proposed C2 Environmental Conservation zone and the 100ha minimum lot size encompass the most frequent and severe areas of inundation and serves to make it clear from a water quality perspective, that effluent disposal can be sited on the subject site and away from these flood affected areas. It also provides an area for improved water quality outcomes.

Water NSW will be engaged prior to the planning proposal being forwarded for a gateway determination in which advice will be sought and incorporated into the planning proposal alongside a Strategic Land and Water Capability Assessment.

Electricity Transmission Line and Easement

A 60.96m wide high voltage electricity transmission line easement traverses both the Rosemont and Windellama sites. As illustrated in **Attachment 5** the easement crosses a number of the proposed southern lots on the Windellama site and spans through the proposed central lot on the Rosemont Road site. Both indicative layout plans illustrate the ability to avoid built development within this easement. In addition, the Rosemont Road easement wholly stands within the proposed C2 Environmental Conservation zone area where most development is prohibited.

Development Control Plan (DCP)

The planning proposal is the third planning proposal seeking rezoning within the wider Mountain Ash and adjacent Brisbane Grove precincts identified in the *Urban and Fringe Housing Strategy* for large lot residential rezoning. These precincts are expected to be rezoned to R5 Large Lot Residential over the course of the next 10 years.

In order to ensure that future subdivision and development in these precincts accounts for detailed considerations around design, siting and suitably addressing site constraints, a precinct-specific development control chapter is currently being drafted. This will accompany and be exhibited with the planning proposal. The precinct specific DCP chapter is seeking to address the recommendations raised through various technical reports and professional referrals received in support of current planning proposals. The chapter seeks to provide high quality development which respects its rural context and the heritage significance of heritage items in the landscape. In summary the precinct-specific DCP chapter includes the following provisions:

- Establishes an existing character and sets out a desired future character
- Sets out overarching objectives
- Sets out controls relating to:
 - Water quality and storage
 - Outbuildings and ancillary structures
 - Site coverage, setbacks, height of buildings
 - Traffic and access
 - Bushfire risk management
 - Development in the C2 Environmental Conservation Zone
 - Noise Management
 - Development on or near electricity easements
 - Exterior finish of dwellings
 - Dwelling design including roof design and pitch
 - Fencing
 - Landscaping
 - Trees and Vegetation

Local Infrastructure Contributions Plan

The planning proposal site stands within the boundary of the Goulburn Local Infrastructure Contributions Plan (LICP). As previously noted, the LICP may require updating to include an additional commitment to the Mountain Ash/Windellama Road intersection upgrade.

Conclusion

The planning proposal submission is considered to be in accordance with the *Urban and Fringe Housing Strategy* in regard to:

- Its location within an identified precinct;
- The proposed large lot residential zoning;
- The proposed minimum lot size at 2 hectares or greater, and
- The implementation of an Environmental Zone for flood prone land.

In addition:

- Potential heritage impacts as they relate to their rural landscape setting are considered to have been adequately addressed through the proposed DCP controls;

- Sufficient detail has been provided on potential impacts to Aboriginal Cultural Heritage to progress the proposal to the gateway stage;
- The subdivision of the land is not likely to have significant impacts on biodiversity;
- The site is considered suitable for the proposed large lot residential land use in terms of contamination;
- The proposed lot areas are of an adequate size and served by suitable roadways to ensure bush fire prone land mitigations can be implemented at the development application stage;
- Adjacent roadways have residual capacity to accommodate the additional growth with road and intersection improvements identified;
- The impacts of overland flow flooding are addressed through the provision of a C2 Environmental Conservation Zone with further refinement expected once the overland flow modelling has been extended over the precincts.
- Supporting technical information indicates that a neutral or beneficial effect on water quality can be achieved
- Development can avoid the high voltage transmission line easement.

Overall the submission contains sufficient information and strategic merit to proceed to preparing a planning proposal for gateway determination by the Department of Planning and Environment.

Recommendation

This report recommends that a planning proposal be prepared and progressed to the Department of Planning and Environment for a Gateway determination which seeks to amend the zoning and minimum lot in the GM LEP 2009 of:

- a. The zoning of Lot 21, DP 811954 and Lots 117 & 118, DP 126140 from RU6 Transition to part R5 Large Lot Residential and part C2 Environmental Conservation.
- b. The minimum lot size of part of Lot 21, DP 811954 from 100 hectares to 2 hectares.
- c. The minimum lot size of Lots 117 & 118, DP 126140 from 20 hectares to part 10 hectares and part 2 hectares

and, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 (as generally outlined in this report) on public exhibition with the Planning Proposal for a minimum of 28 days.

FINANCIAL IMPLICATIONS

Amendments to the Local Infrastructure Contributions Plan to include improvements to the Mountain Ash/Windellama intersection are likely to result in minor costs around preparing the update to the plan.

LEGAL IMPLICATIONS

There are no known legal implications of this planning proposal.