



Aaron Johansson
The Chief Executive Officer
Locked Bag 22
GOULBURN NSW 2580

Attention: David Kiernan

Planning proposal: PP-2024-101 to amend Goulburn Mulwaree Local Environmental Plan 2009.

Dear Mr Johansson

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 11 April 2024 in respect of the planning proposal to Rezone and amend Minimum Lot Size at 292 Rosemont Road, Boxers Creek.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I note that I have conditioned the Gateway determination to require that Council further address the evacuation of the site including the consideration of providing an emergency access/egress point off the Hume Highway directly onto Rosemount Road, which can be accessed by emergency services during flood events. Any new emergency access/egress point is to be designed in conjunction with Transport for NSW.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act including Directions 3.1 Conservation Zones, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 9.1 Rural Zones, and 9.2 Rural Lands, are justified in accordance with the terms of the Directions. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act - Direction 9.1 Flooding. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 8 August 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Stephanie Wood to assist you. Ms Wood can be contacted on (02) 9274 6550.

Yours sincerely



5/8/2024

Chantelle Chow
A/Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination

Guidance on maximum Benchmark Timeframes for planning proposals

The NSW Government is committed to reducing the time taken to assess planning proposals. The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses.

Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required. The Minister may appoint an alternate planning proposal authority if Council does not meet these timeframes.

Stage	Maximum Benchmark Timeframes (working days)			
	Basic	Standard	Complex	Principal
Stage 1 - Pre-lodgement	30 days	50 days	60 days	20-30 days
Stage 2 - Planning Proposal	80 days	95 days	120 days	40 days
Stage 3 - Gateway determination	25 days	25 days	45 days	45 days
Stage 4 - Post-Gateway	20 days	50 days	70 days	160 days
Stage 5 - Public Exhibition & Assessment	70 days	95 days	115 days	95 days
Stage 6 - Finalisation	25 days	55 days	70 days	80 days
Sub-total (Department target)	140 working days	225 working days	300 working days	380 working days
Total (end to end)	220 days	320 days	420 days	420 days

Note: Department target of 380 working days is measured from Stage 3 - Stage 6 (inclusive).

Planning proposal *PP-2024-101* is categorised as a Standard proposal as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, August 2023).

To ensure your planning proposal is finalised by 27/08/2025 and meets the benchmarks timeframes for a Standard proposal we recommend the following milestones:

Community consultation should start: 18 November 2024

Post exhibition report back to Council: 7 March 2025

Submit for GIS and legal drafting: 18 June 2025

LEP completion: 8 August 2025

Please contact the Department as soon as possible in the event that unexpected delays occur that may impact timing, so that assistance to meet these timeframes can be discussed.

Gateway Determination

Planning proposal (Department Ref: PP-2024-101): *Rezone and amend Minimum Lot Size at 292 Rosemont Road, Boxers Creek.*

I, the A/Director, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Goulburn-Mulwaree Local Environmental Plan to Rezone and amend Minimum Lot Size at 292 Rosemont Road, Boxers Creek, should proceed subject to the following:

Gateway Conditions

1. The planning proposal is to be updated to include:
 - (a) A revised Flora and Fauna Map which addresses the revised lot layout is required prior to public exhibition.
 - (b) Council is to address the evacuation of the site including the consideration of providing an emergency access/egress point off the Hume Highway directly onto Rosemont Road, which can be accessed by emergency services during flood events. Any new emergency access/egress point is to be designed in conjunction with Transport for NSW.
 - (c) Consult the Rural Fire Service and address any comments in the planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW State Emergency Service (SES)
 - DCCEEW – Flooding and Biodiversity, Conservation and Science (BCS)
 - Natural Resources Assessment Regulator (NRAR)

- Water NSW
- Transport for NSW
- Essential Energy

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act, or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 8 August 2025.

Dated 5 August 2024



Chantelle Chow
A/Director, Southern, Western and
Macarthur Region
Planning and Land Use Strategy
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces



IRF24/1078

Gateway determination report – PP-2024-101

292 Rosemont Road, Boxers Creek

August 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2024-101

Subtitle: 292 Rosemont Road, Boxers Creek

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	2
1.4	Site description and surrounding area	2
1.5	Mapping	4
1.6	Background	5
2	Need for the planning proposal	5
3	Strategic assessment	6
3.1	Regional Plan	6
3.1.1	Regional Community Strategic Plan 2016-2036	7
3.2	Local	7
3.3	Section 9.1 Ministerial Directions	9
3.4	State Environmental Planning Policies (SEPPs)	17
4	Site-specific assessment	17
4.1	Environmental	17
4.2	Social and economic	18
4.3	Infrastructure	18
5	Consultation	19
5.1	Community	19
5.2	Agencies	19
6	Timeframe	19
7	Local plan-making authority	19
8	Assessment summary	20
9	Recommendation	20

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft Planning Proposal, Goulburn Mulwaree Council, April 2024
Appendix 1: Draft Precinct Specific DCP Chapter
Appendix 2: Current Concept subdivision Layout Plans, KMJ Surveying, 17/10/2023
Appendix 3: Current Proponents Planning Proposal, MMJ, February 2024
Appendix 4: Previous Concept subdivision Layout Plans (PP-2022-1180)
Appendix 5: Previous Proponents Planning Proposal (PP-2022-1180)
Appendix 6a: Council report and Resolution 21 June 2022
Appendix 6b: Special Flood Council Report 2 November 2021
Appendix 6c: Council Report and Resolution 20 September 2021
Appendix 7: Adequacy Assessment
Appendix 8: Aboriginal Cultural Heritage Due Diligence Report
Appendix 9: Statement of Heritage Impact
Appendix 10a: Onsite Wastewater Assessment
Appendix 10b: Music Model
Appendix 10c: Water NSW Response 20 January 2023
Appendix 10d: Water NSW Response 20 March 2024
Appendix 11a: Flora & Fauna Assessment
Appendix 11b: Environment & Biodiversity Assessment Officer GMC review 30 March 2022
Appendix 12: Preliminary Site investigation and Assessment Report
Appendix 13: Strategic Bushfire Study
Appendix 14a: Flood Impact and Risk Assessment
Appendix 14b: Development Control Plan Flood Policy
Appendix 15: Site Distance Assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Goulburn Mulwaree Council
PPA	Goulburn Mulwaree Council
NAME	Rezone and amend Minimum Lot Size at 292 Rosemont Road, Boxers Creek
NUMBER	PP-2024-101
LEP TO BE AMENDED	Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP 2009)
ADDRESS	292 Rosemont Road, Boxers Creek
DESCRIPTION	Lot 117 & 118 DP 126140
RECEIVED	11/04/2024
FILE NO.	IRF24/1078
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to enable the future subdivision of the identified land at 292 Rosemont Road, Boxers Creek for large lot residential development in accordance with the *Urban and Fringe Housing Strategy*. The planning proposal aims to achieve this by:

- Rezoning the northern portion of the land currently zoned RU6 Transition to R5 Large Lot Residential, rezoning the creek and flood prone land to C2 Environmental Conservation and retaining the RU6 zone in the southern portion.
- Amending the minimum lot size from 20ha to 2ha over the proposed R5 zoned land, applying no minimum lot size over the proposed C2 zoned land whilst retaining the 20ha over the existing RU6 zoned land.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU6 Transition	R5 Large Lot Residential C2 Environmental Conservation Retain part RU6 Transition
Minimum lot size	20ha	2HA over R5 No MLS over C2 Retain 20HA over RU6

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site comprises of two (2) lots, located at 292 Rosemount Road, Boxers Creek, legally described as Lot 117 and Lot 118 DP 126140, with a total site area of 32.74ha. The site has primary access off Rosemount Road with secondary access off Barrett's Lane to the south. The site is located south of the Hume Highway, approximately 6km south-east of the Goulburn city centre and approximately 4km north-east of Goulburn Airport.

The proposed rezoning and amendment to the minimum lot size will enable the creation of four (4) lots accessed off Rosemount Road. Lots will range in size from 2ha up to 25.12ha. A proposed subdivision layout has been provided which identifies a 4,000m² dwelling footprint on each proposed lot, along with a proposed 'Right of Access' off Rosemount Road which will service all proposed lots.

The sites are un-serviced by reticulated water and sewer and will rely on on-site effluent management and rainwater collection. The sites are constrained by drainage channels which have overland flow flooding impacts, with all flood prone land is proposed to be zoned C2 Environmental Conservation.

The planning proposal is proponent-led and seeks to rezone land identified in the Mountain Ash precinct of the Urban and Fringe Housing Strategy from RU6 Transition to R5 Large Lot Residential. The Urban and Fringe Housing Strategy identifies that areas of the Mountain Ash precinct are subject to flooding and recommends that an environmental zone be applied to flood prone land. The site is affected by perennial and non-perennial drainage channels which feed into Gundry Creek which drains into the nearby Mulwaree River. These channels result in areas of inundation during periods of heavy rain.

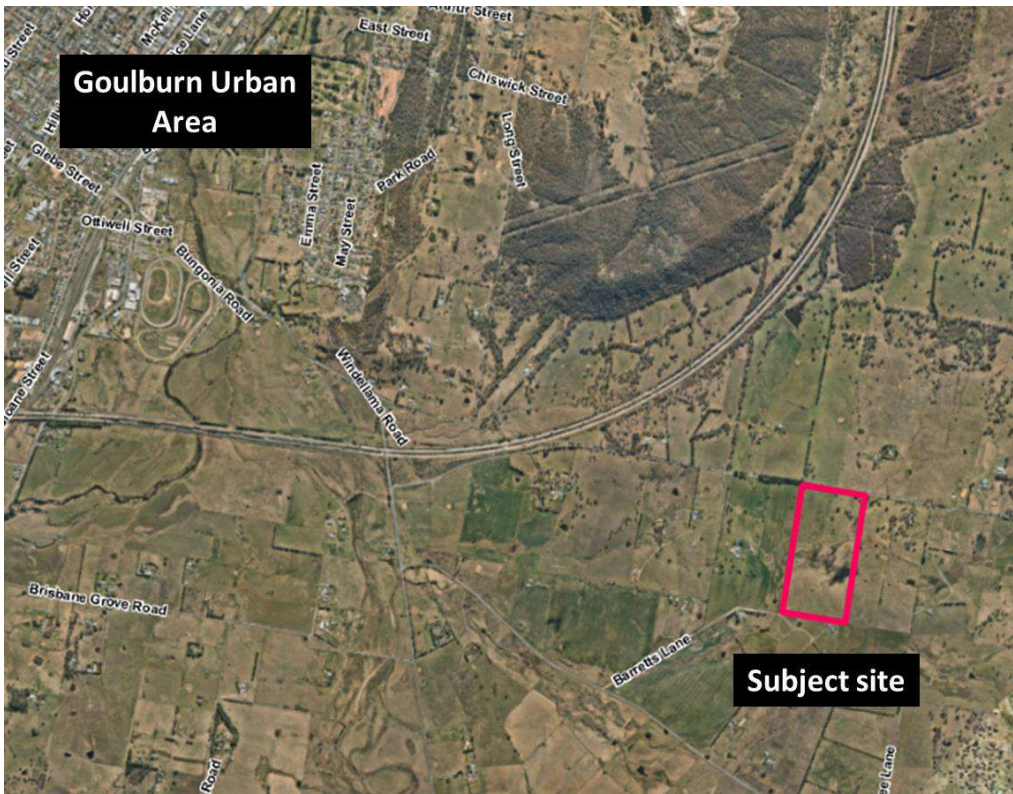


Figure 1 Subject site (source: GMC Planning Proposal, April 2024)

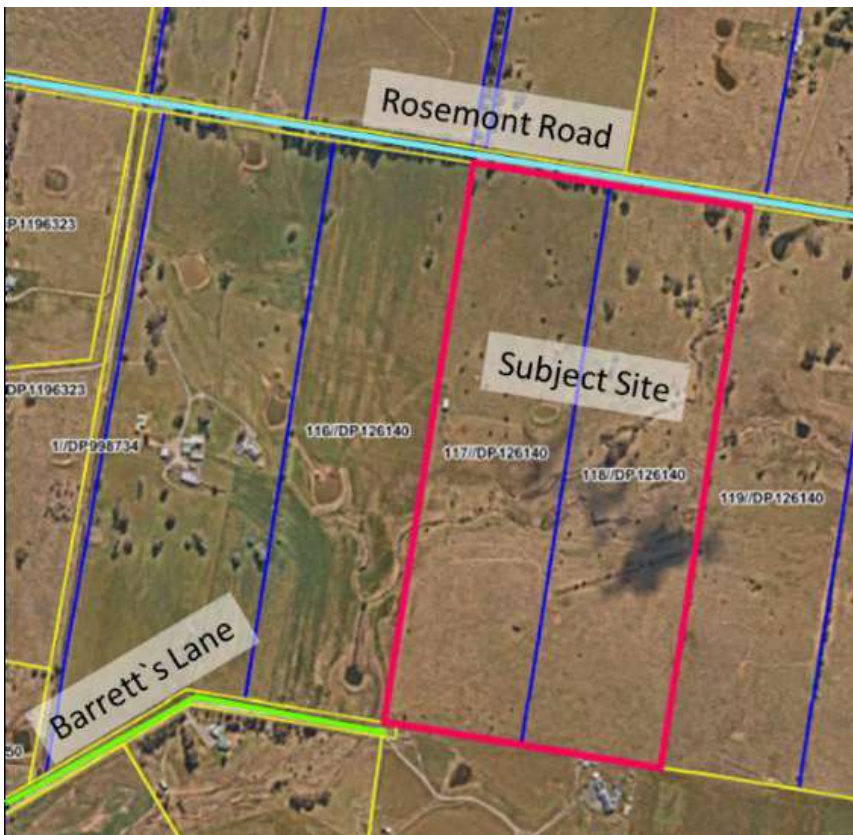


Figure 2 Site context (source: GMC Planning Proposal, April 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Zoning and Minimum Lot Size maps, which are suitable for community consultation.

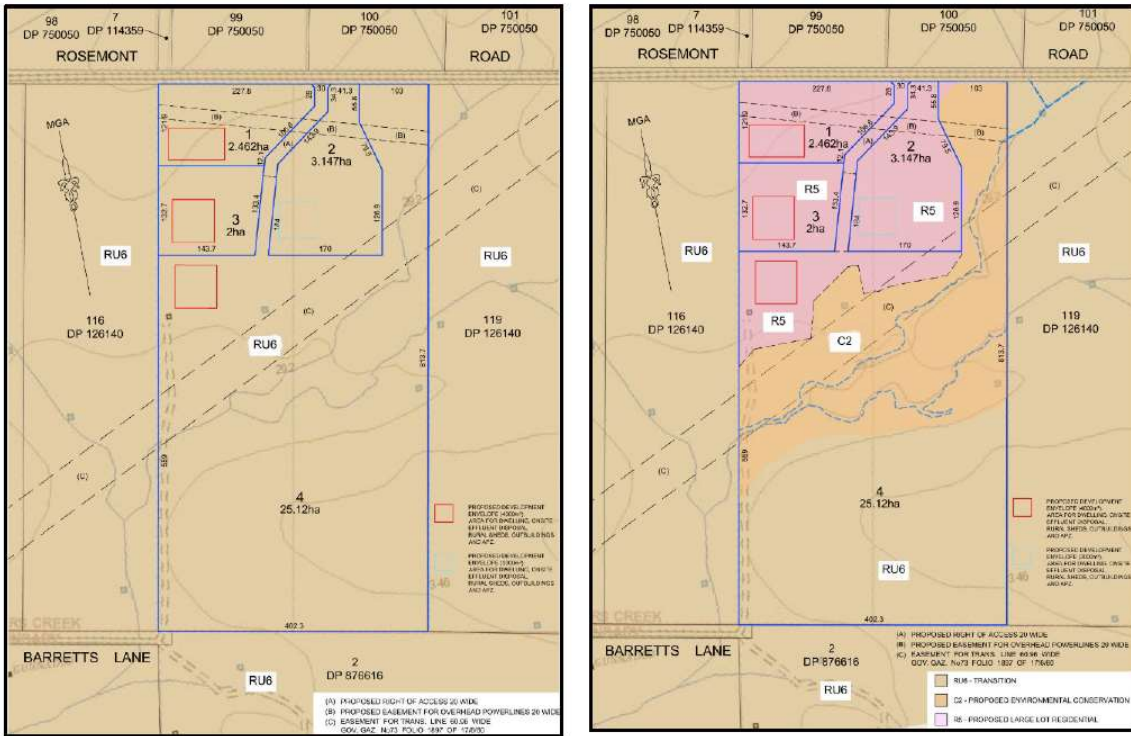


Figure 3 Current (left) and Proposed (right) Zoning maps

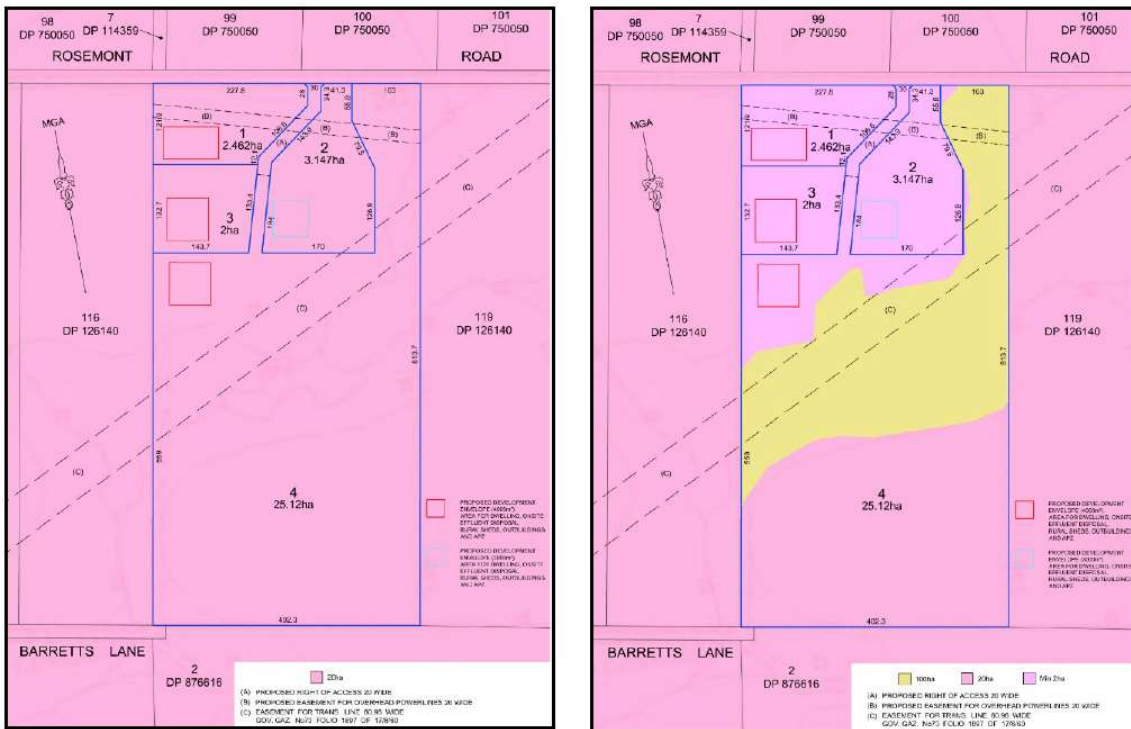


Figure 4 Current (left) and Proposed (right) Minimum Lot Size maps

1.6 Background

This current planning proposal (PP-2024-101) is a revision and resubmission of a planning proposal submitted to Council in April 2022 (PP-2022-1180). A copy of the original planning proposal submission is presented in **Appendix 5** alongside the original concept layout plan in **Appendix 4**.

The original proposal included two separate subject sites, namely 292 Rosemont Road and 100 Mountain Ash Road (previously incorrectly identified as 46 Mountain Ash Road). The revision and resubmission does not include the Mountain Ash Road site and only relates to 292 Rosemont Road.

The revised planning proposal which includes the Rosemont Road site only is of less intensity than the original proposal and serves as an overall improvement on the previously submitted scheme.

2 Need for the planning proposal

The planning proposal is the result of the *Urban and Fringe Housing Strategy*. The subject site is identified within *Precinct 10: Mountain Ash* (Figure 5). The Precinct is identified as a rural and rural transition area south of the Hume Highway, on both sides of Mountain Ash Road. The strategy recommends land in the precinct which is least constrained by topography and environmental constraints be rezoned to large lot residential with a minimum lot size of 2 hectares. The strategy identifies the lots are not serviced by Goulburn's reticulated water and sewer system and recommends consideration of a suitable environmental zone for flood affected land. The Strategy also makes clear that a significant portion of the precinct is potentially flood affected and additional flood prone land may exist beyond current flood studies adopted by Council.

This planning proposal is seeking R5 Large Lot Residential rezoning on the northern part of the site with a 2 hectare minimum lot size accompanied by a C2 Environmental Conservation Zone for flood affected land.

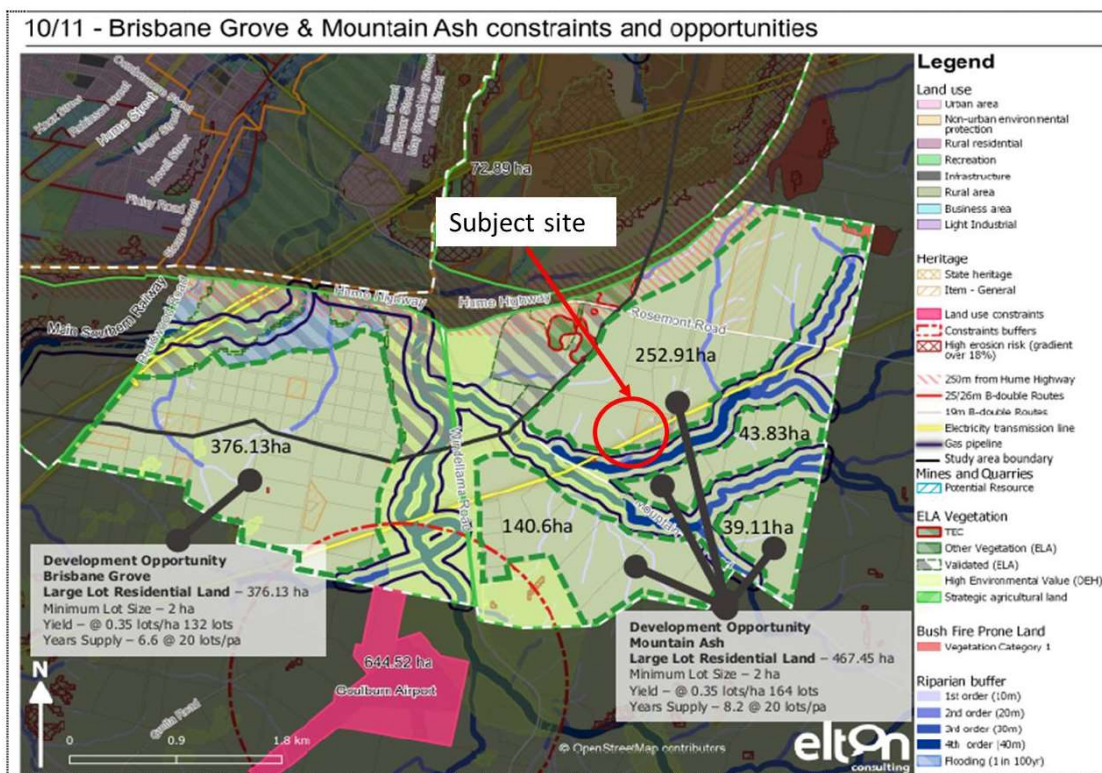


Figure 5: Extract from Urban and Fringe Housing Strategy, Precinct 10: Mountain Ash

The planning proposal is the best means of achieving the intended outcome whilst complying with the requirements of the Urban and Fringe Housing Strategy and Ministerial Directions, particularly Direction 4.1 Flooding. The large lot zoning provides the rural character, the ability to accommodate effluent management areas and ensure areas of flooding can be avoided. The planning proposal seeks to apply a C2 Environmental Conservation Zone along drainage corridors and related flood prone areas. This approach seeks to maintain buffer distances between development and watercourses, maintain water quality, improve biodiversity and reduce soil erosion.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South-East and Tablelands Regional Plan 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 14: Protect important environmental assets	The direction requires any intensification of land uses to avoid impacts on important areas of high environmental value. The proposed lot layout, and proposed zoning, will protect and avoid identified areas of high environmental value identified on the site.
Direction 23: Protect the region's heritage	The direction requires the protection of historically important places, with particular regard to Aboriginal Cultural Heritage. The proposed site is not identified as containing any known items of historic significance as supported by the Aboriginal Cultural Heritage Due Diligence Assessment (Appendix 8) and Statement of Heritage Impact (Appendix 9).
Direction 24: deliver greater housing supply and choice	The direction requires local housing strategies to identify land suitable for development. The site is identified within the <i>Urban and Fringe Housing Strategy: Precinct 10: Mountain Ash</i> (Figure 5). The site is considered to provide suitable housing options in relation to the requirements set out in the Regional Plan.
Direction 28: manage rural lifestyles	The direction requires rural residential housing to be located in places identified within a local housing strategy prepared by Council. The site is identified within the <i>Urban and Fringe Housing Strategy: Precinct 10: Mountain Ash</i> (Figure 5). The site is considered to provide suitable housing options in relation to the requirements set out in the Regional Plan.

3.1.1 Regional Community Strategic Plan 2016-2036

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

- Environment
- Economy
- Infrastructure
- Civic Leadership

Table 5 Tablelands Regional Community Strategic Plan assessment

Strategic Priorities	Justification
<p>Environment Strategy EN1- Protect and enhance the existing natural environment, including flora and fauna native to the region which includes maintaining our rural landscape</p>	<p>The site contains a number of significant flora and fauna species (Appendix 9). The planning proposal seeks to protect these areas through zoning significant areas C2 Environmental Conservation. Identified Building envelopes and proposed protections on title (via 88b instruments) are proposed to protect areas of significance not located within the proposed C2 zone.</p>
<p>Environment Strategy EN3- Protect and rehabilitate waterways and catchments</p>	<p>The site is located within the Sydney Water Catchment and contains an ephemeral watercourse through the site in a westerly direction towards Gundry Creek and the Mulwaree River. The watercourse will be located within the C2 zone, and an Onsite Wastewater Assessment (Appendix 10a) has been submitted, which shows the proposed lots are able to achieve a neutral or beneficial effect on water quality.</p>
<p>Environment Strategy EN4- Maintain a balance between growth, development and environmental protection through sensible planning</p>	<p>The site stands in an area suitable to provide lifestyle lots within relatively close proximity to Goulburn's employment services and facilities.</p>
<p>Our Community Strategy CO4- Recognise and celebrate our diverse cultural identities, and protect and maintain our community's natural and built cultural heritage</p>	<p>No impacts have been identified to Aboriginal cultural heritage and the heritage values of the nearby heritage item are safeguarded through a series of recommendations incorporated into a precinct-specific Development Control Plan chapter.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table overleaf:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Planning Priority 4: Housing – This planning proposal seeks the rezoning of an area of RU6 Transition zone land identified in Precinct 10 of the Urban and Fringe Housing Strategy for R5 Large Lot Residential development. This area is situated approximately 5 kilometres from the Goulburn urban area. This precinct forms one of 20 precincts identified for residential growth focused in and around the Goulburn urban area.</p> <p>Planning Priority 8: Natural Hazards – The central natural hazards potentially affecting the subject site are bushfire and overland flow flooding. The proposal includes suitable bushfire prone land measures to mitigate potential impacts and increase resilience. The Goulburn Mulwaree Development Control Plan also includes provisions relating to bushfire controls. Areas of flood inundation have been identified through the Goulburn Floodplain Risk Management Study and Plan and related overland flow modelling, alongside the submitted Flood Impact and Risk Assessment and planned for through appropriate zoning of flood prone land to C2.</p> <p>Planning Priority 9: Heritage – The planning proposal includes 2 hectare lots for subdivision assisting in maintaining the rural setting and context of heritage items in the locality. Additional provisions are provided through the precinct-specific Development Control Plan chapter (Appendix 1) which seeks to limit the impact of the proposal on the wider landscape setting.</p> <p>Planning Priority 10: Natural Environment – The Flora and Fauna Assessment (Appendix 11a) submitted with the planning proposal finds that the site had been historically cleared and managed with most of the area consisting of non-native pasture improved and regularly grazed grassland. The assessment concluded that there will be no significant consequences to biodiversity in the locality subject to the implementation of a number of recommendations. The site is within the Sydney drinking water catchment where development is required to achieve a neutral or beneficial effect on water quality. The watercourse will be located within the C2 zone, and an Onsite Wastewater Assessment (Appendix 10a) has been submitted, which shows the proposed lots are able to achieve a neutral or beneficial effect on water quality.</p>
Urban and Fringe House Strategy	<p>The subject site is identified in the Urban and Fringe Housing Strategy (UFHS) as an urban release area in the Mountain Ash Precinct, as illustrated in Figure 5. The recommendations for this precinct are:</p> <ul style="list-style-type: none"> • Rezone land that is least constrained by topography and environmental constraints to large lot residential zone (un-serviced); • A comprehensive Aboriginal Cultural Heritage Assessment is required; • Consider suitable Environmental Zone for flood affected land; • Any development within the Sydney drinking water catchment must have a neutral or beneficial effect (NorBE) on water quality, and • High priority. <p>The Strategy also defines the area as a development opportunity for un-serviced residential lots with a minimum lot size of 2 hectares.</p> <p>The proposed lots meet the minimum lot size requirement of 2ha for un-serviced land, and all required reports have been submitted (see further discussion in Section 3.3).</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Direction 4.1 Flooding

The subject site is identified as Flood Prone Land (Figure 6). The Goulburn Floodplain Risk Management Study and Plan (The Flood Study) was adopted by Council on 16 August 2022. The Flood Study was prepared in accordance with and is consistent with:

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

The Flood Study does not include the subject site but models the extent of the riverine flooding with flood inundation identified on nearby roadways and intersections. The Flood Study also included a Development Control Policy (Appendix 14b) which applies controls to both flood prone land within the Flood Study boundaries and areas outside the scope of the Study.

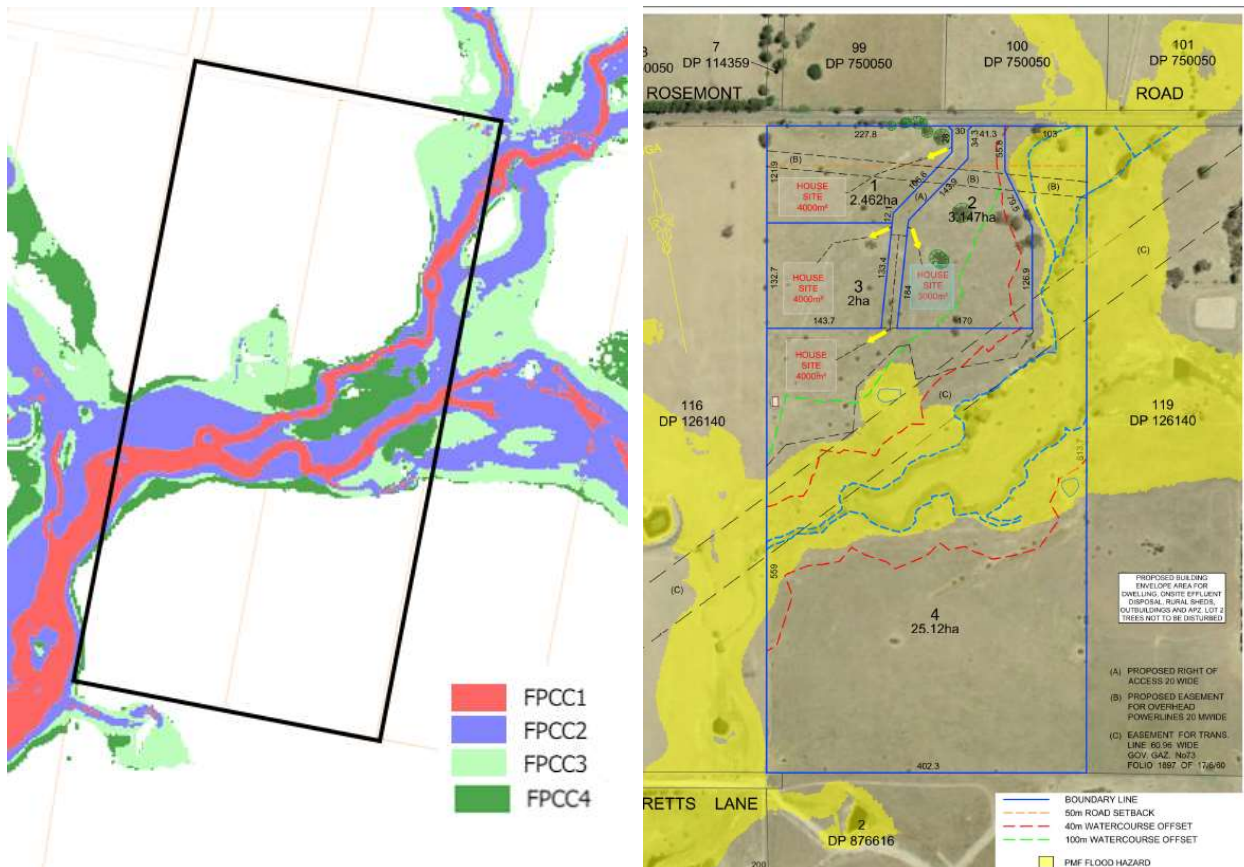


Figure 6: Goulburn Overland Flow Mapping 2022 (left) and Overlaid on Proposed Subdivision Plan (right)

A Flood Assessment prepared by GRC Hydro (Appendix 14a), which includes a Risk Management Strategy, Impact and Risk Assessment (FIRA), and Risk Management Measures was prepared for the proposed development.

The Flood Assessment does not address the correct lot boundaries, however, does identify the correct building envelopes and egress points. As such, the land identified as flood prone will be located within the proposed C2 zone, and the dwelling envelopes will be located outside of the PMF, along with the access road. Isolation of the site can occur due to flooding of access roads during events rarer than 0.2% AEP, with isolation noted for ~24 hours during the PMF event.

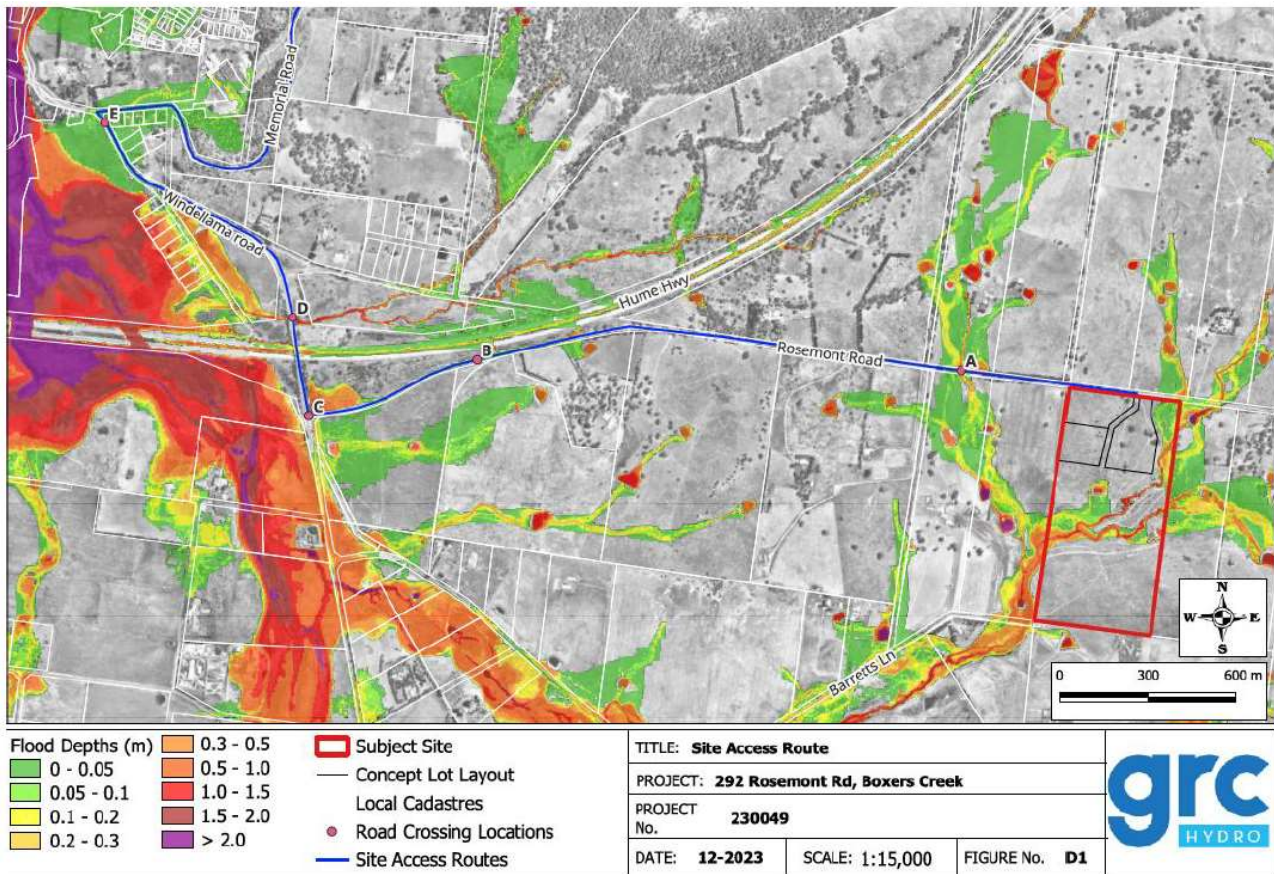


Figure 7: FIRA Site Access Route

The planning proposal was referred to a number of relevant flooding Agencies by George Curtis, the below is the received comments.

Water NSW

The planning proposal was referred to Water NSW by GMC. Water NSW responded on the 20 March 2024 stating that:

- The revised lot layout suitably responds to site constraints, particularly flooding. Suitable building envelopes and effluent management areas (EMAs) have been identified on site and can meet the required 40m and 100m buffer distances required from drainage lines and channels.
- Buffer distances from the 2 dams have not been addressed. The EMAs will need to be located at least 40m from the existing dams if they are to be retained.
- The accompanying MUSIC Model Assessment refers to outdated requirements for works in the Sydney Water Catchment. The report is considered suitable for PP, however a more detailed, up-to-date, report will be required at subdivision stage.
- Water NSW has no objection to the Planning Proposal.

SES

The planning proposal was referred to SES for comment on 17 April 2024. SES responded on the 29 April 2024 stating that:

- Proposed Lot 4 is subject to high hazard flood and the entire site is isolated in the event of a 10% Annual Exceedance Probability (AEP) event. The proposed development would increase the number of people and properties exposed to the effects of flooding and other secondary emergencies.

- Development strategies relying on deliberate isolation or sheltering in place, surrounded by flood waters, are not supported.

NSW SES is opposed to development that transfers risk in terms of emergency response activities, or capability requirements, to NSW SES.

DCCEEW – Biodiversity Conservation and Science (BCS)

The Planning Proposal was referred to DCCEEW BCS for comment on 17 April 2024. DCCEEW BCS responded on the 12 June 2024, stating that:

- BCS approves of the proposed C2 zoning and conservation actions for the riparian land in the centre of the subject property.
- A change in site design should also be considered to move the access road away from the large dead trees onsite, to avoid having to remove them, as they are hollow bearing and could be providing habitat for threatened fauna onsite.
- BCS are also reviewing the Planning Proposal for flooding issues. A response from our Flooding team will follow shortly.

DCCEEW – Flooding

The Planning Proposal was referred to DCCEEW Flooding for comment on the 17 April 2024. DCCEEW Flooding provided a generalised response to a number of Planning Proposals in the area on the 27 July 2024, stating that:

Although the FIRA supporting the planning proposals indicate that new houses may be above the PMF, the flood isolation issue has not been addressed and is likely to result in an increase in government spending on emergency management services, flood mitigation and emergency response measures, particularly flood free road access.

Reasons for Further Justification


The proposal is generally consistent with this direction as it does not rezone land to R5 or permit development in areas affected by flooding (see Figure 8). The flood affected land is proposed to be rezoned to C2. Given the site has 2 dwelling entitlements already, the proposed 4 lots would not significantly create any significant risk. The extended warning times for the cut-off point along Windellama Road leading into Goulburn Township, are considered suitable for residents to evacuate or prepare to stay on site. The “flash” flooding is confined to the creek bed within the lot confines, which will not impact on access/egress to/from site. Alternate emergency access can potentially be provided off the Hume Highway direct onto Rosemount Rd avoiding the flood impact points however this needs to be further explored by Council.


As the matter of evacuation needs to be further detailed then the consistency with this direction cannot be determined at this time.

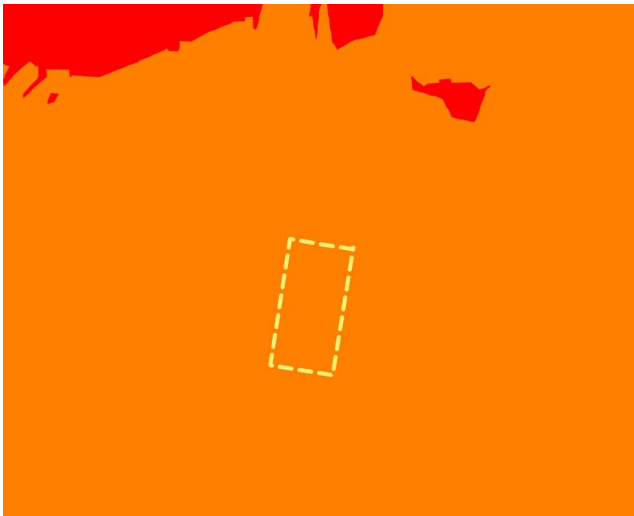
The Flood Reports have all been prepared with the current dwelling location/formation and are suitable for exhibition purposes.

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with this direction as detailed in section 3.1 of this report.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Inconsistency justified	<p>The subject site is identified as containing Terrestrial Biodiversity (Figure 8).</p>  <p>Figure 8: Terrestrial Biodiversity</p> <p>A Flora and Fauna Impact Assessment was prepared by Land Eco Consulting (Appendix 11a), which determined that approximately 4.19ha of exotic grassland, 20 exotic shrubs and 2 dead trees are to be removed, which did not trigger the BOS clearing threshold. Remnant critically endangered ecological communities, comprising of White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland, are identified in a small portion of the site. The proposed subdivision has been designed to avoid impacts on the remnant vegetation, none of which is proposed to be removed.</p> <p>The report further states that the site contains 2 threatened fauna species and the potential for 11 more threatened species possibly being present on site. A Threatened Species Test of Significance (TOS), has been conducted which determined that there is not likely to be any significant impact on any threatened species.</p> <p>The report concludes that the proposed development will have no significant impact on biodiversity.</p> <p>Council's Environment and Biodiversity Officer reviewed the submitted report (Appendix 11b) and undertook ground truthing of the report. The findings of the submitted Flora and Fauna Report, were found to be factual, and that the proposed development will not remove any native vegetation, and the report was broadly supported. Therefore, any inconsistency with this direction is justified.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>It noted that both of these reports were produced over the previous proposed site layout (Appendix 4), therefore a revised vegetation impacts map is required to be prepared with the current proposed layout (Appendix 2) needs to be undertaken, prior to exhibition.</p>
<p>3.2 Heritage Conservation</p>	<p>Consistent</p>	<p>The subject site is not identified as containing heritage items, however there are identified items within proximity of the subject site (Figure 9).</p> <p>A Statement of Heritage Impact was prepared by Eric Martin & Associates (Appendix 9), which determined that there would be a minor impact on the existing rural ambience due to the proposed development, but no adverse impact on the existing heritage listed sites within the vicinity.</p> <p>A Cultural Due Diligence Report was prepared by Past Traces Heritage Consultants (Appendix 8), which determined that no Aboriginal heritage sites or areas of Potential Archaeological Deposit (PAD) were identified within the subject site.</p> <p>The report was produced over the previous site layout, however as there are no items of heritage significant located on the subject site, it is considered that this report is suitable for exhibition.</p>  <p>Figure 9: Heritage Map</p>
<p>3.3 Sydney Drinking Water Catchment</p>	<p>Consistent</p>	<p>The subject site is located within the Sydney Drinking Water catchment. The site is not serviced by reticulated water or sewer.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The site contains 2 existing dams, and there are no known bores on site, however there are three bores within close proximity.</p> <p>The proposal was referred to Water NSW (see discussion under Direction 4.1). Water NSW provided a response with the explicit conclusion that pre-gateway consultation conditions required under Direction 3.3 have been met.</p> <p>An Onsite Wastewater Management Assessment prepared by Land Team Australia (Appendix 10a) has been submitted to support the application. The report determined that the site was suitable for a 4 Lot subdivision, with each proposed lot being able to support a 4-bedroom dwelling with an Aerated Wastewater Treatment System (AWTS) draining to a Secondary absorption bed. Further details will be required at DA Stage.</p> <p>The report has been prepared with the current lot configuration and is considered suitable for exhibition.</p> <p>A Music Model Assessment has been prepared by Land Team Australia (Appendix 10b) to support the application. The report provides an assessment of the proposed developments effect on water quality to satisfy the requirements of SEPP (Sydney Drinking Water Catchments 2011). The MUSIC Model results conceptually show the Neutral or Beneficial Effect (NoRBE) criteria would be achieved for the post development scenario, given treatment measures are implemented.</p> <p>The report has been prepared with the current lot configuration and is suitable for exhibition.</p> <p>It is noted that both reports fail to identify the existing dams on-site and required buffer distances. This issue can be addressed at DA stage and is not required to be addressed at the current PP stage.</p>
4.3 Planning for Bushfire Protection	Further justification	<p>The subject site is identified as Bush fire prone land (Figure 10).</p>  <p>Figure 10: Bushfire mapping</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>A Strategic Bushfire Study was undertaken by Black Ash Bushfire Consulting (Appendix 13), which determined that, as each proposed lot comprised of a substantial building envelope (30m x 30m), surrounded by a 20m Asset Protection Zone (APZ), that there is certainty that each proposed lot can achieve a BAL-29 or less, provide suitable APZ's and minimum defendable space.</p> <p>Access is via Rosemount Road, which provides access to all proposed lots via a right of way over proposed lot 4. The report concludes that the proposed new road network meets the standards detailed in provisions 5.3.2 of Planning for Bushfire Control.</p> <p>As the sites are not connected to the reticulated water system, each new lot/dwelling will require a minimum 10,000L water tank dedicated for firefighting, which will need to be addressed at DA stage.</p> <p>Ultimately the subject site can meet the requirements for Planning for Bush Fire, and is considered suitable for residential development, in respect to bushfire protection.</p> <p>The bushfire report has been prepared with the current proposed lot layout and potential building envelope. No amendments are required prior to exhibition.</p> <p>However, consistency cannot be determined until the planning proposal has been referred to RFS following the Gateway determination being issued. A condition has been included to address this.</p>
4.4 Remediation of Contaminated Land	Consistent	The site is not identified on any mapping that it could be impacted by Potentially Contaminated Land or Acid Sulphate Soils.
4.5 Acid Sulphate Soils	Consistent	<p>A Preliminary Site Investigation and Assessment Report, prepared by Dr Upsilon Environments Pty Ltd (Appendix 12), has been submitted to support the application. Soil investigation tests were undertaken on the site which found that there was no history of contamination was found, based on the sampling locations.</p> <p>The report concludes that the site is considered suitable for inclusion within the proposed development from a contamination perspective only, subject to the proper implementation of recommendations. The submitted report is considered suitable for exhibition purposes.</p>
5.1 Integrating Land Use and Transport	Consistent as justified by a strategy approved by the Planning Secretary	The proposal is seeking to rezone an area of 11.4ha from RU6 to provide a total of four R5 Large Lot residential lots. The site stands approximately 5km from the Goulburn urban area. The site is

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>separated from the Goulburn Urban Area by the Hume Highway and Mulwaree River.</p> <p>The location of the site outside the Goulburn urban area and lack of potential active travel or public transport options will create a reliance on the private motor vehicle with nearly all trips expected to be undertaken via this method.</p> <p>There is no indication that the proposal would affect the efficient movement of freight.</p> <p>Due to the location of the subject site, the proposal will increase the dependence on the private car and the proposed density with 2ha lots would not support the efficient and viable operation of public transport services. This planning proposal is inconsistent with Direction 5.1- Integrating Land Use and Transport.</p> <p>The subject site is located within the Mountain Ash Precinct, of the <i>Urban and Fringe Housing Strategy</i>. The Strategy has been adopted by Council and endorsed by the Department of Planning and Environment in 2020.</p> <p>The Direction is justified by a strategy approved by the Planning Secretary, the Strategy has given consideration to the objective of this direction and identifies the land which is subject of the planning proposal.</p>
6.1 Residential Zones	Consistent as justified by a strategy approved by the Planning Secretary	This planning proposal is seeking the rezoning of a rural RU6 Transition Zone to R5 Large Lot Residential.
9.1 Rural Zones		The planning proposal is considered generally consistent with these directions. However, an inconsistency has been identified in the case of 6.1 Residential Zones and the requirement to reduce the consumption of land for housing and associated urban development on the urban fringe. This is considered a minor inconsistency which is justified by the <i>Urban and Fringe Housing Strategy</i> which has been approved by the Planning Secretary, the strategy has considered the objective of this direction and identifies the land which is subject of the planning proposal.
9.2 Rural Lands		

3.4 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity & Conservation 2021	Chapter 3 & 4 – Koala Habitat	Yes	The submitted Flora and Fauna Report states that the site does not contain any 'Potential' or 'Core' Koala Habitat. See full discussion in Section 3.3 of this report.
	Chapter 6 – Water Catchments	Yes	The site is located in the Sydney Water Catchment. See full discussion in Section 3.3 of this report.
Housing 2021		Yes	There are no provisions in this SEPP that directly apply to the PP, however it is noted that the SEPP will need to be taken into consideration as part of any future development application on the land.
Primary Production 2021	Chapter 2 – Primary production and rural development	Yes	The Urban and Fringe Housing Strategy considered the significance of primary production when determining suitable opportunity areas for housing growth in the local government area. See full discussion in Section 3.2 of this report.
Resilience and Hazard 2021	Chapter 4 – Remediation of Land	Yes	The site does not contain a known contamination. See full discussion in Section 3.3 of this report.

4 Site-specific assessment

4.1 Environmental

The planning proposal has been supported by a Flora and Fauna Report (Appendix 11a) which found that the site had been historically cleared, however still contained pockets of grassy woodland belonging to Yellow Box-Blakleys Red Gum grassy woodland which is listed as a Critically Endangered Ecological Community (CEEC). The Flora and Fauna Report had not been updated from the previous lot layout, and as such it is not clear if the revised lot layout and dwelling

envelopes avoid these areas. A revised Flora and Fauna map which addresses the revised lot layout is required prior to public exhibition, to illustrate these areas are avoided.

The subject site has the potential to be impacted by noise. Possible noise sources which have the potential to adversely affect residential amenity include:

- The railway line which stands approximately 5km from the site on the opposing side of the Mulwaree River,
- The Hume Highway which stands approximately 1km northwest of the site,
- Goulburn Airport which stands approximately 3.6km southwest of the site, and
- Wakefield Park Raceway which stands approximately 9.3km southwest of the site.

These noise impacts are proposed to be addressed through the Precinct-specific Development Control Plan chapter which requires an internal noise limit of 35dbL, as illustrated in Appendix 1. This can be achieved via a number of methods including through design, orientation, landscaping and earthworks or built solutions.

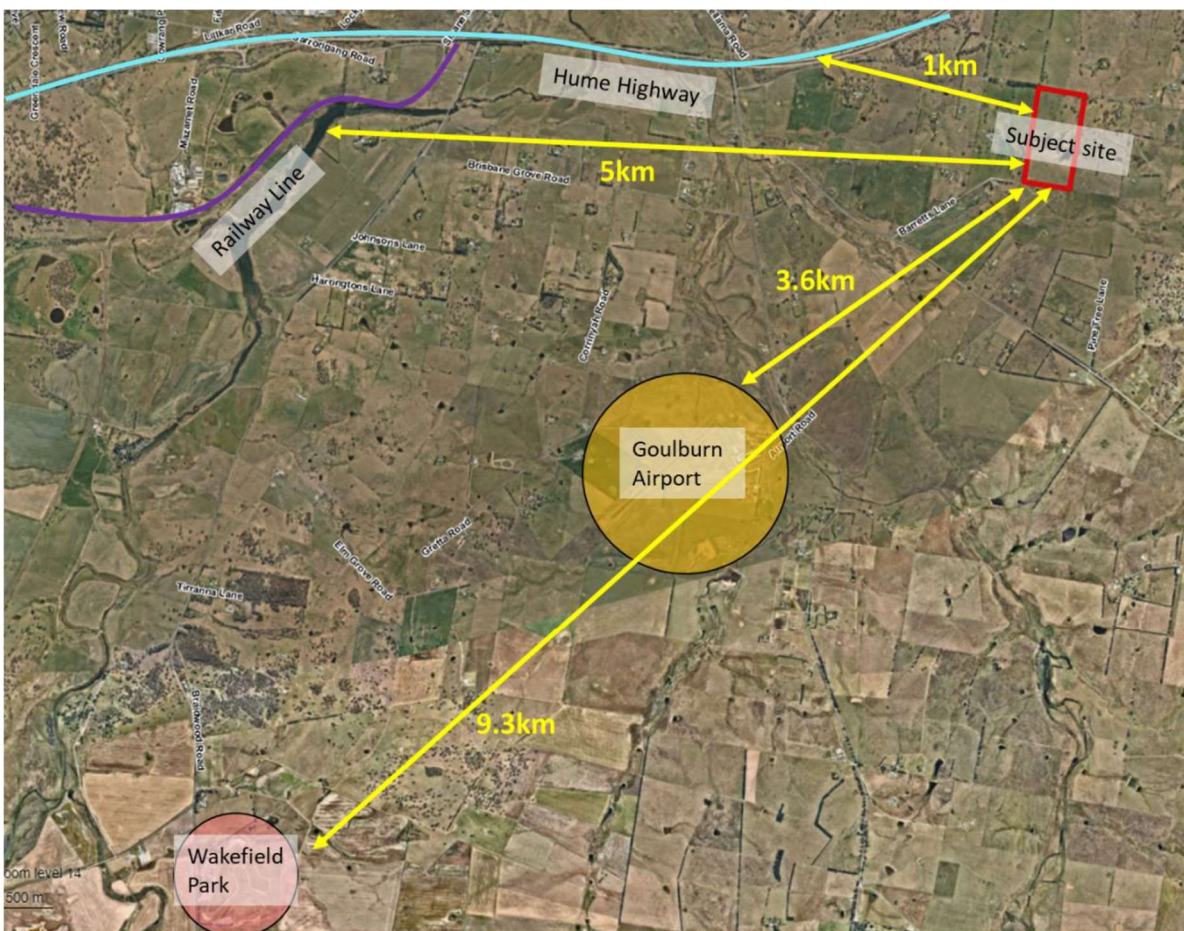


Figure 11: Proximity to Noise Sources (Source: planning Proposal GMC)

4.2 Social and economic

The planning proposal is unlikely to have any negative social or economic impacts but will provide additional housing opportunities and a small increase in population to support local businesses.

4.3 Infrastructure

The planning proposal has no requirement for any additional infrastructure to be provided and will not impact on existing infrastructure within the vicinity.

It is noted that a 60.96m wide electricity easement runs through the site which carries high voltage transmission lines. The proposed lot layout and building envelopes have been placed to avoid the easement. The Easement will be located within the proposed C2 zone.

The site is not connected to reticulated water or sewer. As such all proposed dwelling will require an on-site sewage management system (OSSM) and water tanks suitable for potable water.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Rural Fire Service
- State Emergency Service (SES)
- DCCEEW – Flooding and Biodiversity, Conservation and Science (BCS)
- Natural Resources Assessment Regulator (NRAR)
- Water NSW
- Essential Energy
- Transport for NSW (TfNSW)

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 12 months in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is Standard, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The Planning Proposal is considered to have minimal impact on environmental, social, economic or infrastructure.
- It is considered to have strategic and site merit.
- It is consistent with local and regional strategic planning.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- A revised Flora and Fauna Map which addresses the revised lot layout is required prior to public exhibition.

Flooding aspects of the proposal may need further consideration depending on responses from Government agencies.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with the following section 9.1 Directions are minor or justified:
 - 3.1 Conservation Zones,
 - 5.1 Integrating Land Use and Transport,
 - 6.1 Residential Zones,
 - 9.1 Rural Zones, and
 - 9.2 Rural Lands.
- Note that the consistency with section 9.1 Directions 4.1 Flooding is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to prior to public exhibition as follows:
 - A revised Flora and Fauna Map which addresses the revised lot layout is required prior to public exhibition.
 - Council is to address the evacuation of the site including the consideration of providing an emergency access/egress point off the Hume Highway directly onto Rosemount Road, which can be accessed by emergency services during flood events. Any new emergency access/egress point is to be designed in conjunction with Transport for NSW.
 - Consult the Rural Fire Service and address any comments in the planning proposal.
2. Consultation is required with the following public authorities:
 - NSW State Emergency Service (SES)
 - DCCEEW – Flooding and Biodiversity, Conservation and Science (BCS)
 - Natural Resources Assessment Regulator (NRAR)
 - Water NSW
 - Essential Energy
 - Transport for NSW (TfNSW)

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 12 Months be included on the Gateway.



29/7/24

Graham Towers

Manager, Southern, Western and Macarthur Region



5/8/2024

Chantelle Chow

A/Director, Southern, Western and Macarthur Region

Assessment officer

Stephanie Wood

Planning Officer, Southern, Western and Macarthur Region

(02) 9274 6550