



# **Goulburn Mulwaree Council**

**Planning Proposal to rezone and amend minimum lot size at 407 &  
457 Crookwell Road Kingsdale**

**REZ\_0001\_2223**

**(PP-2023-414)**

**April 2025**

**Exhibition version**

## Contents

<b>Introduction .....</b>	<b>4</b>
<b>Part 1- Objectives .....</b>	<b>11</b>
<b>1.1 Intended Outcomes .....</b>	<b>11</b>
<b>Part 2- Explanation of Provisions .....</b>	<b>11</b>
<b>Part 3- Justification .....</b>	<b>14</b>
<b>Section A- Need for a planning proposal .....</b>	<b>14</b>
<b>3.1 Is the planning proposal a result of any strategic study or report?.....</b>	<b>14</b>
<b>3.2 Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way? .....</b>	<b>15</b>
<b>Section B- Relationship to Strategic Planning Framework .....</b>	<b>16</b>
<b>3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?.....</b>	<b>16</b>
<b>3.3.1 South East and Tablelands Regional Plan 2036 and Draft South East and Tablelands Regional Plan 2041 .....</b>	<b>16</b>
<b>3.3.2 The Goulburn Mulwaree Community Strategic Plan 2042 .....</b>	<b>20</b>
<b>3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan? .....</b>	<b>23</b>
<b>3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020) .....</b>	<b>23</b>
<b>3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020) .....</b>	<b>26</b>
<b>3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?.....</b>	<b>27</b>
<b>3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- .....</b>	<b>27</b>
<b>Part 4.1: Koala Habitat Protection 2021 .....</b>	<b>27</b>
<b>Part 6.5: Sydney Drinking Water Catchment .....</b>	<b>27</b>
<b>3.5.2 State Environmental Planning Policy (Primary Production) 2021 .....</b>	<b>30</b>
<b>3.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4 Remediation of Land.....</b>	<b>31</b>
<b>3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)? .....</b>	<b>32</b>
<b>3.6.1 Direction 1.1 Implementation of Regional Plans .....</b>	<b>32</b>
<b>3.6.2 Direction 1.3 Approval and Referral Requirements .....</b>	<b>33</b>
<b>3.6.3 Direction 1.4 Site Specific Provisions .....</b>	<b>33</b>
<b>3.6.4 Direction 3.1 Conservation Zones .....</b>	<b>34</b>
<b>3.6.5 Direction 3.2 Heritage Conservation .....</b>	<b>40</b>
<b>3.6.6 Direction 3.3 Sydney Drinking Water Catchments .....</b>	<b>46</b>

3.6.7	Direction 4.1 Flooding.....	53
3.6.8	Direction 4.3 Planning for Bushfire Protection .....	67
3.6.9	Direction 4.4 Remediation of Contaminated Land .....	71
3.6.10	Direction 5.1 Integrating Land Use and Transport.....	78
3.6.11	Direction 6.1 Residential Zones .....	81
3.6.12	Direction 9.1 Rural Zones .....	86
3.6.13	Direction 9.2 Rural Lands .....	87
<b>Section C- Environmental, Social and Economic Impact.....</b>		<b>97</b>
3.7	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal? .....	97
3.8	Are there other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? .....	97
3.9	Has the planning proposal adequately addressed any social and economic effects? .....	99
<b>Section D- State and Commonwealth Interests .....</b>		<b>100</b>
3.10	Is there adequate public infrastructure for the planning proposal? .....	100
3.11	What are the views of State and Commonwealth public authorities' consultation in accordance with the Gateway determination? .....	101
<b>Part 4-</b>	<b>Mapping .....</b>	<b>101</b>
<b>Part 5-</b>	<b>Community Consultation .....</b>	<b>102</b>
<b>Part 6-</b>	<b>Project Timeline.....</b>	<b>103</b>
<b>Part 7-</b>	<b>Appendices .....</b>	<b>103</b>

Figure 1:	Aerial Image of subject site (Near Map Australia Pty Ltd, 2023).....	4
Figure 2:	Concept site layout .....	7
Figure 3:	Urban Release Area (URA) map and associated provisions.....	9
Figure 4:	Current zoning of subject site .....	12
Figure 5:	Proposed zoning of subject site .....	12
Figure 6:	Current minimum lot size .....	13
Figure 7:	Proposed minimum Lot Size .....	13
Figure 8:	Proposed Urban Release Area (URA) to be illustrated in the GM LEP 2009.....	14
Figure 9:	Extract from Urban and Fringe Housing Strategy .....	15
Figure 10:	Approximate location of Aboriginal Heritage .....	20
Figure 11:	Drainage Path Map .....	28
Figure 12:	Extent of Overland flooding.....	29
Figure 13:	Extent of PCT 1330 (source: Preliminary BDAR report prepared by Hayes Environmental 22/02/2023) .....	37
Figure 14:	Fauna field survey locations (source: Preliminary BDAR report prepared by Hayes Environmental 22/02/2023) .....	38
Figure 15:	Re- zoning of the PCT 1330 in moderate condition to RE1 Public Recreation. ....	39

Figure 16: Proximity of Heritage listed items to subject site .....	42
Figure 17: Places of potential Aboriginal Significance .....	43
Figure 18: NSW Aboriginal Heritage Information Management System findings- access 22.11.2023.	43
Figure 19: Site analysis showing the extent of the main site constraints.....	45
Figure 20: Overland Flow Corridor Map. ....	48
Figure 21: SLWCA map for residential sewer development (source: Water NSW).....	52
Figure 22: SLWCA map for residential unsewered development (source: Water NSW).....	53
Figure 23: Location of drainage paths relative to the subject site (Near Map Australia Pty Ltd, 2023) .....	55
Figure 24: Hazard vulnerability curve (Source: Australian Institute for Disaster Resilience Guideline 7-3, Flood Hazard, 2017).....	59
Figure 25: PMF Pre-development Depth and Extent.....	61
Figure 26: PMF Post-development Depth and Extent .....	61
Figure 27: Category 3 Bush fire prone land map .....	69
Figure 28: Bore Locations identified in the Preliminary Site Investigation, prepared by CivPlan, dated 23 September 2022.....	73
Figure 29: Potential Areas of Environmental Concern (PAEC) identified in the Preliminary Site Investigation (PSI). ....	74
Figure 30: Locations of each PAEC as identified in the PSI. ....	74
Figure 31: Potential Areas of Environmental Concern (PAEC) further assessed in the Detailed Site Investigation (DSI).....	75
Figure 32: Locations of samples taken in areas determined to be PAEC as identified in the supplementary report to the DSI, dated 4 August 2023.....	76
Figure 33: Existing location of water and sewer infrastructure relative to the subject site. ....	84
Figure 34: Location of exiting electricity poles (conveying powerlines).....	86
Figure 35: Biophysical Strategic Agricultural Land Map (shown in green). Subject site bordered by broken yellow lines (Source: Planning Viewer, 2020).....	90
Figure 36: Draft State Significant Agricultural Land Map (shown in blue) (Source: NSW Department of Primary Industries).....	91
Figure 37: Location of high pressure gas transmission pipeline (Source: Near map Australia Pty Ltd, 2022) .....	98

Version Table		
Version Number	Date	Amendment Type
1	20 March 2024	Pre-gateway referral Water NSW
2	16 May 2024	Gateway
3	9 January 2025	Agency Consultation
4	15 April 2025	Exhibition

## Introduction

This report considers a Planning Proposal submitted to Council by Hogan Planning, via the Planning Portal on the 2<sup>nd</sup> March 2023. The Planning Portal reference is PP-2023-414 and Council's reference is REZ/0001/2223.

This planning proposal seeks to rezone rural land situated on the corner of Crookwell Road and Chinaman's Lane, immediately north of the Goulburn urban fringe, known as 407 & 457 Crookwell Road Kingsdale. A site location plan is illustrated in Figure 1 below.

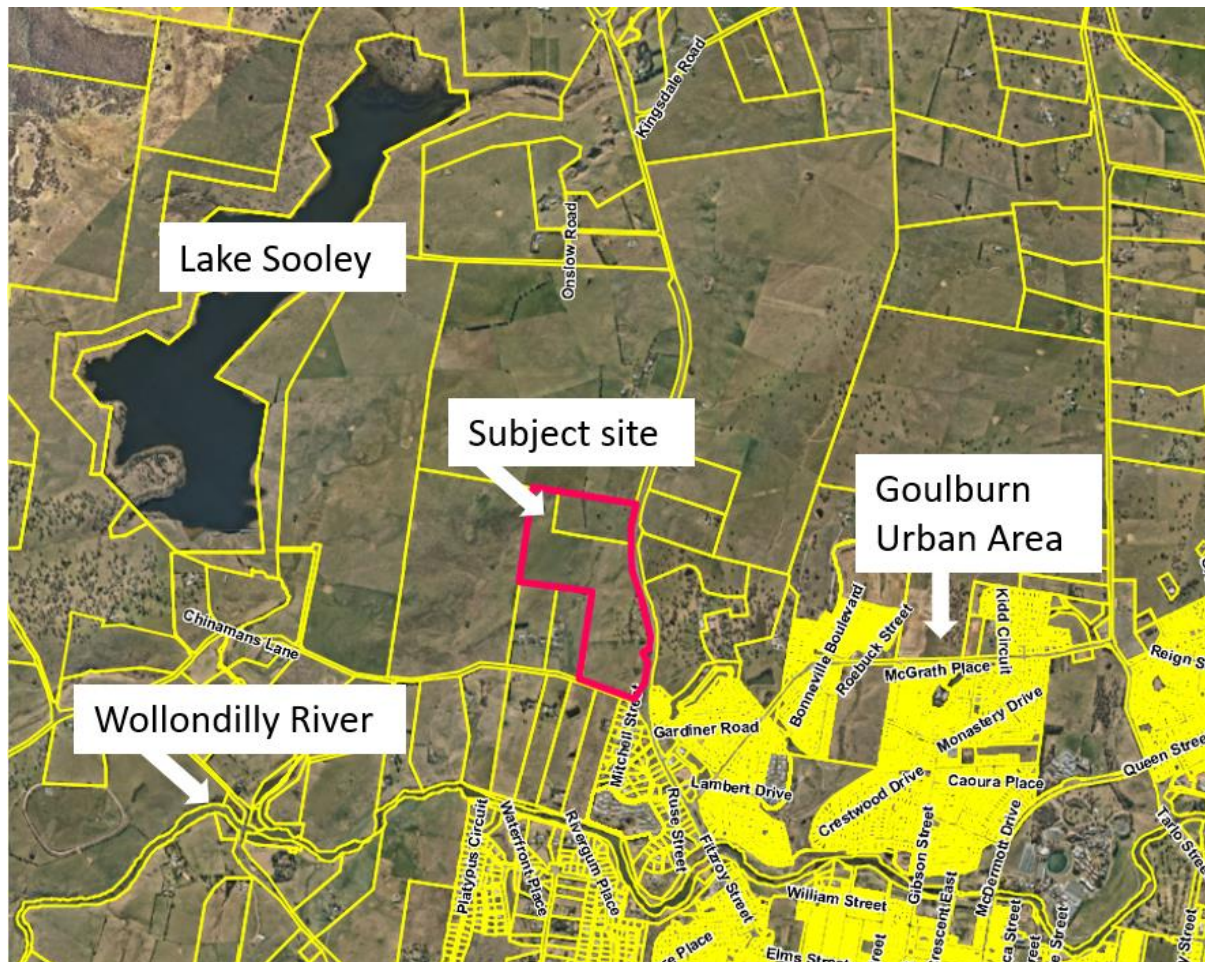


Figure 1: Aerial Image of subject site (Near Map Australia Pty Ltd, 2023)

The site comprises 3 existing lots (Lots 70, 73 & 77 DP 1006688) with a total area of 50.70 hectares.

The Planning Proposal includes the whole of 407 Crookwell Road, however the opportunity areas identified for urban development in Precinct 4 of the *Urban and Fringe Housing Strategy* (*The Housing Strategy*) includes only part of this land for future growth, with more urban development concentrated towards the corner of Chinaman's Lane and Crookwell Road. Investigations have been submitted to address the capability of the land in the area proposed to be rezoned. Further consideration in relation to this is provided later in this report.

A dwelling house is located on the site, setback approximately 67 metres from Crookwell Road. The property is utilised for sheep and cattle grazing and contains ancillary buildings to cater for the agricultural use of the land. Four (4) dams are located across Lot 70 & 73 DP

1006688, one which straddles the boundary of Lot 70 DP 1006688 and the neighbouring land, Lot 2 DP 776381.

Based on historical aerial photography, the land has been used for agricultural purposes for at least the last 15 years.

Several constraints have been identified on the land, which will be discussed later in this report. On this basis, a site specific chapter to the *Goulburn Mulwaree Development Control Plan 2009 (GM DCP 2009)* has been developed to protect important environmental features and other considerations. The Draft Sooley Precinct DCP is included in **Appendix 1**.

The proponent has submitted a Planning Proposal covering letter and is included in **Appendix 2a**. The planning proposal includes a concept subdivision layout (**Appendix 2b**) which identifies a potential 278 lot subdivision of the site. An updated concept subdivision layout (in response to flood constraints) has been provided and shows a potential 256 lots. The updated site layout is available in **Appendix 2c** and Figure 2 below. Also proposed is:

- 5 public reserve lots that contains a large majority of the natural drainage lines and overland flood paths, significant biodiversity and land that contains Aboriginal Heritage.
- A new intersection at Crookwell Road, at the north eastern corner of the land. This intersection will provide reciprocal benefit to a Planning Proposal currently being considered by Council, to the north of this site (515 Crookwell Road).
- A new intersection at Chinaman's Lane to provide a southern connection from the subdivision to the Goulburn Urban area.

A report for this Planning Proposal was prepared for consideration at Council's Ordinary Meeting on the 18<sup>th</sup> July 2023, seeking in-principle support for the Planning Proposal and requiring:

- An updated *Detailed Site Investigation* that further considers and evaluates the likelihood of contamination on the land, and makes conclusions and recommendations as to whether or not the site is capable of accommodating future residential uses,
- An amended *Water Cycle Management Study* to address the requirement for unserviced future Large Lot Residential zoned land as applicable,
- An amended *Traffic and Parking Assessment Report* to address the requirements of Transport for NSW,
- An amended *Strategic Bushfire Study* to address the impacts of potential road alterations to reflect an updated concept plan for road/access and staging and limitation of reticulated water servicing to south of the High Pressure Gas Pipeline.
- A revised concept layout and staging plan that addresses the concerns raised by Transport for NSW, relating to limiting new access points to Crookwell Road and providing internal road connections between this Planning Proposal and the Planning Proposal to the north (515 Crookwell Road, Kingsdale). The revised concept layout incorporates revisions required to ensure compliance with Ministerial Directions relating to bushfire protection and water quality.
- Council to prepare a Precinct specific Chapter to the *Goulburn Mulwaree Development Control Plan 2009 (GM DCP 2009)* for the Sooley Precinct and place it on public exhibition with the Planning Proposal for a minimum of 28 days.

- Council amends the *Goulburn Mulwaree Development Control Plan (DCP) 2009* to include Urban Release Area (URA) provisions for the Sooley Precinct that address the relevant requirements of Part 6 of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009 (GM LEP 2009)*.

Council resolved to support the Planning Proposal and to proceed with the matters above. A copy of the Council report and resolution are in **Appendix 3a** and **3b**.



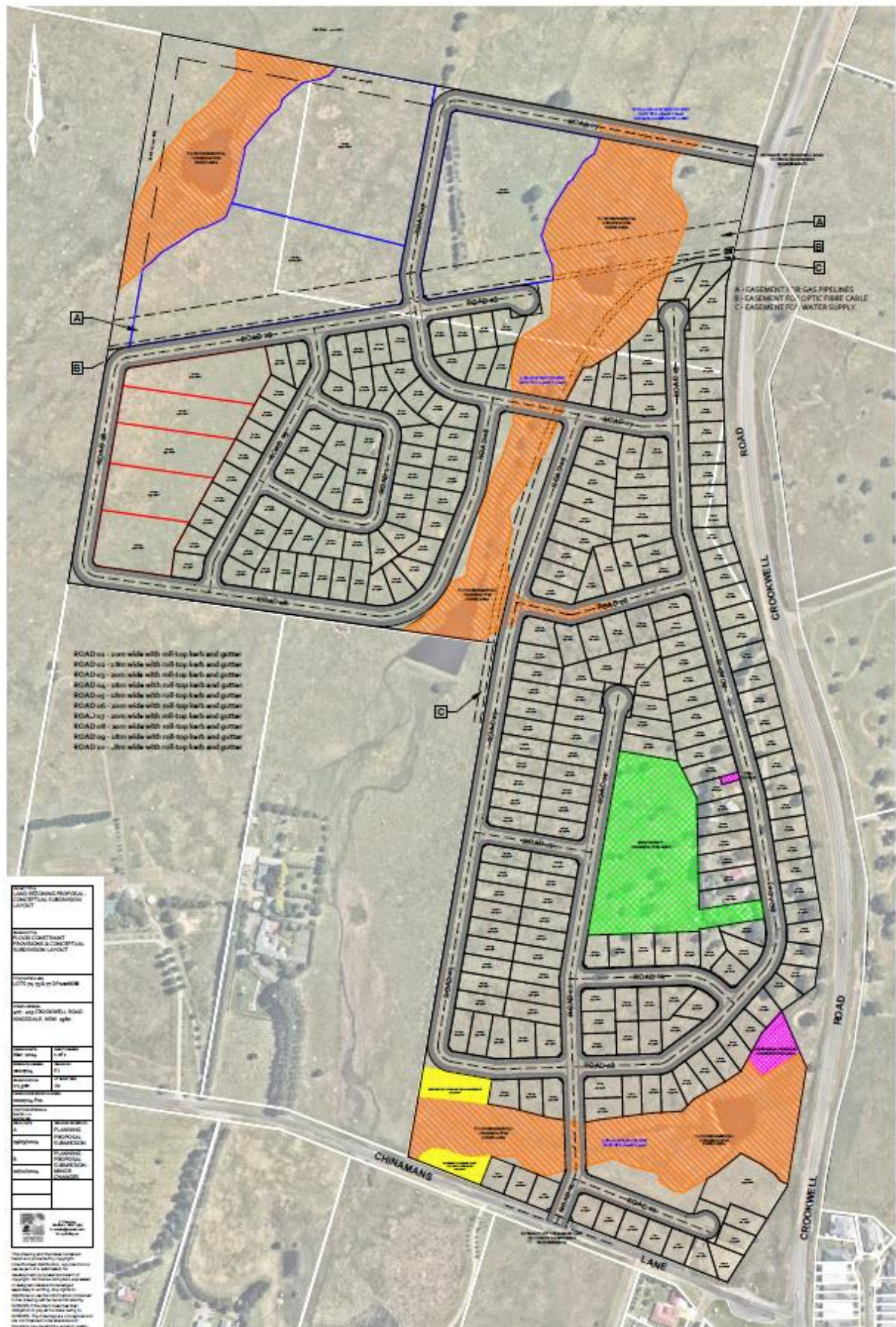


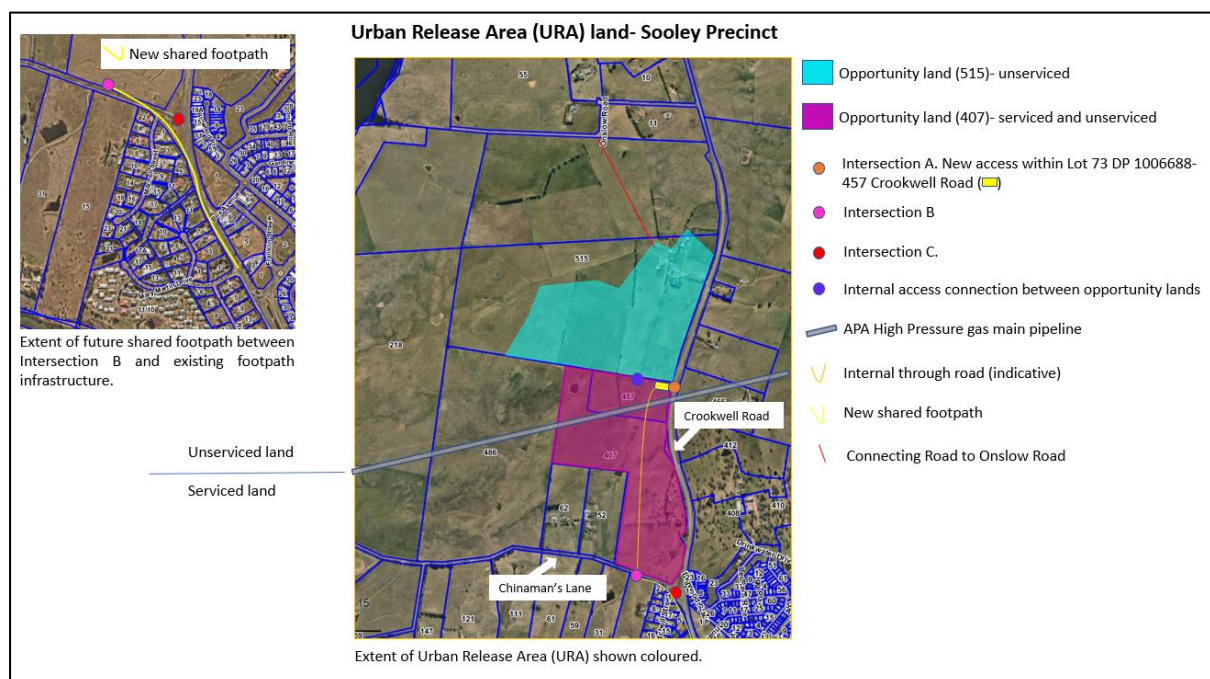
Figure 2: Concept site layout



As the land has frontage to Crookwell Road (a classified road), early pre-gateway consultation was held with Transport for NSW (TfNSW) to identify any high level concerns and obtain in principle support. The main concerns identified were to create a well-connected future subdivision development and minimise the number of intersections to Crookwell Road, facilitated by the inclusion of Urban Release Area (URA) provisions via an amendment to the *Goulburn Mulwaree Development Control Plan (DCP) 2009 (GM DCP 2009)*. This will require the consideration of clause 6.2A(3) of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009 (GM LEP 2009)* and will ensure that subdivision development is appropriately staged to enable future development to be carried out in a logical, orderly and cost effective manner, resulting in the least amount of disruption to Crookwell Road. An amendment to the *GM LEP 2009* will also be required to amend the URA map to include the land subject of this Planning Proposal.

A Planning Proposal was lodged in mid-2022 for land adjoining subject land to the north (i.e. 515 Crookwell Road, PP ref: REZ\_0007\_2122, Portal ref: PP-2022-1940). The concept layout is in **Appendix 4**. Early consultation was also undertaken with Transport for NSW (TfNSW) regarding the Planning Proposal and raised similar matters to those identified above. Those matters are currently being resolved alongside the subject Planning Proposal.

The draft URA map and staging requirements are in Figure 3 below.



Opportunity Land 515	Opportunity Land 407
Intersection A is installed: Auxiliary Left Turn (AUL) and Channelised Right Turn (CHR), and The internal access connection between opportunity lands, from Intersection A is installed to service future lots.	Intersection A is installed: Auxiliary Left Turn (AUL) and Channelised Right Turn (CHR), and Intersection B is installed, and Intersection C is upgraded (AUL/CHR).
Connecting road from Opportunity Land 515 to Onslow Road via Lot 104 DP 1007433. Minimum construction standard is all-weather* and is dedicated as a public road.	A new internal through road is provided, that links Intersections A and B
	The new internal through road: <ul style="list-style-type: none"> <li>- Provides a shared footpath and</li> <li>- is designed to accommodate buses.</li> </ul>
	A new shared footpath is provided, from Intersection B, to where existing footpath infrastructure is located on Crookwell Road, in accordance with Council's adopted Pedestrian Access and Mobility Plan (PAMP). See Figure above.
General URA Provisions (applicable to all opportunity lands)	
Drainage development progresses from south to north	
Services reticulation (water and sewer) occurs from south to north	
Serviced land is located south of APA high pressure gas main pipeline	
Unserviced land is located north of APA high pressure gas main pipeline	
Subdivision proposals beyond three lots require more than one access into and out of the development (vide <i>Planning for Bushfire Protection 2019</i> ).	
No direct access to Crookwell Road, other than via Intersection A.	
<p>*All - weather access standard means a road that is constructed to safely convey a small vehicle during any stormwater event. Refer to Council's Engineering Standards and best practice guidelines.</p>	

Figure 3: Urban Release Area (URA) map and associated provisions

The proponents of both Planning Proposals have worked on addressing the matters raised by TfNSW in an effort to refine the other concerns raised. For the subject land, this includes the lodgement of updated strategic/concept design plans for the new intersection at Crookwell Road and the upgrade of the Crookwell Road/Chinaman's Lane intersection. This is being undertaken to provide certainty that the existing Crookwell Road reserve can accommodate the future required infrastructure. Transport for NSW does not object to the lodgement of the Planning Proposal with the *Department of Planning, Housing and Infrastructure (DoPHI)*.

Council has worked alongside TfNSW to refine the URA staging plan and associated provisions for inclusion within the *GM DCP 2009* as per Figure 3 above. This primarily includes the staging of subdivision development to ensure it is orderly and efficient, without adversely impacting existing infrastructure and road networks.

### Gateway determination

The Department of Planning, Housing and Infrastructure issued a gateway determination on the 25<sup>th</sup> July 2024. It required the completion of the LEP facilitated by this Planning Proposal, by the 25<sup>th</sup> April 2025. Council applied to alter the gateway determination, to extend the timeframe in which to complete the LEP. An alteration of gateway determination was issued on the 4<sup>th</sup> April 2025 which granted an extension until the 25 July 2025 to complete the LEP.

The requirements of the gateway determination include consultation with seven (7) state agencies, including:

- Department of Climate Change, Energy, the Environment and Water – Flooding, Biodiversity and Heritage,
- Department of Climate Change, Energy, the Environment and Water – water licensing,
- NSW State Emergency Service,
- NSW Rural Fire Service,
- Transport for NSW,
- Department of Primary Industries and Regional Development (DPIRD)- Agriculture,
- Water NSW, and
- Pejar Local Aboriginal Land Council.

As required by the Gateway determination, the agency consultation period was held over a period of 30 working days. The period of consultation commenced on the 9<sup>th</sup> January 2025 and ended on the 27<sup>th</sup> February 2025.

#### Post gateway pre-exhibition

Following the agency consultation period as specified above, Council received advice from the following agencies:

- Department of Climate Change, Energy, the Environment and Water - Flooding, Biodiversity and Heritage,
- Department of Climate Change, Energy, the Environment and Water – water licensing,
- NSW State Emergency Service,
- NSW Rural Fire Service,
- Transport for NSW,
- Department of Primary Industries and Regional Development (DPIRD)- Agriculture, and
- Water NSW.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW)- flooding team, and NSW SES have provided advice, which is further and addressed in section 3.3.7, and the Flood Impact and Risk Assessment (FIRA) in **Appendix 14**. No objection is raised in regard to flooding matters. No objection is raised regarding biodiversity, and no advice was received in relation to heritage elements of the Planning Proposal.

Advice from The Department of Climate Change, Energy, the Environment and Water – licensing and approvals, is further considered in 3.6.13.

The NSW Rural Fire Service (RFS) also raise no objection, and their submission is addressed in section 3.6.8.

Transport for NSW (TfNSW) do not object to the Planning Proposal. Their comments are addressed in section 3.6.10.

The Department of Primary Industries and Regional Development (DPIRD)- Agriculture do not raise any objection and additional advice is provided which is considered in section 3.6.13.

Water NSW do not raise any objection. Their feedback is addressed in section 3.6.6.

## Part 1- Objectives

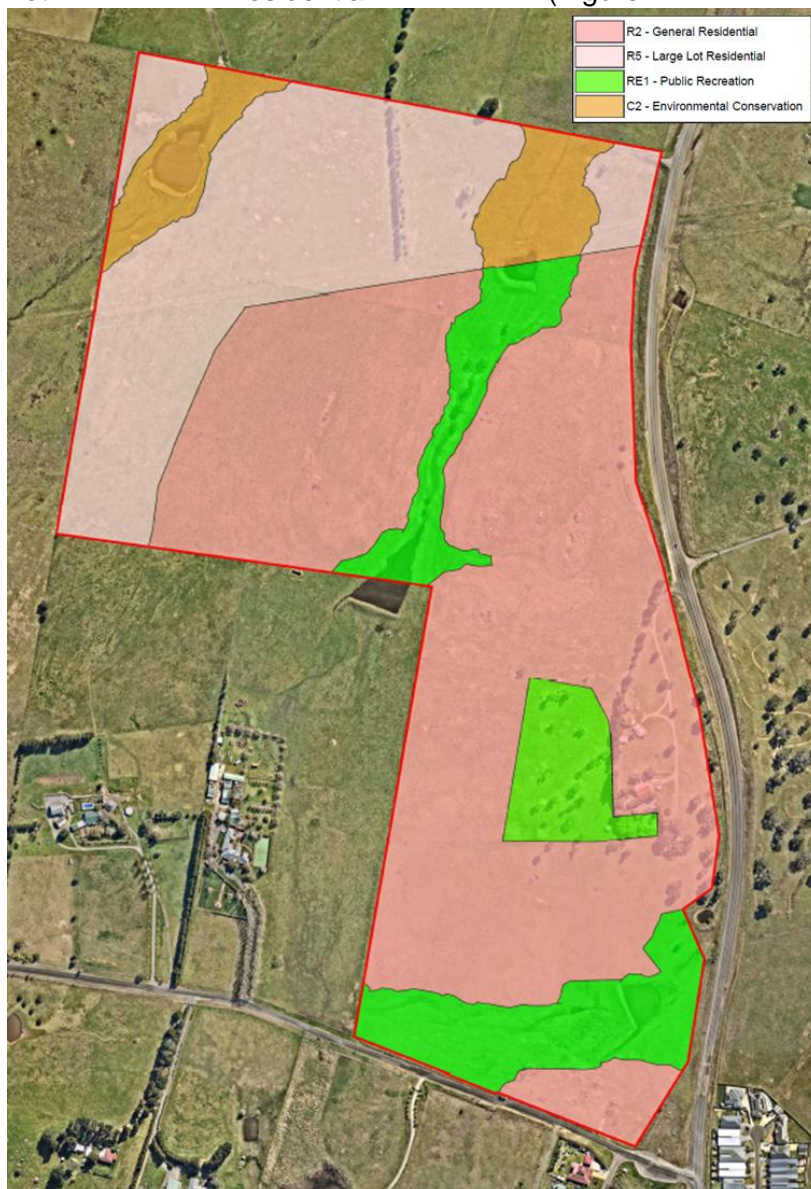
### 1.1 Intended Outcomes

The objective of this planning proposal is to enable the subdivision of land identified in the *Urban and Fringe Housing Strategy* (UFHS or *The Housing Strategy*) for low density and large lot residential development.

## Part 2- Explanation of Provisions

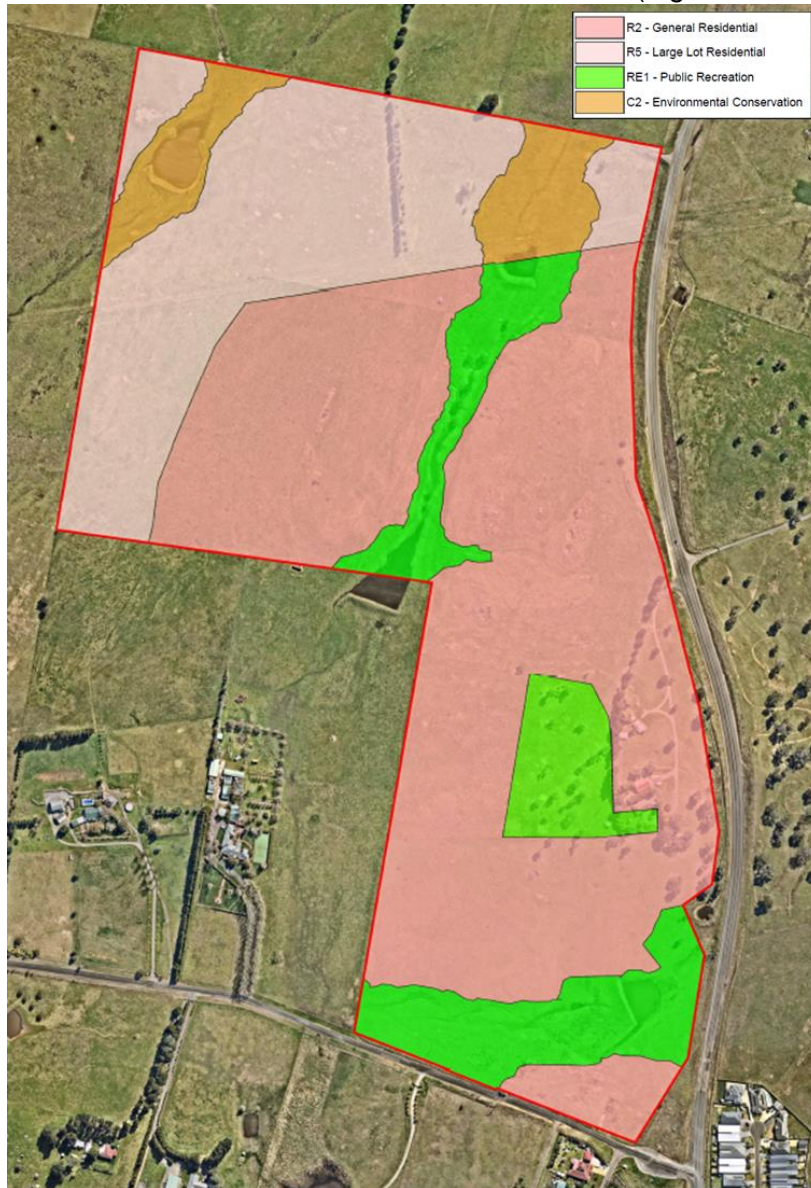
2.1 The *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) will be amended by:

- Amending the land use zoning map of the GM LEP 2009 for part of Lot 70, 73 & 77 DP 1006688 from RU6 Transition to R2 Low Density Residential and R5 Large Lot Residential (Figure 4 and



- Figure 5).
- Amending the land use zoning map of the GM LEP 2009 for part of Lot 70, 73 & 77 DP 1006688 from RU6 Transition to RE1 Public Recreation and C2





- Figure 5).
- Amending the Minimum Lot Size map of the *GM LEP 2009* for part of Lot 70, 73 & 77 DP 1006688 from 10 hectares to 4,000m<sup>2</sup> and 2 hectares (for the R5 Large Lot Residential portion) and 700m<sup>2</sup> (for the R2 Low Density Residential portion). Refer to Figure 6 and Figure 7.  
A minimum lot size is not proposed for land to be re-zoned to RE1 Public Recreation and C2 Environmental Conservation.
- Including Lot 70, 73 & 77 DP 1006688 as an Urban Release Area (URA), in accordance with clause 6.2A(3) of Part 6 of the *GM LEP 2009*, which will include a map amendment to the URA map. This area is not currently identified as an URA. The URA map will also include land that is subject of a Planning Proposal to the north of this land (i.e. 515 Crookwell Road, Kingsdale). See Figure 8.

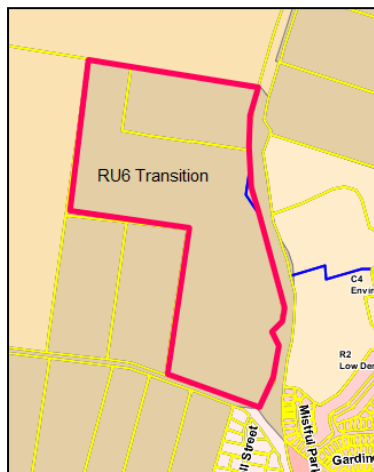


Figure 4: Current zoning of subject site

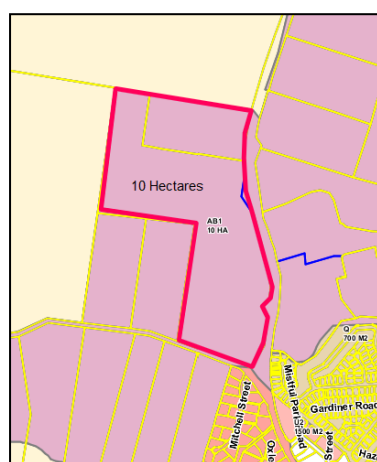
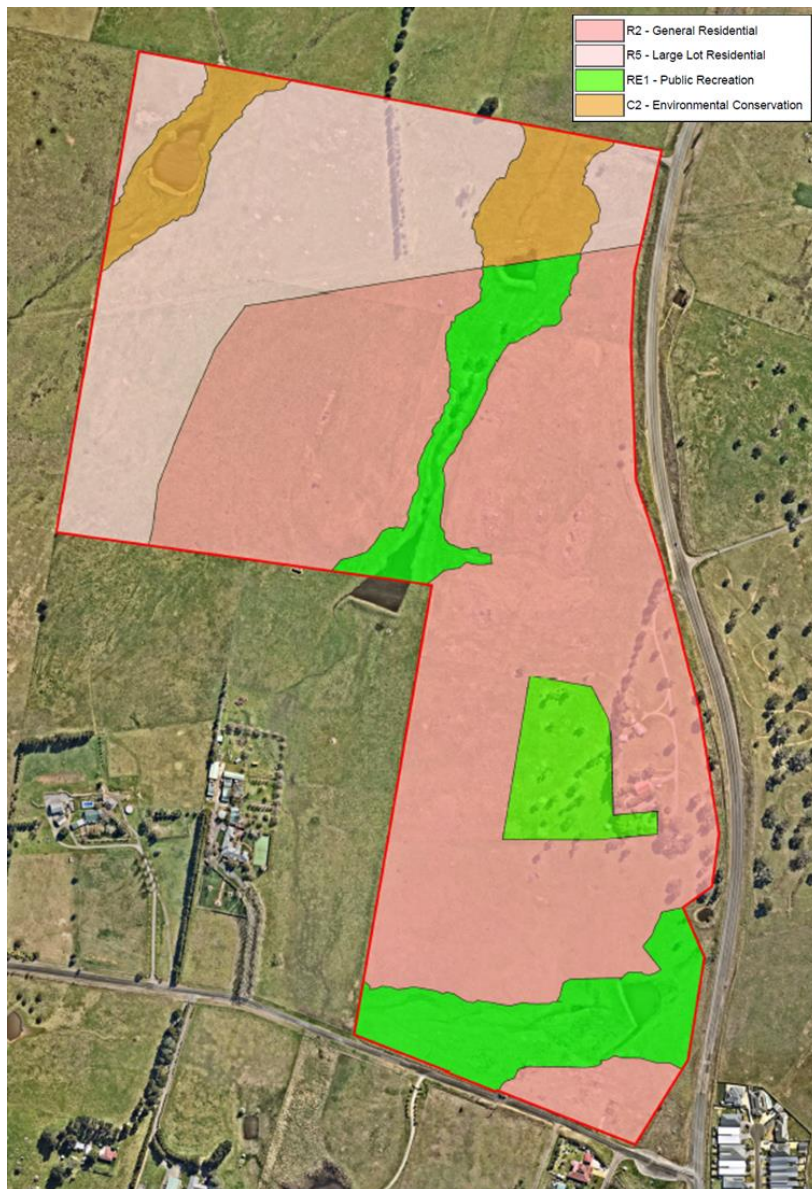






Figure 7: Proposed minimum Lot Size



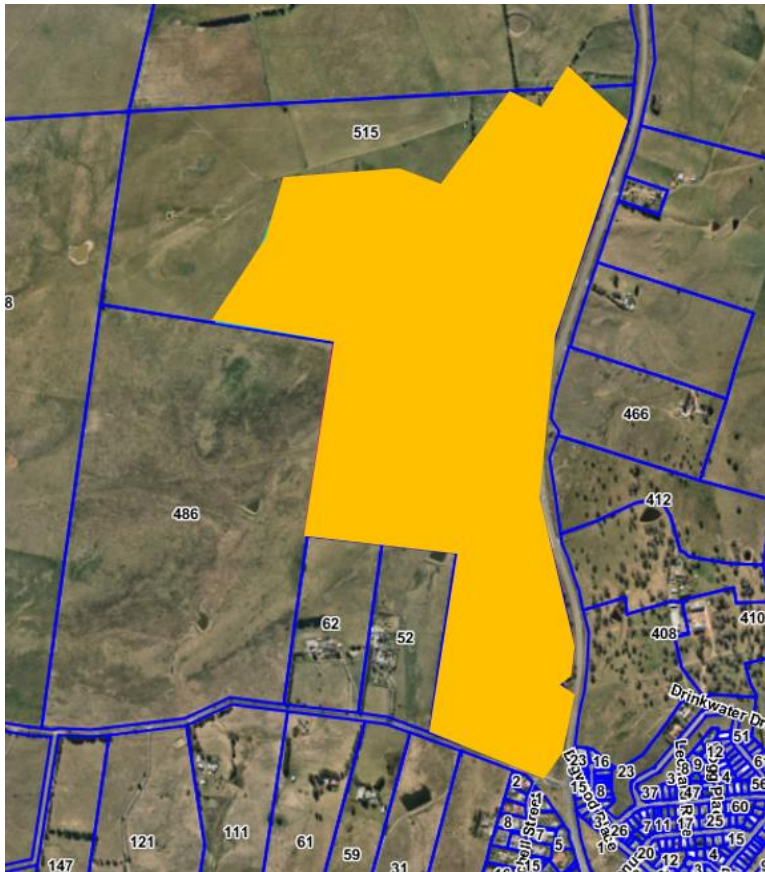


Figure 8: Proposed Urban Release Area (URA) to be illustrated in the GM LEP 2009.

The Site specific Draft Sooley Precinct DCP chapter will include the consideration of Urban Release Area (URA) provisions that addresses each of the requirements of clause 6.2A(3) of the GM LEP 2009. Refer to Appendix 1.

## Part 3- Justification

### Section A- Need for a planning proposal

#### 3.1 Is the planning proposal a result of any strategic study or report?

As shown in Figure 9 below, *The Housing Strategy* identifies the site within Precinct 4- Sooley. The part of the land identified in *The Housing Strategy* is the whole of 457 Crookwell Road (Lot 73 DP 1006688) being 9.668 ha in size, and an approximately 28.38 ha portion of 407 Crookwell Road (Lot 70 DP 1006688). The Planning Proposal is consistent with the opportunity areas identified in *The Housing Strategy*, with the exception that the whole of 407 Crookwell Road is included, which is in the order of 43.04 hectares in size.

*The Housing Strategy* identifies that a comprehensive Aboriginal Cultural Heritage Assessment is required and one has been submitted as part of this Planning Proposal. The assessment identifies impacted chert bedrock, being an area that appears to have been used by Aboriginal people to source stone. This area has already been registered as a site in the Aboriginal Heritage Information Management System (AHIMS) and will be located within the future RE1 Public Recreation zone. The Planning Proposal has been designed to demonstrate capability in protecting Aboriginal Heritage.

The report identifies an existing trigonometrical station immediately north of the existing northernmost sheds, and at the front boundary of future Lot 127. The site is

not considered significant to the extent that it would warrant a heritage listing. However, controls will be imposed within the Draft Sooley Precinct DCP to ensure that this part of the site is protected and preserved.

The Planning Proposal considers additional land to what is included as an opportunity area in *The Housing Strategy*, however all constraints have been carefully considered. To ensure that areas of important biodiversity, Aboriginal Heritage and overland flooding are protected, restrictive zoning will be applied to those constrained areas.

Goulburn Mulwaree Council resolved to proceed with a planning proposal to amend the *GM LEP 2009* following the consideration of a report on this matter presented to Council on 18 July 2023. A copy of the Council Report and Resolution is available in **Appendix 3a and 3b**.

#### 4 - Sooley constraints and opportunities

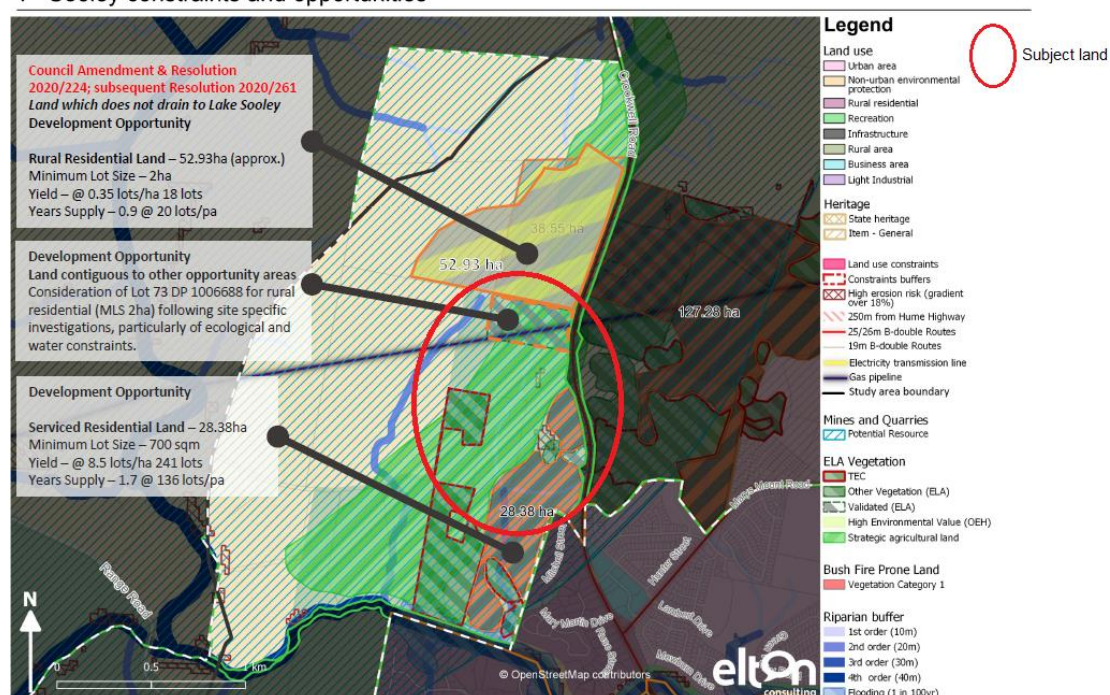


Figure 9: Extract from Urban and Fringe Housing Strategy

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

The current provisions within the *GM LEP 2009* do not enable or facilitate the further subdivision of the land to allow for future low density or large lot residential development, largely due to the zoning of the land and the prescribed Minimum Lot Size (MLS).

The planning proposal to amend the RU6 Transition zoning and 10 ha minimum lot size on the subject site to R2 Low Density Residential with a 700m<sup>2</sup> minimum lot size, and R5 Large Lot Residential with minimum lot size varying between 4,000m<sup>2</sup> and 2 hectares is the only means of achieving this intended outcome. This is facilitated via *The Housing Strategy* which identifies the land as a residential opportunity area.

To ensure that infrastructure and services are provided in an orderly, efficient and cohesive manner, the land subject of this Planning Proposal must be included within

the Urban Release Area (URA) map prescribed under the *GM LEP 2009*. This is particularly important in this context where opportunities for housing growth have extended the urban fringe. Future developments are required to be well connected to ensure efficient and safe travel connections for future occupants, resulting in the least disruption to Crookwell Road. Future Development Controls will be prescribed in the *GM DCP 2009*, via Part 6 of the *GM LEP 2009* to include the provision for infrastructure. Existing infrastructure, such as the high pressure gas main pipeline will also be considered, including the provision that lots north of the pipeline are to be unserved, to negate the need for services to traverse this significant infrastructure.

The land's developmental constraints have been considered. The land is subject to overland flooding and contains significant remnant native vegetation and Aboriginal Heritage. These areas are proposed to be re-zoned to RE1 Public Recreation or otherwise restrictive C2 Environmental Conservation zoning to ensure that these areas remain undisturbed.

## **Section B- Relationship to Strategic Planning Framework**

### **3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

#### **3.3.1 South East and Tablelands Regional Plan 2036 and Draft South East and Tablelands Regional Plan 2041**

This planning proposal is consistent with the themes contained within the *South East and Tablelands Regional Plan* and *Draft South East and Tablelands Regional Plan 2041* as follows:

*Consider environmental assets whilst planning opportunities for housing*

The current and draft South East and Tablelands Regional Plans recognise the importance of biodiversity values and water quality to sustain future resilient communities.

*The Biodiversity Conservation Act 2016* establishes the hierarchy 'avoid, minimise and offset' to the natural environment as part of development proposals.

The development proponent has submitted a *Preliminary Biodiversity Development Assessment Report (BDAR)* which has been considered by Council. Part of the land is impacted by 13.8 hectares of Plant Community Type (PCT) 1330 Yellow Box-Blakely's Red Gum grassy woodland on the Tablelands, South Eastern Highlands Bioregion which is also a Critically Endangered Ecological Community (CEEC). An area of 12.1 hectares of this PCT is in poor condition having limited biodiversity value and 1.9 hectares of this PCT is in moderate condition, with potential to accommodate Key's Matchstick Grasshopper and the Koala, both endangered fauna species. The PCT in moderate condition is to be retained in a future development proposal as a future public reserve. Land between this area and the easternmost boundary of the land contains mature hollow-bearing trees relating to this PCT that, if retained, will provide an important role in maintaining a canopy corridor to land on the eastern side of Crookwell Road which has been found to contain important remnant woodland vegetation. Biodiversity values will be protected through the implementation of development controls via the Draft Sooley Precinct DCP.

The site is located within the Sydney Drinking Water Catchment. The Planning Proposal and future development proposals must demonstrate capability of achieving a neutral or beneficial impact on water quality. The proposed minimum lot size of 2 hectares for the R5 zoned land north of the high pressure gas main pipeline will enable those future lots to accommodate dwellings and associated effluent management areas that will be located a suitable distance away from natural drainage paths. Additionally, habitable development, as well as associated effluent management systems will be required to be sited above the PMF, aiming to protect existing drainage paths and improve water quality. This will be safeguarded through the re-zoning of flood prone land, up to and including the Probable Maximum Flood (PMF), to C2 Environmental Conservation.

A Draft Development Control Plan has also been developed for the Sooley Precinct to guide future development and minimise adverse impacts on the drinking water catchment, through the Development Application (DA) process.

#### *Planning for housing in a rural and urban context*

The current and draft *South East and Tablelands Regional Plans* recognise the importance of supplying the housing needs of communities in a sustainable and environmentally responsible way.

Approximately 26 hectares of the site is identified as Biophysical Strategic Agricultural Land (BSAL). A *Biophysical Strategic Agricultural Land Verification Assessment (Appendix 7)* submitted by the proponent concludes that the land is in fact not BSAL as the land is considered not to possess the natural resource qualities that would otherwise constitute BSAL, considering the publication prepared by the then Office of Environment and Heritage and the Office of Agricultural Sustainability and Food Security, *Interim Protocol for site verification and mapping of biophysical strategic agricultural land (the interim protocol)*. Furthermore, the portion of land initially identified as BSAL incorporates a limited extent of land and is within close proximity to the urban fringe, therefore offering a limited agricultural resource. The site and the surrounding land is used for livestock grazing purposes and has been used for this purpose for at least the last 15 years.

Undertaking this analysis has verified the BSAL value of the land to be non-significant. As a result Council can proceed to deliver the housing needs for projected future residents in accordance with *The Housing Strategy*.

The planning proposal seeks R2 Low Density Residential zoning and R5 Large Lot Residential zoning, incorporating a minimum lot size of 700m<sup>2</sup> for the R2 zoning and 4,000m<sup>2</sup> and 2 hectares for the R5 zoning. For the R5 zoning, this will result in the subdivision of land for semi-rural purposes and is located within the part of the lot furthest from the urban fringe (adjoining future large lot residential land to the north). The R2 zoning in particular will promote opportunities for housing diversity, allowing a range of housing types.

When the Sooley Precinct is fully developed (which consists mostly of the subject site), the subject land will be contiguous to the urban area and will become the urban fringe. The land fronts Crookwell Road which has sufficient capacity to accommodate additional traffic, subject to some augmentation work, particularly with new intersections and the upgrade of the existing intersection at Chinaman's Lane and Crookwell Road. The provision for additional infrastructure is required to be made at the subdivision stage with consideration of URA provisions in the Draft Sooley Precinct



DCP that will specify the order/staging of development. Council recently adopted its *Pedestrian Access and Mobility Plan (PAMP)* which includes opportunities for pedestrian and cycle connections from the subject land to the nearby Mistful Park Commercial Precinct and the regionally significant Wollondilly Walking Track.

The nature of the Planning Proposal is such that potential land use conflict will be alleviated. The proposed minimum lot sizes will create a subdivision that will have the least rural land use conflict at the rural interface. The western boundary of the site will pose greater potential for rural land use conflict. The implementation of a section of future R5 zoned land immediately adjacent to the westernmost boundary will provide a buffer transition from the future R2 zoned land. Future street trees along perimeter roads will further assist in alleviating potential land use conflict, buffering agricultural activity from future residential development.

Bush fire risk is mainly concentrated to areas outside the urban centres. The predominant threat hazard is grassland. The subject site is located within a category 3 (medium bushfire risk) landscape. The subject site is the second to be considered under a Planning Proposal for the Sooley Precinct, for potential future large lot and predominantly low density residential subdivision. The Planning Proposal will exhaust a majority of the Precinct's opportunity area. The proponent's submitted *Bushfire Strategic Study and Plan (Appendix 5a and 5b)* demonstrates that the land is capable of accommodating future low density and large lot residential development through the implementation of bushfire safety measures, whilst also ensuring that risk to life and/or property is alleviated.

Since the finalisation of *The Housing Strategy*, Council has received information in regard to overland flooding. This preliminary information was compiled as part of the [\*Goulburn Floodplain Risk Management Study and Plan 2022\*](#). The land is partially impacted by overland flooding. In order to alleviate adverse impacts to life and property from flood, it is considered necessary to impose developmental restrictions, by way of imposition of a RE1 Public Recreation and C2 Environmental Conservation zone, over the extent of overland flood prone land up to and including the Probable Maximum Flood (PMF). This will alleviate any potential for development to occur within these areas and therefore not exacerbate flood behaviour. Council has requested the proponent provide a flood analysis that demonstrates future roads are capable of being located above the 1% Annual Exceedance Probability (AEP), provide post flow data that show the flood extent during a PMF event that may reduce the ultimate extent of the future C2 zoned land, and impacts of the concept subdivision proposal on downstream property. This will be discussed further in section 3.6.7.

The current and draft *South East and Tablelands Regional Plans* considers the potential environmental constraints that occur on land. The Planning Proposal aims to locate development away from constraint areas where possible to alleviate impacts to the community from these hazards. In cases such as bush fire prone land, future development is capable of being constructed to suitable levels, to ensure more resilient buildings.

#### *Protect Aboriginal and European heritage*

It is important to protect and preserve the regions' Aboriginal heritage, including consultation with Aboriginal community members to further strengthen value to the sustainability of Aboriginal Heritage, recognising the importance of Aboriginal culture through sharing of knowledge. This is important during the Strategic Planning Phase

where a level of certainty can be imposed to ensure expectations are set for future development controls, whilst also alleviating adverse cumulative impacts. It is important through this process that Aboriginal values are recognised to build inclusive communities.

The Planning Proposal is occurring on land that contains potential Aboriginal heritage. The proponent has submitted an *Aboriginal Cultural Heritage Assessment Report* (**Appendix 6**) that has included consultation with the Local Aboriginal community. The report investigates and assesses the presence of cultural heritage sites or objects on the land, to inform any management strategies that may be required to avoid any adverse impacts at the development stage. One (1) Aboriginal heritage site was located. The report makes a number of recommendations including no harm to any of the Aboriginal sensitive sites and deposits, unless an Aboriginal Heritage Impact Permit (AHIP) is granted, and any recommendations are strictly followed.

As mentioned earlier, the Aboriginal heritage site and Potential Archaeological Deposit (PAD) will be protected via proposed RE1 Public Recreation zoning, thereby alleviating potential harm by future development. This will be further considered later in this report.

The Planning Proposal will have negligible impacts on European Heritage. Heritage listed items 'Goulburn Water Works, Marsden Weir' and 'Dwelling Teneriffe', are located approximately 1 kilometre to the south and east of the site respectively. Heritage listed items 'Bishopthorpe', 'Kingsdale Lime Kilns and lime quarries' and 'Former Kingsdale Hotel' are located at least 1.5 kilometres to the south west and north respectively. 'Rossi Bridge' is located approximately 2.3 kilometres from the subject site. It is considered that there will not be any impacts on the heritage significance of these items.

The *Aboriginal Cultural Heritage Assessment Report* (**Appendix 6**) prepared for the Planning Proposal identified one (1) Aboriginal heritage site as shown below in Figure 10.

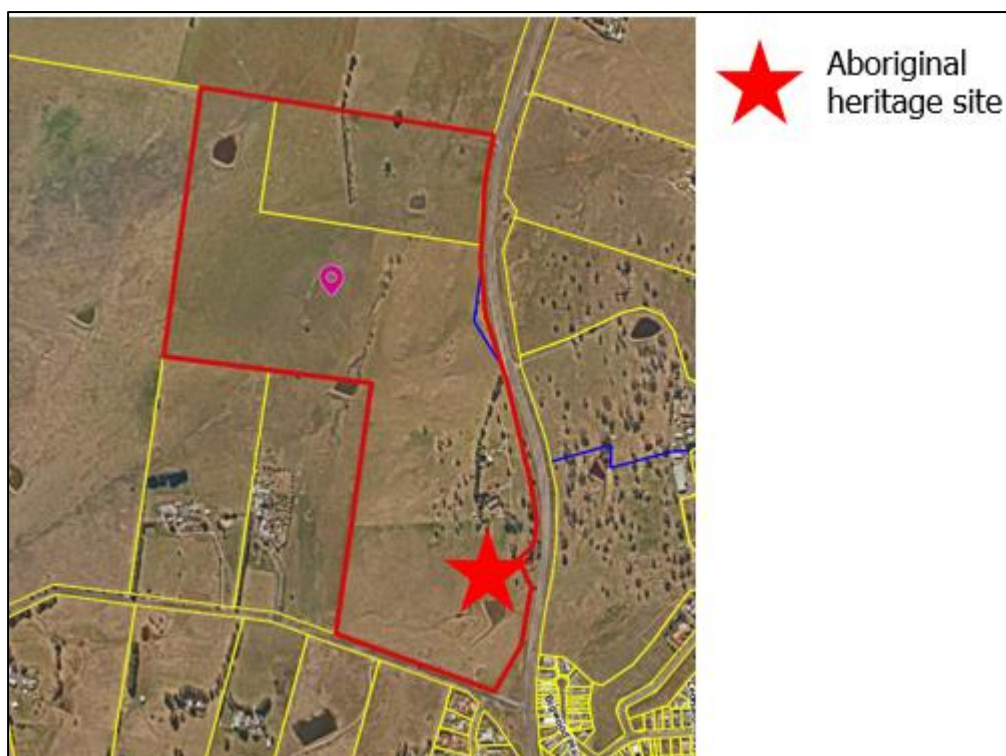


Figure 10: Approximate location of Aboriginal Heritage

In order to protect the Aboriginal heritage found at the site, it is considered appropriate that this area is incorporated within a future public reserve/park and zoned RE1 Public Recreation. This is in addition to the initiative already undertaken in registering the Aboriginal Site in the Aboriginal Heritage Information Management Systems (AHIMS).

Further protection is provided with requirements for an Aboriginal Heritage Impact Permit (AHIP) for Aboriginal Heritage sites if any disturbance is proposed to areas of Aboriginal significance.

The current and draft *South East and Tablelands Regional Plans* appreciate the importance of recognising and acknowledging European heritage, and Aboriginal culture and heritage in an effort to achieve reconciliation.

The land is not impacted by high environmental areas or other natural resources.

### 3.3.2 The Goulburn Mulwaree Community Strategic Plan 2042

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

- Our community
- Our economy
- Our environment
- Our infrastructure
- Our civic leadership

The following strategic priorities are considered relevant to this planning proposal:

- ***Our community A.7-*** we acknowledge and embed local Aboriginal culture and stories within our community.

- **Our community A.8-** design public spaces and residential developments to support social connection and public safety.
- **Our environment C.11-** maintain a balance between growth, development, environmental protection and agriculture through sensible planning.
- **Our environment C.12-** economic growth and development will consider the rural character, local environmental and historical features, and community aspirations.
- **Our environment C.13-** implement planning and development policies and plans that protect our built, cultural, and natural heritage.
- **Our environment C.14-** consider community feedback, local character and identity, economic factors and social impact in planning decisions.
- **Our environment C.15-** encourage positive social and environmental contributions from developers.
- **Our infrastructure D.2-** plan for, maintain and improve road networks.
- **Our infrastructure D.4-** support infrastructure that enables active and passive transport.

*The Housing Strategy* sets out future housing development opportunities for the Goulburn Mulwaree Local Government Area (LGA) in order to ensure that orderly growth occurs. This has included the consideration of settlement planning principles that takes into consideration neighbourhood design, to enable socially inclusive, safe and healthy neighbourhoods. *The Housing Strategy* was subject to community consultation and community feedback was considered as part of its implementation.

The land identified in the Planning Proposal exhausts most of the opportunity land identified within the Sooley Precinct for future residential purposes and is contiguous to the urban fringe. Despite this, there are other parts of the Sooley Precinct that are being considered (for example future large lot residential land being considered in a current Planning Proposal to the north). Therefore, it is important to ensure that future development within the Sooley Precinct is well connected and planned in an orderly way.

The introduction of development controls are important in ensuring that the connection to the existing urban area is cohesive, e.g. location and design of roads, staging of development and opportunity for footpath connectivity in accordance with Council's *Pedestrian Access and Mobility Plan (PAMP)*. The proposed development controls in the URA context will facilitate these requirements, whilst also considering the site's close proximity to the Mistful Park Commercial Centre.

The Planning Proposal includes land that has been identified in *The Housing Strategy* as an opportunity area as it offers the least environmental constraint whilst delivering the required housing needs for future residents. A band of Biophysical Strategic Agricultural Land (BSAL) traverses the centre of the land in a north south direction. Approximately 26 hectares of BSAL land is located within the subject land. Its extent, location on the urban fringe, and its non-contiguous nature to other BSAL land (given the growth opportunity to the north) diminishes its opportunity to become a significant agricultural resource. Furthermore, the land has been further assessed and is not considered to qualify as BSAL.

The subject land was identified as an opportunity area as it does not drain to Lake Sooley and can be serviced by reticulated water and sewer, therefore having potential to achieve a neutral or beneficial impact on water quality. The submitted Water Cycle Management Study (**Appendix 8a**), updated Water Cycle Management Study



(**Appendix 8b**) and Effluent disposal – site and soil evaluation (**Appendix 8c**) demonstrates this, considering the provision of on-site waste water systems (for lots north of the high pressure gas main pipeline) and bioretention methods.

The land is subject to limited overland flooding and is located within riparian areas (Figure 11 and Figure 12). It is considered appropriate to impose a C2 Environmental Conservation zone and RE1 Public Recreation zone to the areas impacted by overland flooding (up to the PMF) so as to limit potential development or disturbance to those areas and therefore maintain the overland flood path and alleviate any potential impacts on flood behaviour. This will assure the safety of future occupants and alleviates water quality concerns. Future roads are required to be designed and constructed to a 1% AEP and in a manner that assures the least impact from overland flooding and enables the safe evacuation of occupants to the Mistful Park Commercial Centre.

The land is within a suitable location to provide for the future low density residential housing needs of the community and is balanced having considered the environmental and agricultural attributes impacting the land, as identified in *The Housing Strategy* and supported by the site specific technical studies.

Enabling the Planning Proposal will provide part of the 70% low density residential serviced land and part of the 10% large lot residential housing supply on the urban fringe as identified in *The Housing Strategy*. The delivery of the Planning Proposal will enable supply to be maintained for these future dwelling types which will provide positive social and economic outcomes.

A site specific Development Control Plan (DCP) (Appendix 1) has been drafted for the Sooley Precinct to enable matters of the public interest, such as preservation of rural character and features of the land, to be protected and preserved, in future development proposals. This will include setback and site coverage requirements, permeable fencing and implementation and maintenance of landscaping to maintain the rural context of the area. Urban Release Area (URA) controls will also be included to address matters such as the staging of future subdivision proposals, with consideration of infrastructure such as roads and footpaths, landscaping, and protection of remnant native vegetation. These controls are being imposed in an effort to facilitate orderly and well planned future development for all opportunity sites being considered within the Sooley Precinct. The ultimate purpose of the DCP is to guide developers in their development design to implement positive social and environmental outcomes.

The site contains approximately 1.9 hectares of native remnant vegetation (PCT 1330) in moderate condition, due to a discontinuous canopy of scattered mature and senescent Brittle Gum *Eucalyptus mannifera*, limited individuals of Blakely's Red Gum *Eucalyptus blakelyi*, no mid-layer native vegetation, and 35% composition of native ground cover. This area is located within the southern central portion of the site as shown in Figure 13 later in this report. This vegetation is potential habitat for Key's Matchstick Grasshopper.

Land to the east of the moderate condition PCT 1330 referenced above also contains mature, hollow bearing remnant trees relating to this PCT that, if retained will serve an important function of maintaining canopy continuity to remnant woodland occurring on lands further to the east thereby having positive impacts on potential native fauna habitat.

Through the concept subdivision design, the Planning Proposal has demonstrated that potential adverse impacts to the native remnant vegetation can be avoided. A large majority of this area (i.e. 11.4 ha) consists of low quality grassland that incorporates a vegetation integrity score below the offset threshold. Approximately 12.1 hectares of native vegetation is proposed to be disturbed. However, measures are proposed to safeguard the retained native vegetation in moderate condition (in the order of 1.9 hectares) through its inclusion within a future public reserve (to be re-zoned to RE1 Public Recreation) to be managed by Council in the future. This will be subject to a Planning Agreement with Council at the subdivision Development Application stage to ensure that adequate arrangements and negotiations can be made between Council and the developer to ensure the land is transferred with the public interest in mind. This will include the consideration of a Vegetation Management Plan (VMP) to understand the full extent of Council's role in ensuring the future reserve's integrity is maintained.

Aboriginal heritage is also located within the proposed future public spaces which will provide an opportunity for its preservation through the Planning Agreement process.

For land to the east of the proposed future public spaces, development controls will be imposed to ensure that future lots are significantly larger than the minimum lot size to ensure that adequate area is maintained to safeguard the retention of the trees and alleviate potential adverse impacts and conflict with future built development. This will include mechanisms to protect existing vegetation and the imposition of suitable covenants to be registered on title to ensure potential and future owners are aware of their obligations.

Despite the land not being BSAL significant, adjoining land to the west and south are entitled to continue with agricultural activity whilst ensuring minimal land use conflict as a result of future residential development. Potential land use conflict can be minimised through the incorporation of development controls such as implementation of perimeter roads and street landscaping embellishments to buffer residential activity from adjoining land.

### **3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?**

#### **3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)**

The [Local Strategic Planning Statement \(LSPS\)](#) provides direction as to how future growth and change will be managed up to 2040 and beyond, and sets out planning priorities to consider in the management of urban, rural and natural environments across the local government area.

**Planning Priority 4- Housing** establishes the principle that Goulburn should continue to be the focus of housing growth in the region supported by relevant infrastructure. A broader range of housing types is required, due to a changing population. The implementation of the *Urban and Fringe Housing Strategy* recommends thirteen (13) areas for further growth/re-zoning in Goulburn which supports the vision and principles in the LSPS.

The Planning Proposal is located on land within Precinct 4 Sooley, of the *Urban and Fringe Housing Strategy* that is identified for future urban growth, specifically for rezoning to R2 low density residential and some R5 large lot residential. The land is

located adjacent to the urban fringe. The Planning Proposal will ensure consistency with Planning Priority 4- Housing, in that Goulburn remains the focus for housing growth, and fulfils the recommendations of *The Housing Strategy*.

**Planning Priority 5- Primary Industry** acknowledges the significant role of agricultural land uses within the LGA, making notable contributions to the local economy. It is recognised that emerging technologies such as renewable energy, and extractive industries are growing however cannot come at a cost to land identified as being of prime crop and pasture potential.

As discussed in various parts of this report, the Planning Proposal is occurring on land that is partially identified as being within BSAL and *The Housing Strategy* did not include the entirety of the subject land for this reason. However, the proponent has submitted a *Biophysical Strategic Agricultural Land Verification Assessment* (**Appendix 7**) that has been undertaken in accordance with *the interim protocol*. This protocol outlines the technical criteria that is required to be followed to determine whether or not the land is in fact BSAL. This includes the consideration of appropriately qualified persons to undertake the analysis.

The verification assessment has been undertaken by an appropriately qualified person and confirms that the entirety of the land is not of BSAL value, further recommending that the BSAL mapping should be removed from the maps as prepared by the NSW Government.

Notwithstanding this, the surrounding land has some agricultural value and this must be protected, to ensure that those adjoining property owners are able to continue with their agricultural pursuits. It is noted that the opportunity areas identified in *The Housing Strategy* have been identified around existing urban settlements to reduce impacts from potential land use conflict. A Sooley Precinct specific DCP chapter has been drafted concurrently with this Planning Proposal and will impose specific controls to ensure that potential land use conflict between agricultural and future residential uses will be alleviated.

**Planning Priority 8: Natural Hazards** reinforces the challenge of climate change, recognising changing weather events and ensuring that land use planning takes these into consideration so that risks from hazards can be appropriately mitigated. The subject site is subject to bushfire and flood risk.

In regard to bushfire, the subject land is wholly subject to category 3- medium bushfire risk. This Planning Proposal will exhaust a majority of the opportunity area within the Sooley Precinct. The Planning Proposal has demonstrated that a future residential subdivision will not have any unreasonable level of bushfire risk, and that it will provide opportunity for a well-connected precinct from land to the north to the urban area.

The *Environmental Planning and Assessment Act 1979* and the *Goulburn Mulwaree Development Control Plan 2009* (DCP) contains the necessary provisions to ensure that future development proposals incorporate adequate mitigation measures.

The land is impacted by overland flooding as identified in Council's preliminary overland flood maps. The full extent of overland flood areas will be subject to restrictive zoning to ensure that these areas are not developed. The proponent has undertaken a flood investigation to determine capability of future roads to be located above a 1% AEP flood event to ensure safe evacuation can occur. Other impacts are also

considered such as pre and post development scenarios as well as impacts to downstream property. This is further considered in section 3.6.7.

**Planning Priority 9: Heritage** maintains the value that Aboriginal and European cultural heritage is important and must be promoted, protected and conserved. Measures must be in place to preserve Aboriginal heritage and culture during the strategic and development assessment stages of planning.

The planning proposal has demonstrated that there will be no impacts on the heritage significance of European heritage in the vicinity of the subject land.

An Aboriginal heritage site is located on the land and is included within a future public reserve. Provisions will be included in the Draft Sooley Precinct DCP to ensure that a management strategy is employed for the future public reserve to protect and preserve this important Aboriginal Heritage.

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

The central part of the southern portion of the site subject to this Planning Proposal contains Plant Community Type (PCT) 1330, being a CEEC in moderate condition. This PCT is potential habitat to the key's Matchstick Grasshopper and Koala (less likely). Both species are listed as endangered under the *Biodiversity Conservation Act 2016*. Additionally, the Koala is listed under the *Environment Protection and Biodiversity Conservation Act 1979* as endangered.

The *Preliminary Biodiversity Development Assessment Report (Appendix 9a)* submitted with the Planning Proposal indicates that approximately 12.1 hectares of this PCT is proposed to be removed. These areas consist of native vegetation that is in poor condition. A large portion of this area is grassland with low percent cover of native plants.

As discussed in other parts of this report, the extent of native vegetation that is in moderate condition will be retained within a future public reserve. This area is in the order of 1.9 hectares and will be zoned RE1 Public Recreation. Land located between this area and the easternmost boundary of the site will incorporate larger lot sizes to enable the retention of important remnant native vegetation and to maintain canopy connectivity to the eastern side of Crookwell Road where this PCT also exists. The DCP will play an important role in setting out these requirements for future development proposals. Council's Environment and Biodiversity Development Assessment Officer has considered the proposal and supports the findings of the report (**Appendix 9b**).

The site is within the Sydney Drinking Water Catchment. The Planning Proposal and future development proposals must demonstrate capability of achieving a neutral or beneficial impact on water quality. The proposed minimum lot size of 2 hectares for the R5 zoned land north of the high pressure gas main pipeline will enable the lots to accommodate dwellings and associated effluent management areas that will be located a suitable distance away from natural drainage paths. Overland flood prone areas along natural drainage paths, up to the Probable Maximum Flood (PMF) within the future unserviced land areas will also be protected through the re-zoning of this land to C2 Environmental Conservation, to reduce development potential within this



area and improve water quality outcomes. A Development Control Plan has also been drafted for the Sooley Precinct to guide future development and minimise adverse impacts on the drinking water catchment, through the Development Application process.

Overall this planning proposal is consistent with the planning priorities, vision, principles and actions of the *Goulburn Mulwaree Local Strategic Planning Statement*, specifically planning priorities 4, 5, 8, 9 and 10.

### **3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (Adopted July 2020)**

The subject site is identified in the *Urban and Fringe Housing Strategy (The Housing Strategy)* as an area to be re-zoned to low density residential and large lot residential in the Sooley Precinct.

The recommendations for this precinct are:

- Retain RU6 Transition zone in the short term to prevent fragmentation;
- A comprehensive Aboriginal Cultural Heritage Assessment is required;
- Re-zone potential to R2 Low Density Residential in the south eastern area of the precinct;

The following minimum lot sizes are proposed:

- R2 Low Density Residential zoned land: 700m<sup>2</sup>

- R5 Large Lot Residential zoned land: 4,000m<sup>2</sup> and 2 hectares. The area consisting of the 4,000m<sup>2</sup> is located adjacent to the westernmost boundary of the land and acts as a buffer between the future low density residential land and the existing rural land to the west.

The limited opportunity area identified for 407 Crookwell Road avoids the location of Biophysical Strategic Agricultural Land (BSAL) within the land. However, given Council's later resolution to include land to the north (i.e. 515 Crookwell Road) as an opportunity area for future large lot residential development within *The Housing Strategy*, it is considered appropriate to include the entirety of 407 Crookwell Road in the Planning Proposal. Council's resolution to include 515 Crookwell Road as an opportunity area has fragmented the band of BSAL land and reduces its value as an agricultural resource. Retaining the BSAL land (approximately 26 ha) would mean that future large lot residential land within 515 Crookwell Road would be isolated with no continuity or relationship to urban fringe. Furthermore, and as discussed later in this report, the BSAL identified upon the land has been investigated and the land is not considered to be of BSAL value. Allowing the entirety of 407 Crookwell Road to be developed will facilitate a contiguous development with the land to the north and will promote orderly and well planned future development via integration of infrastructure, such as roads/access, open space and drainage that is located adjacent to the urban fringe.

The part of 407 Crookwell Road identified in *The Housing Strategy* is recommended for serviced low density residential development, with urban lots having a minimum lot size of 700m<sup>2</sup>. The Planning Proposal is consistent with this requirement.

All lots located north of the high pressure gas main pipeline will be un-serviced (i.e. the land that will incorporate a minimum lot size of 2 hectares). All lots located south of the high pressure gas main pipeline will be serviced.

*The Housing Strategy* identifies that water pressure may likely be problematic in areas with higher elevations and furthest away from the service. Sewer and water reticulation has been considered and future R2 low density residential lots are able to be serviced with adequate water pressure and be provided with suitable sewer reticulation subject to future augmentation work.

The Planning proposal has considered potential impacts on native vegetation. The Planning Proposal has demonstrated that potential impacts can be avoided.

Natural watercourses traverse the land and Council now has available data which indicates the extent of overland flooding which has been considered in this Planning Proposal. The Planning Proposal has demonstrated that future building envelopes can be located outside areas of inundation up to the Probable Maximum Flood. Future roads can also be located and designed to ensure future occupants can safely evacuate during a flood emergency.

*The Housing Strategy* therefore identifies the land subject of this Planning Proposal suitable to proceed to be re-zoned, subject to the relevant site specific environmental assessments and subsequent approval processes (including the consideration of an Aboriginal Cultural Heritage Assessment Report).

### **3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?**

#### **3.5.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021- Part 4.1: Koala Habitat Protection 2021**

Part 4.1 of State Environmental Planning Policy (SEPP) applies to land, as the land is within the Goulburn Mulwaree Local Government Area as listed in Schedule 2.

The Planning Proposal was considered by Council's Environment and Biodiversity Assessment Officer. Some koala feed tree species are located on the land, and therefore there is potential that the land may be a potential koala habitat. Available information such as the NSW Bionet Atlas indicates no species sightings. No other koala sightings have been reported on the land and therefore it is considered that the land is not core koala habitat.

#### **Part 6.5: Sydney Drinking Water Catchment**

Part 6.5 of State Environmental Planning Policy (SEPP) applies to land within the Sydney drinking water catchment which includes the Wollondilly River water catchment. The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. The aims Part 6.5 of the SEPP are as follows:

- To provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and
- To provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.

The subject site is located within the Sydney drinking water catchment, immediately adjacent to the Goulburn urban fringe, and is un-serviced by the town's reticulated water and sewage system. The part of the land subject to this Planning Proposal does not drain to Sooley Dam, in accordance with *The Housing Strategy*.

Natural drainage paths traverse the land (Figure 11) flowing north to south into the Wollondilly River. The drainage paths are also overland flow corridors identified through the overland flow modelling undertaken concurrently with the *Goulburn Floodplain Risk Management Study and Plan*, illustrated in Figure 12.

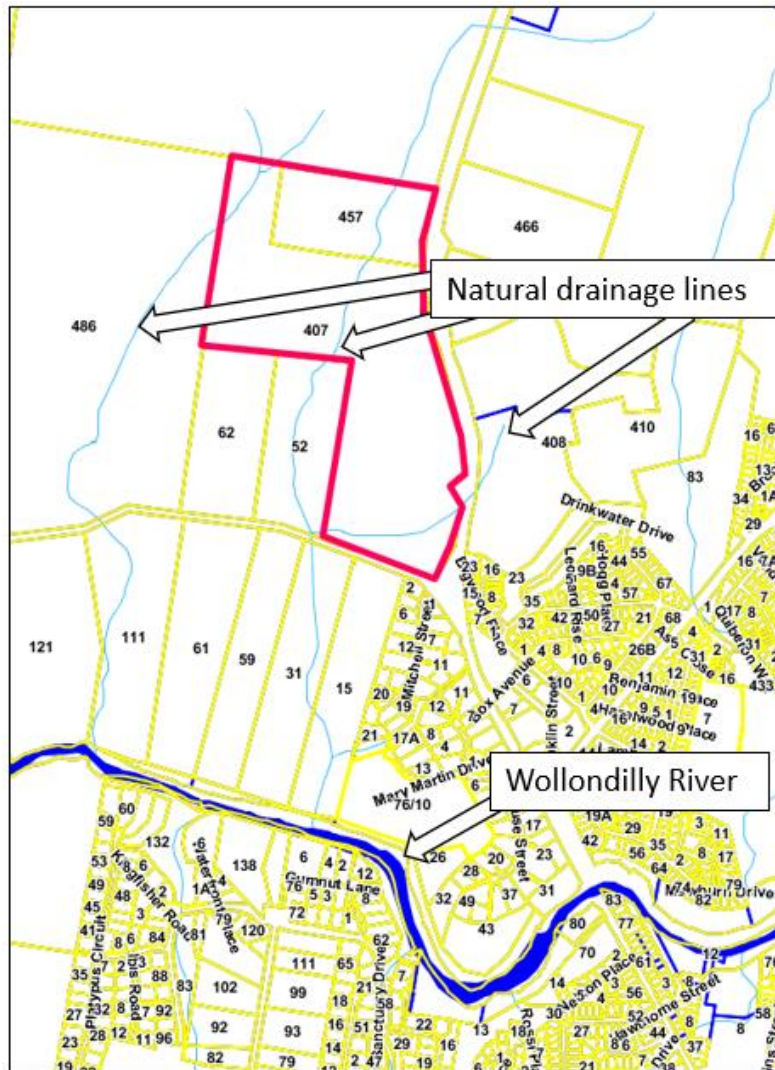


Figure 11: Drainage Path Map

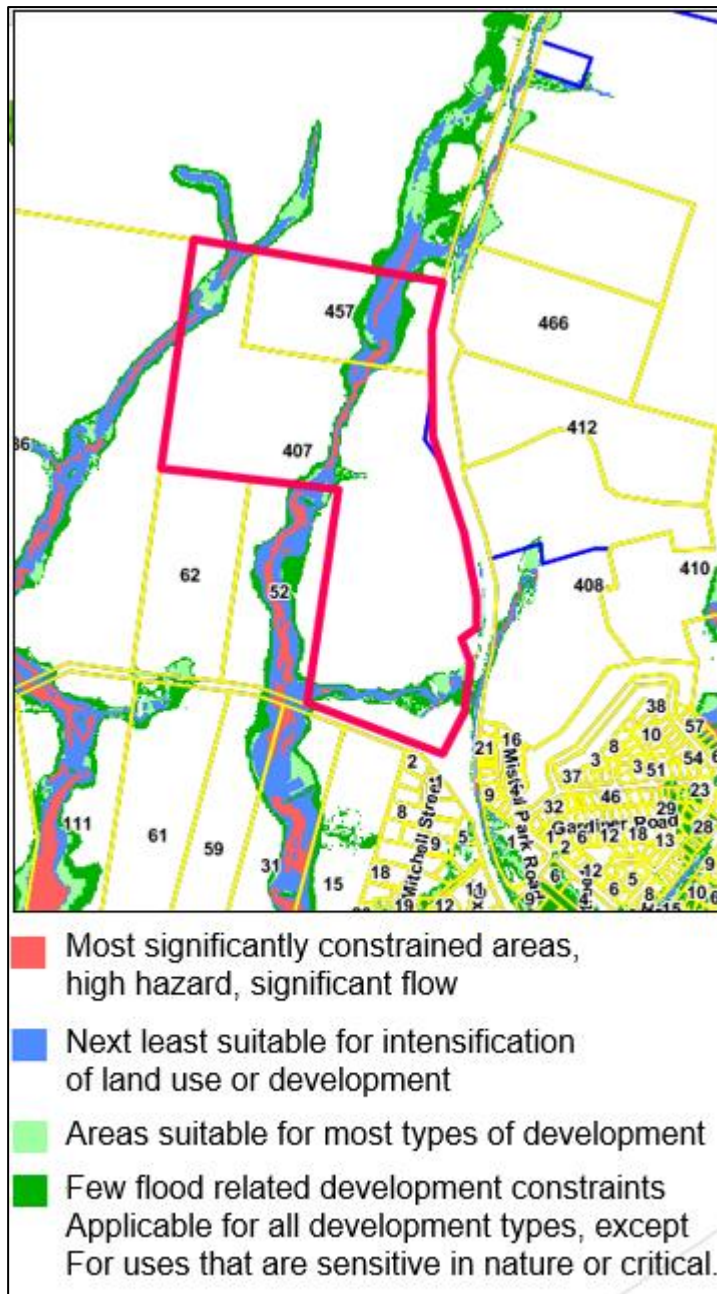


Figure 12: Extent of Overland flooding

All areas of flood prone land are proposed to be rezoned to RE1 Public Recreation and C2 Environmental Conservation, to ensure that development such as effluent management areas are not located within areas of inundation and therefore maintain a suitable level of water quality.

The *Water Cycle Management Study (WCMS)* (**Appendix 8a**) and updated *WCMS* (**Appendix 8b**) submitted with the Planning Proposal has demonstrated that the concept subdivision proposal has the capability to achieve a neutral or beneficial impact on water quality.

The *Site and Soil Evaluation* submitted with the Planning Proposal (**Appendix 8c**) indicates that the lots which are unable to be serviced by Council's reticulated sewer system have capability to be serviced by Effluent Management Areas (EMA). It is envisaged that some alteration will be required to the concept design to ensure that



lots impacted by overland flooding will be able to accommodate all development including waste water management systems, outside the parts of the land subject to overland flooding.

A future Development Application will require a detailed water quality assessment in accordance with Water NSW guidelines and will require consideration and concurrence by Water NSW.

### 3.5.2 State Environmental Planning Policy (Primary Production) 2021

The aims of Chapter 2 (that relate to primary production and rural development) are to:

- (a) facilitate the orderly economic use and development of lands for primary production,
- (b) reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) simplify the regulatory process for smaller-scale low risk artificial water bodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) encourage sustainable agriculture, including sustainable aquaculture,
- (f) require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

The *Urban and Fringe Housing Strategy* has taken into consideration the significance of agriculture and primary production in the determination of opportunity areas for future housing growth.

A large majority of the dwelling supply identified in *The Housing Strategy* (at least 80%) is contiguous to the existing urban area. This reduces the impact on existing primary production lands as much as possible, alleviates potential land use conflict and impacts on biodiversity. *The Housing Strategy* demonstrates orderly land use planning.

Part of the land is identified as Biophysical Strategic Agricultural Land (BSAL) and is included in the [Draft State Significant Agricultural Land \(SSAL\) map](#), although the status of the latter is yet to be determined. Given the context and extent of the BSAL impacted land, it has little agricultural value. This is confirmed by the submitted *Biophysical Strategic Agricultural Land Verification Assessment (Appendix 7)* which confirms that the land is not BSAL. Retaining the land for an agricultural activity would be unviable and would exacerbate potential land use conflict, particularly considering that *The Housing Strategy* identifies land to the north as an opportunity area (and Council is currently considering a Planning Proposal for future large lot residential development). Enabling the Planning Proposal will facilitate an orderly and well connected future subdivision to the existing urban fringe.

As mentioned earlier in this report, the subject site contains areas of disturbed remnant native vegetation. Restrictive zoning by way RE1 Public Recreation zone will be imposed over those areas of remnant native vegetation that are in moderate condition to ensure that no additional remnant native vegetation can be removed. For the other parts of the site, controls are imposed in the Draft Sooley Precinct DCP Chapter to safeguard existing remnant trees and maintain canopy connectivity.

For the part of the site that will not be sewered by Goulburn's reticulated water and sewage system, the proposal includes suitable provisions for water storage, effluent management and demonstrates the ability to achieve a neutral or beneficial effect on water quality.

The proposal seeks large lot and low density residential development on the site and does not encourage sustainable agriculture, aquaculture or oyster aquaculture.

This planning proposal is not inconsistent with the aims of this SEPP.

### **3.5.3 State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4 Remediation of Land**

The object of this Chapter is:

1. To provide for a State-wide planning approach to the remediation of contaminated land.
2. In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment-
  - a. By specifying when consent is required, and when it is not required, for remediation work, and
  - b. By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - c. By requiring that remediation work meet certain standards and notification requirements

Council's records do not indicate that the subject land is potentially contaminated, and the land is not identified as significantly contaminated land. However, the land's current agricultural use is listed as an activity that has potential to cause contamination, as per Table 1 of the *Managing Land Contamination Planning Guidelines*.

The development proponent has prepared the following investigations:

- Preliminary Site Investigation (PSI), prepared by CSH Consulting Pty Ltd and dated 24<sup>th</sup> November 2022 (**Appendix 10a**).
- Detailed Site Investigation (DSI), prepared by CSH Consulting Pty Ltd, dated 24<sup>th</sup> November 2022. (**Appendix 10b**).
- Remedial Action Plan (RAP), prepared by CSH Consulting Pty Ltd, dated 8<sup>th</sup> March 2023 (**Appendix 10c**).
- Supplementary report to the DSI report, prepared by CSH Consulting Pty Ltd, dated 4<sup>th</sup> August 2023 (**Appendix 10d**)
- A response to Council letter, prepared by CSH Consulting Pty Ltd, dated 1<sup>st</sup> September 2023 (**Appendix 10e**).

The PSI identified seven (7) Potential Areas of Environmental Concern (PAEC) which consist of the existing structures and works, including:

- the dwelling and ancillary features,
- agricultural related infrastructure including sheds and pump sheds, and
- other materials including piles of building waste, fill, cremated animal carcasses and a fuel tank.

Contaminants of Potential Concern (COPC) include hydrocarbons (TRH, BTEXN, PAH, PCB), pesticides (OCP/OPP), heavy metals and asbestos.

The DSI, specifically the supplementary report to the DSI undertook a limited soil sampling program within PAEC, although those areas are not strictly in accordance with those PAEC identified within the PSI. This is considered further under section 3.6.9.

The supplementary report to the Detailed Site Investigation (DSI) concluded that the site poses a low risk to human and environmental health. The soil analysis carried out on the PAEC indicate that the values of contaminants were below the relevant criteria. The reports recommends that *the site is deemed suitable for rezoning and development on the basis that remediation action plan is followed.*

The RAP recommends that for PAEC01 and 06 (i.e. the dwelling, garage and sheds), sampling and analysis is to be carried out to assess extent of potential contamination, prior to their demolition. Additionally, soil testing is required to be carried out following the demolition and removal of the shed structures as well as the concrete and soil surrounding the shed structures. The results obtained from the analysis are to verify the remediation plan and classification for disposal of waste.

Pre-gateway consultation with Water NSW and feedback received has necessitated further investigation from the proponent, which is considered in section 3.6.6 later in this report.

A site specific Development Control Plan (DCP) for the Sooley Precinct has been drafted concurrently to this Planning Proposal, to ensure contamination matters that are specific to the land are addressed in future development proposals. This will be in addition to Development Controls already in place within the DCP, that address contamination in relation to water quality.

This planning proposal has assessed the potential for contamination on the subject site. No remediation is required; however, further investigation is recommended to inform a future Development Application. Provisions are imposed in the DCP to require an appropriate level of analysis to be undertaken ensure potential risk to human health and the environment is alleviated for future residential development.

### **3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?**

#### **3.6.1 Direction 1.1 Implementation of Regional Plans**

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in regional plans with planning proposals required to be consistent with a Regional Plan.

The current and emerging *South East and Tablelands Regional Plan* is applicable to this planning proposal and this has been considered earlier in this report. This planning proposal is consistent with this regional plan.

The Planning Proposal is consistent with Direction 1.1.

### **3.6.2 Direction 1.3 Approval and Referral Requirements**

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

When this direction applies a planning proposal must:

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

This planning proposal does not introduce additional concurrence, consultation or referral requirements beyond those in place in the applicable environmental planning instruments and does not compromise this objective.

This planning proposal does not include development identified as designated development.

The Planning Proposal is consistent with Direction 1.3.

### **3.6.3 Direction 1.4 Site Specific Provisions**

This direction applies to relevant planning authorities when preparing a planning proposal. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

1. When this direction applies a planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
  - a. allow that land use to be carried out in the zone the land is situated on, or
  - b. rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development



- standards or requirements in addition to those already contained in that zone, or
  - c. allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
2. A planning proposal must not contain or refer to drawings that show details of the proposed development.

This planning proposal seeks the rezoning and minimum lot size amendment of the subject site to R5 large lot residential and R2 low density residential to enable residential permissibility in an area identified for future growth in the *Urban and Fringe Housing Strategy*. Dwellings are a permissible use within the R5 large lot residential zone and R2 low density residential, and no development standards or requirements are proposed in addition to those already contained in the zone and in the *GM LEP 2009*.

As illustrated in Figure 8 earlier in this report, the *GM LEP 2009* URA map will require amendment to include land identified in this Planning Proposal and that to the north (i.e. 515 Crookwell Road). No additional provisions are required in the *GM LEP 2009*. Inclusion of the land as a URA will enable development controls to be included in the *GM DCP 2009* (as prescribed under Part 6, clause 6.2A of the *GM LEP 2009*).

The proposed C2 Environmental Conservation zone will not incorporate a minimum lot size and therefore will not be included in the lot size map. Therefore, a subdivision proposal can be considered in whole or in part, or in conjunction with land zoned R2 Low Density Residential and/or R5 Large Lot Residential.

The Planning Proposal is consistent with Direction 1.4.

### 3.6.4 Direction 3.1 Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. This Direction applies to all relevant planning authorities when preparing a planning proposal.

This Direction requires:

1. A planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.
2. A planning proposal that applies to land within a Conservation Zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".

The planning proposal has been accompanied by a *Preliminary Biodiversity Development Assessment Report (BDAR)* prepared by Hayes Environmental and dated 22 February 2023 (**Appendix 9a**). This included a Biodiversity Assessment Method (BAM) Vegetation Integrity Survey (VIS) plot based survey undertaken by an Ecologist and Botanist, during August 2021, October 2021 and November 2022. Targeted surveys for candidate threatened plant species were carried out during the spring season of 2021 and 2022 (i.e. terrestrial orchids, ground layer herbs and trees).

The report indicates that all native vegetation within the subject land is best identified as Plant Community Type (PCT) 3376 Sothern Tableland Red Grass-Spear Grass Grassland. However, this PCT is newly released and not currently available for use in the BAM calculator. It has been determined that *PCT 1330 Yellow Box- Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion* (currently in the BAM calculator) is the best match PCT to utilise. The extent of the native vegetation identified is shown below in Figure 13.

The condition of the PCT varies and is considered further below:

- West of existing dwelling: woodland in moderate condition. (Vegetation integrity score of 34.7).
- South of existing dwelling: woodland in poor condition. (Vegetation integrity score of 19.2).
- Grassland – cleared woodland. Percent cover of native plants varies from 15% to approximately 50%. (Vegetation integrity score of 10.4).

The report also considered the potential for the existence of threatened fauna species that have potential to utilise the classified vegetation for habitat. See Figure 14 below

A biodiversity constraints study was carried out with an aim to demonstrate an 'avoid and minimise impacts' on biodiversity. This has informed the concept plan which shows that:

- 1.9 hectares of woodland vegetation in moderate condition (shown as Biodiversity Conservation Area on the updated concept plan) is retained as a future public reserve (via zoning to RE1) and will include adjacent areas of derived native grassland. An area of land is attached to the eastern side of the reserve to enable the retention of trees and new plantings to connect with remnant woodland vegetation occurring on land further towards the eastern boundary of the subject land.
- Preparation of a Vegetation Management Plan (VMP) to account for mitigation of direct and indirect impacts and develop a plan to avoid long term loss to canopy density. This also includes an adaptive management strategy to manage uncertain and unexpected future impacts.
- The part of the land that is located between the area of land attached to the eastern side of the proposed reserve and the eastern boundary of the subject land, will be included in the Draft Sooley Precinct DCP. Development controls are included, in order to facilitate the retention of mature hollow bearing trees and maintain canopy connectivity, whilst also accommodating future dwellings and ancillary development. These lots would be imposed by covenants to retain trees and their maintenance in the long term, to ensure that future property owners are aware of their conservation obligations.
- Future Development Applications consider the need for the imposition of conditions to ensure that any threatened species such as microchiropteran bat species, are not present in existing man-made structures such as sheds and other buildings.
- Drainage corridors will coincide with future managed public reserves, where there is opportunity for the improvement of biodiversity and hydrological values.

The extent of proposed future public reserve zoning for the moderate vegetation woodland is in Figure 14 and Figure 15. The preparation of a VMP will be considered at the time a Development Application is put forward to Council, including a Planning Agreement to dedicate future public reserves, and a Plan of Management (PoM) to

understand the extent of the environmental responsibilities associated with taking custody of a public reserve.

The part of the land that is located between the area of land attached to the eastern side of the proposed reserve and the eastern boundary of the subject land will require the imposition of legal covenants to ensure the protection and conservation of important hollow bearing mature native trees and to promote canopy continuity to land on the eastern side of Crookwell Road which contains the same Plant Community Type (PCT).

The Draft Sooley Precinct Development Control Plan (DCP) will play an important role in prescribing Policy to ensure that adequate consideration is given to the requirements above so that provision is made at the DA stage to protect biodiversity values and natural resources on the land.

Council's Environment and Biodiversity Assessment Officer visited the site on the 4<sup>th</sup> April 2022, prior to the Planning Proposal being formally submitted, as a result of early consultation carried out by the proponent's ecologist. No concerns were raised. When the Planning Proposal was formally lodged to Council the report was reviewed and the findings are supported. Field surveys were conducted at the optimum time of the year and the planning proposal has applied the hierarchy of avoid, minimise and mitigate. The concept plan has been designed to protect and avoid impact to the parts of the site containing the most significant biodiversity value.

Council's Environment and Biodiversity Assessment Officer comments are in **Appendix 9b**.

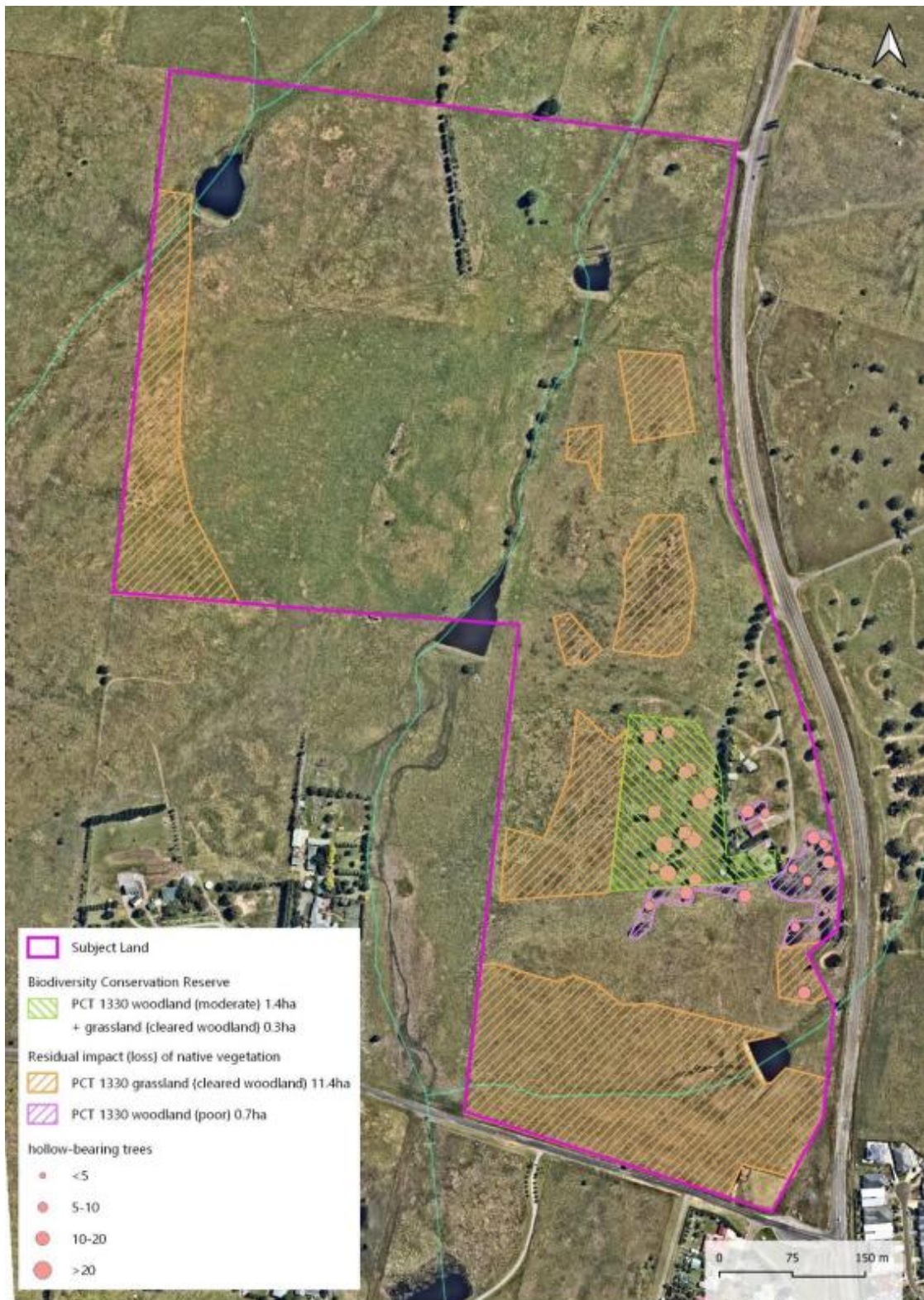


Figure 13: Extent of PCT 1330 (source: Preliminary BDAR report prepared by Hayes Environmental 22/02/2023)



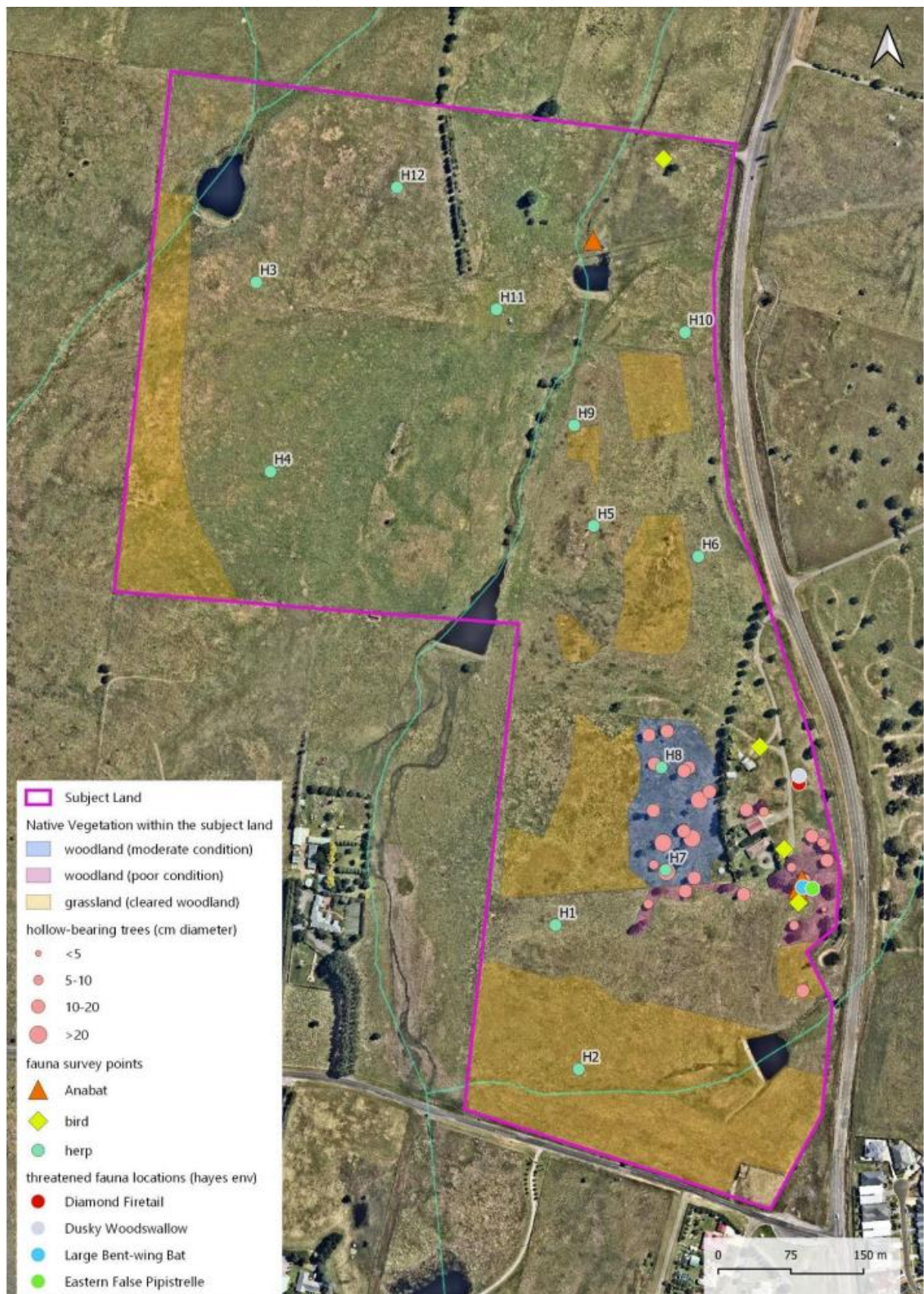


Figure 14: Fauna field survey locations (source: Preliminary BDAR report prepared by Hayes Environmental 22/02/2023)



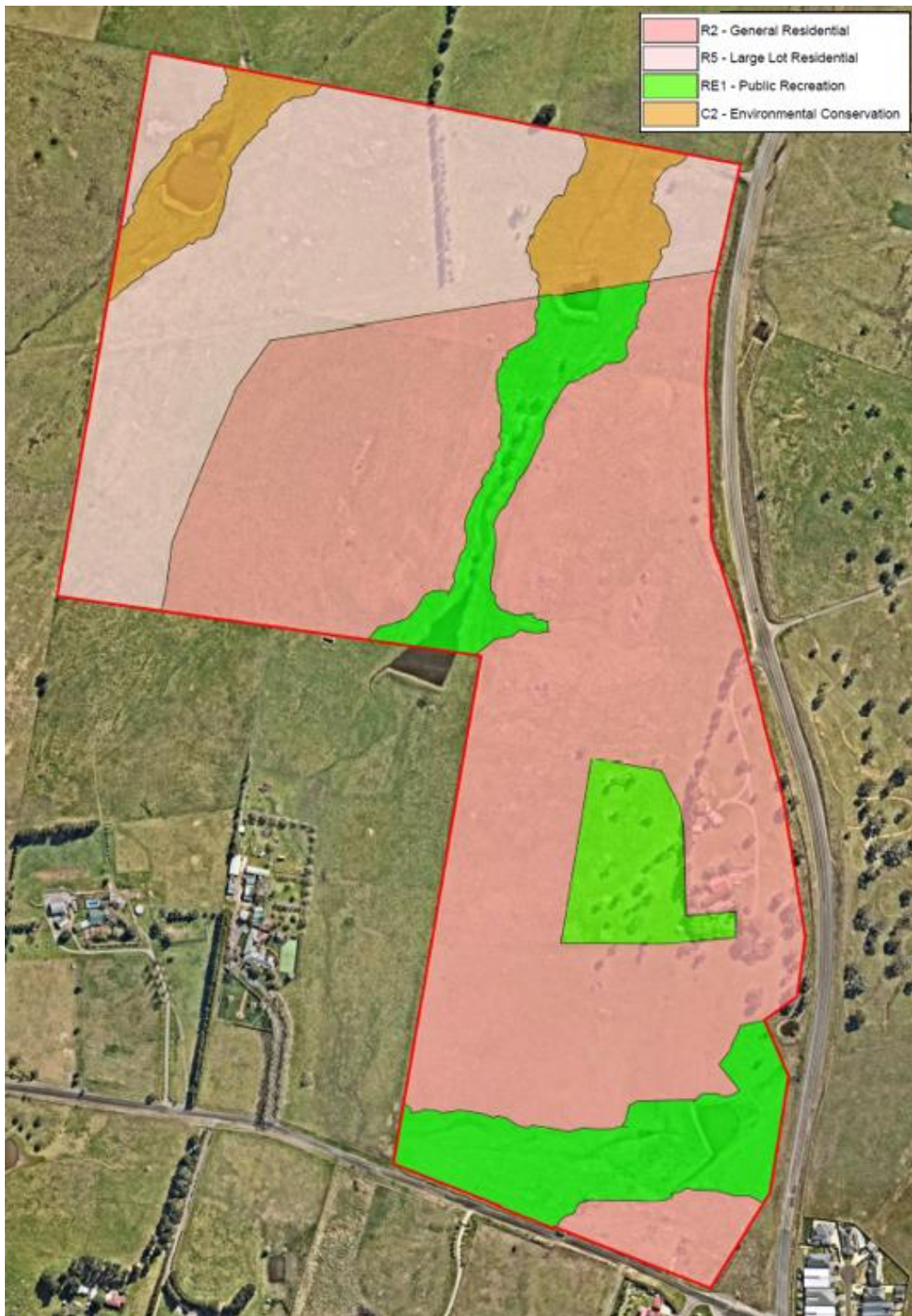


Figure 15: Re-zoning of the PCT 1330 in moderate condition to RE1 Public Recreation.

The Native Flora and Fauna considerations within the submitted preliminary BDAR and the site assessment undertaken by Council's Environment and Biodiversity Assessment Officer illustrate that the subject site is not considered of high biodiversity significance, outstanding biodiversity value or a declared critical habitat.

### Response to gateway determination

The Draft Sooley Precinct DCP has been reviewed by the Conservation Programs, Heritage and Regulation (CPHR) group at DCCEEW and no objection is raised. It is noted that Appendix A contained within the agency response form DCCEEW (**Appendix 20**) was included in error and is to be disregarded as per previous advice from DCCEEW via email on 10 March 2025.

As mentioned in other sections of this report, the Vegetation Management Plan (VMP) is a consideration that will be applicable to the management and maintenance of the integrity of the future public reserve. This is considered as part of the Planning Agreement when a Development Application is made to subdivide the land. Similarly, the *Preliminary Biodiversity Development Assessment Report (BDAR)* is considered during the Development Assessment stage of a subdivision proposal, by Council's Environment & Biodiversity Assessment Officer, who is an accredited assessor.

The subject site does not include any other potential environmentally sensitive area of State significance, as defined in the *Environmental Planning and Assessment Regulation 2021*. The land is not:

- Inland, and does not relate to the coast;
- An aquatic reserve or marine park;
- A Ramsar site or World Heritage Area;
- Land reserved or dedicated under the *Crown Land Management Act 2016* for environmental protection purposes;
- Land declared as an area of outstanding biodiversity value or declared critical habitat;
- Land reserved or acquired under the *National Parks and Wildlife Act 1974*;
- Land reserved or acquired under the *Wilderness Act 1987*;
- Identified as high Aboriginal cultural significance, high biodiversity significance or as in a conservation zone, within an Environmental Planning Instrument; and
- Listed on the State Heritage Register under the *Heritage Act 1977*.

The Planning Proposal is consistent with Direction 3.1.

#### **3.6.5 Direction 3.2 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies to all relevant planning authorities when preparing a planning proposal.

A planning proposal must contain provisions that facilitate the conservation of:

- i. Items, places, building, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.
- ii. Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- iii. Aboriginal Areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area,

object, place or landscape as being of heritage significance to Aboriginal culture and people.

### European Cultural Heritage

The Planning Proposal will have negligible impacts on European Heritage given the significant distances from the subject site and the nature of future development. The closest Heritage listed items to the subject land are included in Table 1 and Figure 16 below.

*Table 1: Closest heritage listed items relative to the subject site.*

<b>Heritage listed item</b>	<b>Item No.</b>	<b>Approximate distance to subject site (kms)</b>
'Kingsdale lime kilns and 'lime quarries'	I549	2.7
'Former Kingsdale Hotel'	I548	2.8
dwelling 'Teneriffe'	I449	0.98
'Goulburn Water Works' and 'Marsden Weir', and Conservation Area	I497	1
'Bishophthorpe'	I001	1.6
'Rossi Bridge'	I002	2.3



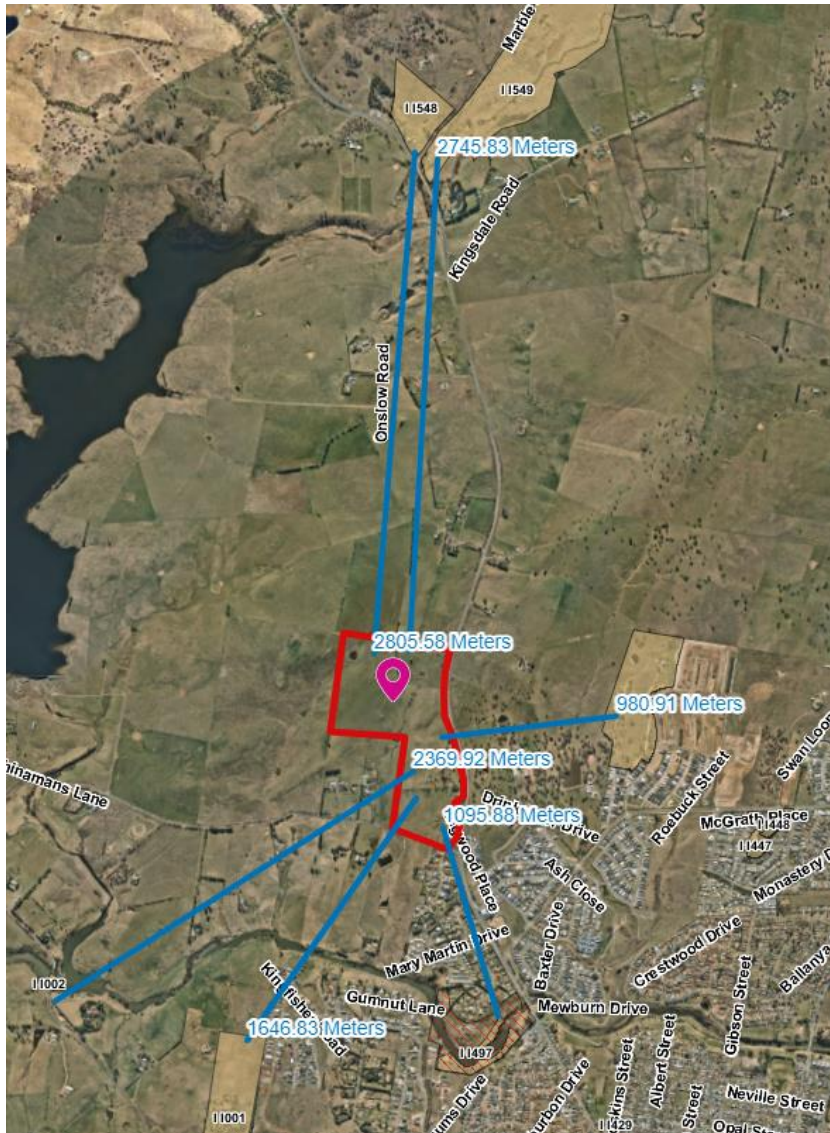


Figure 16: Proximity of Heritage listed items to subject site

### Aboriginal Cultural Heritage

The *Urban and Fringe Housing Strategy* identifies, in relation to the Sooley precinct, the requirement for a comprehensive Aboriginal Cultural Heritage Assessment.

The subject site is within an area mapped as a place containing potential Aboriginal significance within the *Goulburn Mulwaree Development Control Plan*. This map, illustrated in Figure 17, was produced in consultation with the Pejar Land Aboriginal Land Council.



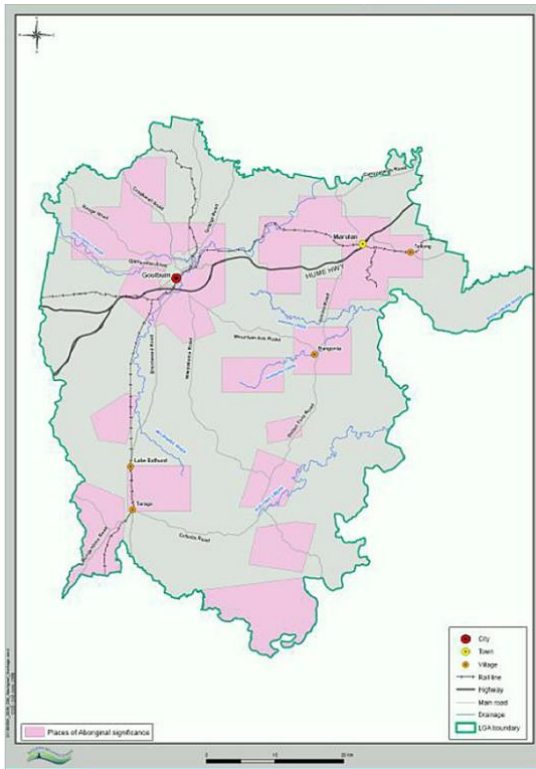


Figure 17: Places of potential Aboriginal Significance

A basic Aboriginal Heritage Information Management System (AHIM's) search was undertaken by Council on 22 November 2023. This search identified one (1) Aboriginal sites or objects on the subject site, within 1000m, as illustrated in Figure 18.

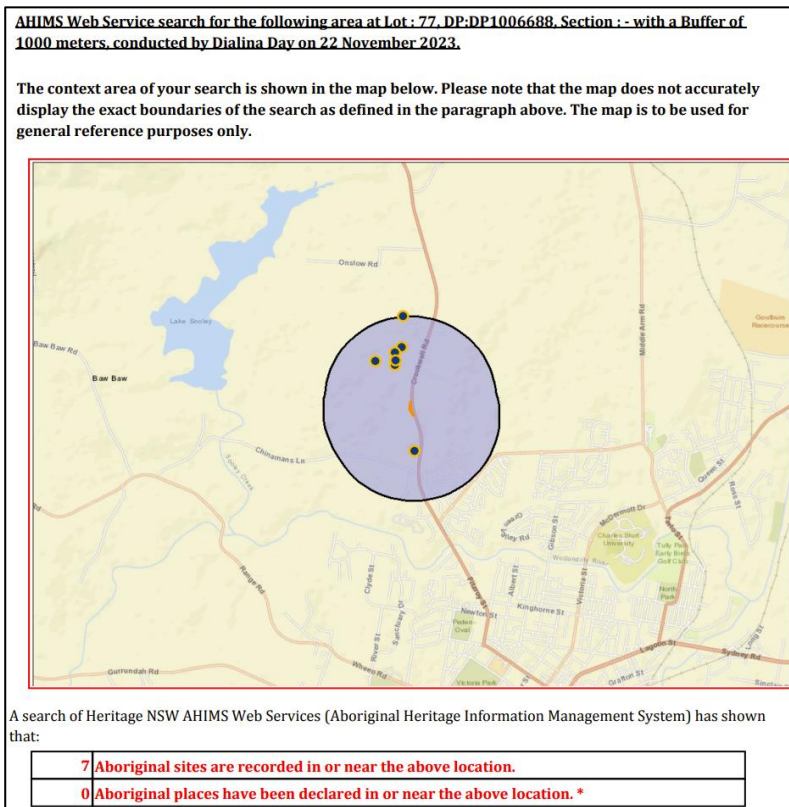


Figure 18: NSW Aboriginal Heritage Information Management System findings- access 22.11.2023

The proponent has submitted an *Aboriginal Cultural Heritage Assessment* which is available in **Appendix 6**.

The six (6) Aboriginal sites to the north of the subject site are located on adjoining land to the north (515 Crookwell Road). These have been investigated as part of a Planning Proposal currently being considered for that site. Four (4) Aboriginal heritage sites and two (2) areas of potential archaeological deposits (PAD) are located within the site. The Aboriginal sites consisted of Aboriginal objects, being flakes or stone fragments. The PAD sites are considered to hold some potential for Aboriginal objects to be located given their topography and proximity to drainage lines.

Consultation with the Aboriginal Community has been undertaken, including a site visit by Aboriginal representatives and Heritage Consultant, Black Mountain Projects, on the 16 March 2022 and 16 May 2022.

The Report identifies a field survey was undertaken and one geological source of chert was located, which had been mechanically excavated, with an estimated 20m<sup>3</sup> removed. This chert bedrock area (as well as the wider site) was further investigated for the presence of Aboriginal stone workings, however none could be located.

A sample of 50 chert items near the bedrock area was referred to lithics specialist John Kamminga, who confirmed that 13 of the 50 chert items were identified as primary flaking debris (debris from intentional stone flaking). The stone material identified is commonly utilised by Aboriginal people and the site was likely a site where the rock was shattered to obtain pieces required for flaking stone elsewhere.

As a result of the above investigation, the stone fragments are likely to be Aboriginal and should be registered as an Aboriginal site. This Aboriginal site is the one that is already registered and shown in the AHIMs results in Figure 18 above.

The location of the Aboriginal heritage site relative to the concept subdivision design has been considered and has been included within a proposed public reserve. However, the concept plan is subject to change in a future DA. Therefore, it is appropriate to re-zone the Aboriginal heritage site and its surroundings to RE1 Public Recreation zone to ensure that Aboriginal Heritage is protected and preserved into the future.

Figure 19 below details the general location of the Aboriginal Heritage Site and indicates the extent of the overland flood area up to Probable Maximum Flood (PMF), and remnant native vegetation, all that will be included within a RE1 Public Recreation and C2 Environmental Conservation zoning.

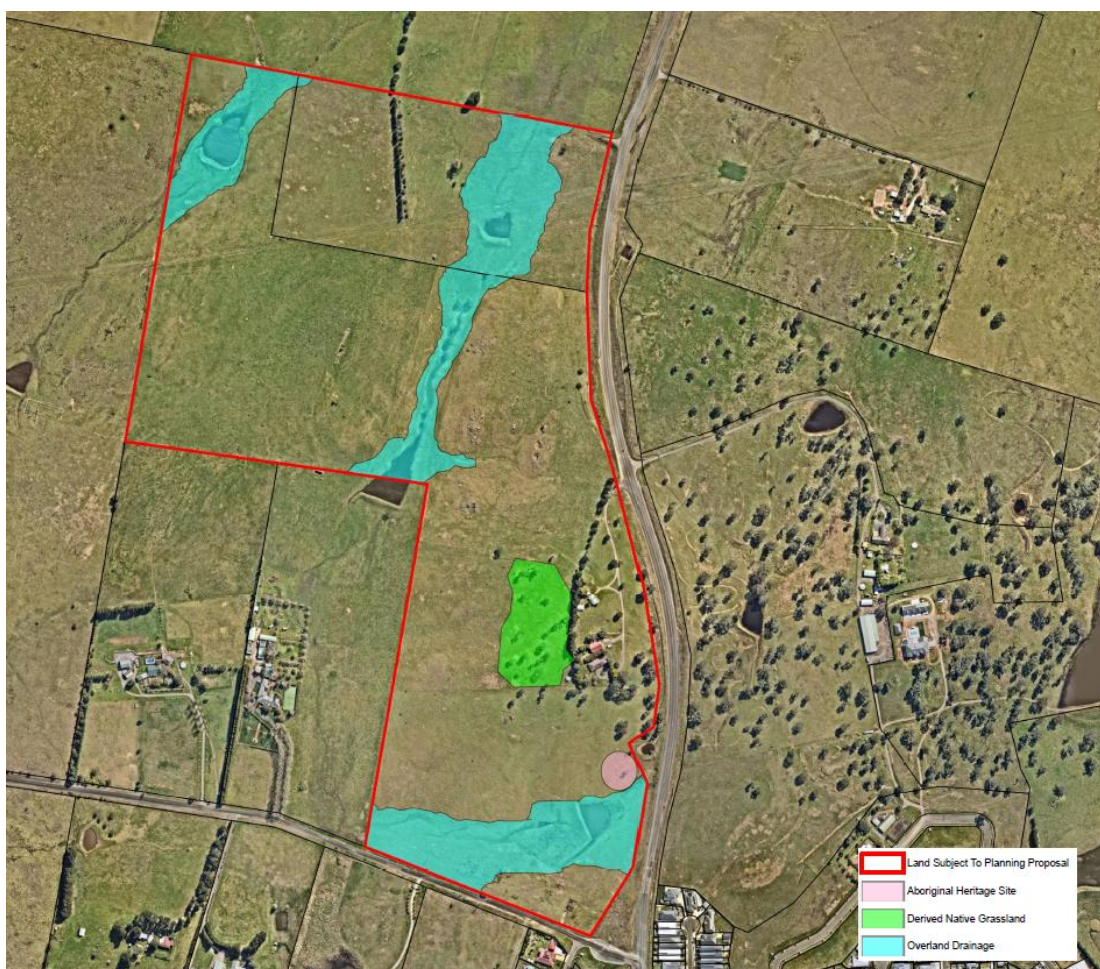


Figure 19: Site analysis showing the extent of the main site constraints.

The resulting extent of the proposed C2 Environmental Conservation zoning and RE1 Public Reserve zone is presented in Figure 15. The concept plan shows areas that are to be dedicated as future public reserves which mainly consist of overland flood prone areas, some areas of important remnant vegetation and the Aboriginal heritage site. These are to be re-zoned to RE1 Public Recreation.

Restrictive zoning that encompasses the Aboriginal heritage site will ensure that a future rural residential subdivision will not impact Aboriginal heritage. The future public reserve will necessitate the preparation of a Plan of Management to set out how the reserve will be managed. This will include how Aboriginal heritage will be safeguarded.

It is noted that during the pre-lodgement phase of the Planning Proposal, Council raised concerns to the proponent in regard to the potential presence of Aboriginal significant Heritage sites such as large bullock trees on the hillside, overlooking Wollondilly River, and potential Aboriginal heritage such as rock outcrops (containing marking that may suggest tool sharpening grooves) used by Aboriginal people and scar trees.

The Aboriginal Cultural Heritage Assessment Report acknowledges the concerns raised by Council and further investigates them. This has included consultation with a representative from the Pejar Local Aboriginal Land Council, which is the Registered Aboriginal Party associated with the subject land. Following a pedestrian survey across the site, the assessment found that these could not be confirmed as Aboriginal in

origin. Although these stones are the types utilised by Aboriginal persons, the chert stones were considered to be disturbed and likely impacted by fracturing from machinery, or from fire spalling. The current owner and previous owners confirmed that rock on the property had been sourced to build crossings of the drainage courses and there is high disturbance of these areas. On close examination of the chert stones, they are the size of large cores although there is no evidence of any clear striking platforms or multiple blade flaking scars. They are consistent with chert stones that have been mechanically excavated and moved from their natural state.

The tree scars were concluded not to be Aboriginal in origin, but most likely from machinery impacts, fire, or other natural causes such as limb fall, rot, insect or parrot attack, or fungal attack. The scarring does not show hatchet marks or display symmetrical patterns which are characteristic of Aboriginal bark extraction scars. The observations were referred to Environmental Historian Mark Butz who agreed with the findings.

Linear features on the basalt rock outcrops were also investigated and were found not to be Aboriginal in origin, as those features did not have the appearance of flaking patterns associated with prehistoric quarrying. These observations were referred to Associated Professor Mike Macphail, Associate Professor, Archaeology and Natural History, Australian National University, who indicated that the features found are a common occurrence for igneous rocks and originate as cracks, forming smooth cavities following exfoliation and erosion activity.

From some ethnographic records, there is indication that bullock trees were utilised by Aboriginal people to make digging sticks and boomerangs, not for the procurement of bark, or for manufacture of larger tools such as coolamons or canoes. There are alternative tree species that can be utilised that are not as dense and inflexible. This and the fact that the land is highly disturbed, having been subject to previous land clearing and disturbance, the consultant concluded that these trees were not considered to represent an Aboriginal site.

The considerations made above are consistent with the Ministerial Directions in relation to Heritage Conservation. There are statutory provisions in place that will enable the conservation of the Aboriginal heritage identified at the site (alongside the *GM DCP 2009*).

The planning proposal has considered Aboriginal cultural heritage through the Archaeological Assessment and includes provisions to facilitate its' conservation.

The Planning Proposal is consistent with Direction 3.2.

### **3.6.6 Direction 3.3 Sydney Drinking Water Catchments**

The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment. This direction applies to land located in the Sydney drinking water catchment which includes Goulburn Mulwaree.

This Direction requires:

1. A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:
  - a. New development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including ground water), and



- b. Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
  - c. The ecological values of land within a Special Area should be maintained.
2. When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:
- a. Consult with Water NSW, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (1) of this direction, and
  - b. Ensure that the proposal is consistent with Part 6.5 of Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
  - c. Identify any existing water quality (including groundwater) risks to any water way occurring on, or adjacent to the site, and
  - d. Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by Water NSW, and
  - e. Zone land within the Special Areas generally in accordance with the following:

<b>Land</b>	<b>Zone under Standard Instrument (Local Environment Plans) Order 2006</b>
Land reserved under the National Parks and Wildlife Act 1974	C1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of Water NSW located above the full water supply level	C2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and,

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

The subject site is located within the Sydney drinking water catchment.

The subject site is located adjacent to the urban fringe and is not currently serviced by reticulated water and sewage system.

The proponent is seeking the rezoning of an area of approximately 50.70 hectares, from RU6 Transition to R2 Low Density Residential and R5 Large Lot Residential. The proposed R2 zone will incorporate a minimum lot size of 700m<sup>2</sup> and the R5 zone will incorporate a minimum lot size of 4,000m<sup>2</sup> (for the part of the land south of the high pressure gas main pipeline) and 2 hectares (for the part of the land north of the high pressure gas main pipeline). The extent of serviced land will terminate at the point where the high pressure gas main pipeline traverses the land. Therefore, lots north of the high pressure gas main pipeline will be unserviced and future dwellings will be required to rely on independent rain water collection systems and waste water management systems.



The land is not subject to riverine flooding, however, parts of the land contain drainage paths which direct overland stormwater to Wollondilly River as illustrated in Figure 12, and Figure 20 below.

Figure 20: Overland Flow Corridor Map.

An effluent disposal- site and soil evaluation (**Appendix 8c**) was also submitted with the Planning Proposal and indicates that the land has capability to accommodate Effluent Management Areas (EMA) although has not recommended a specific system. The ultimate subdivision design will require some alteration at Development Application stage to ensure there is capability for each proposed future lot to accommodate residential development and ancillary development, including on site wastewater systems, outside the parts of the land subject to overland flooding.

The areas of the site that are subject to overland flooding are proposed to be re-zoned to RE1 Public Recreation and C2 Environmental Conservation, in accordance with

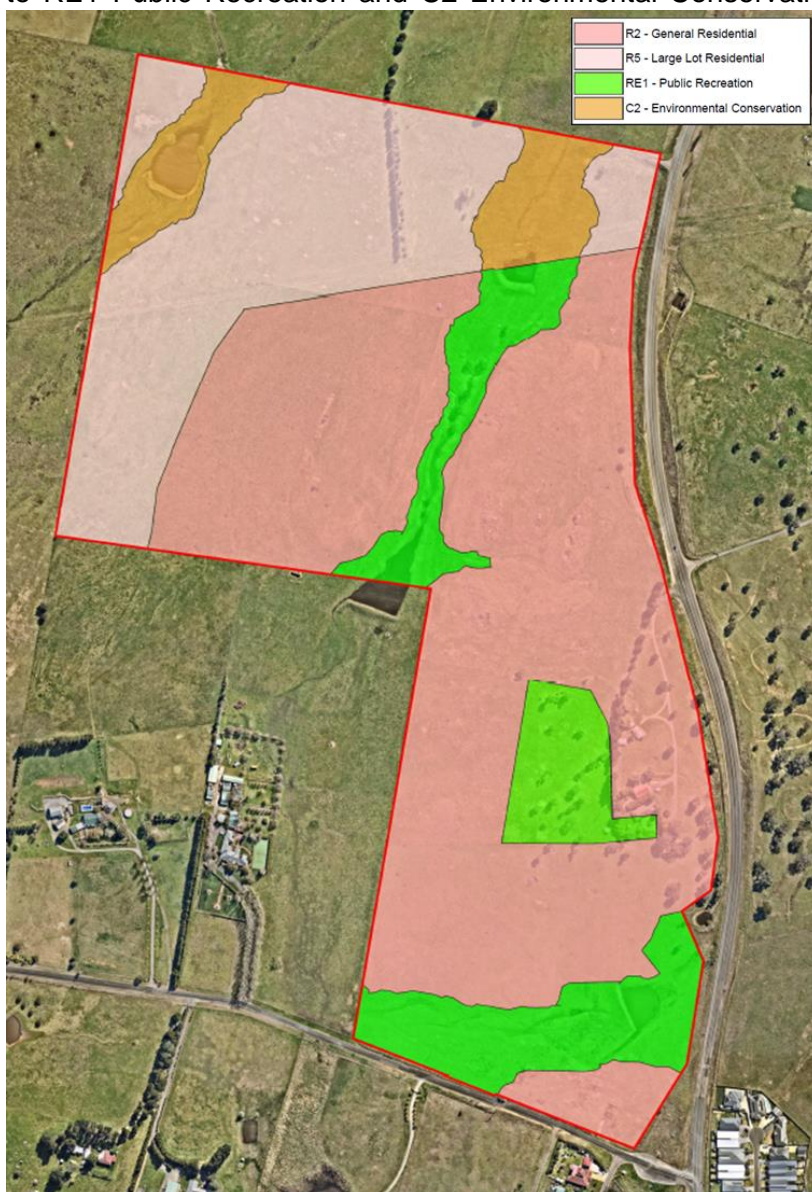


Figure 5 to ensure that these areas are protected, and further disturbance from development is prevented. This measure will ensure that areas of high water quality risk will remain protected and therefore result in neutral or beneficial water quality outcomes.

The extent of the overland flow corridor and the C2 Environmental Conservation zoning is likely to require a rearrangement of the concept subdivision design at the development application stage, to demonstrate that future residential infrastructure can be sensitively sited.

In addition to the above, Council has undertaken pre-gateway consultation with Water NSW, in order to receive feedback and give further consideration to the Strategic Land and Water Capability Assessment (SLWCA). Water NSW provided pre-gateway advice (**Appendix 11**), with the following concerns raised:

- The imposition of an Urban Release Area (URA) may raise the expectation that the land will be serviced by reticulated water and sewer. Preference is that this is not prescribed under the *GM DCP 2009* via the *GM LEP 2009*.

The requirement for an Urban Release Area (URA) has come about because TfNSW requires certainty that the orderly development of land subject of this Planning Proposal will occur, and that a minimal number of new access' onto Crookwell Road will be required, given that there is a Planning Proposal to the north. The URA provisions in the Draft Sooley Precinct DCP clarifies that land north of the high pressure gas main pipeline will not be serviced by mains sewer and water.

- The subdivision concept plan requires the lot size for each lot to be shown to verify that the plan is giving effect to the MLS's as proposed.

An amended subdivision concept plan has been submitted that includes the minimum lot size for each lot shown and demonstrates that the site has capability to accommodate a future low density residential and large lot residential subdivision.

In addition to the above, it may be the case that the concept plan requires some alteration to ensure that matters such as Effluent Management Areas (EMAs) on future unsewered lots are within a suitable distance from watercourses and farm dams. The Draft Sooley Precinct DCP includes controls that ensure that appropriate buffer distances are incorporated. Additionally, the DCP includes provision for future subdivision design to meet the requirements of Water NSW Sensitive Design Guidelines and Principles.

- Are the existing farm dams proposed to be removed, retained or re-purposed.

The updated *Local Flood and Overland Flood Study (Appendix 15b)* as well as the updated *Water Cycle Management Study (Appendix 8b)* clarifies that no dams will be altered, and are to be utilised for the purposes of stormwater management. The modelled rainfall events have taken this into consideration.

- The dam in the far south has its dam wall located within other land (i.e. Lot 2 DP 776381). Greater consideration is required in terms of how a future subdivision and built development will interact with this farm dam and whether additional measures are needed to protect it or repurpose its function.

Policy is incorporated into the Draft Sooley Precinct DCP that requires a future subdivision to demonstrate that there will be no additional downstream impacts on this existing dam. The DCP additionally requires that *...pre and post development stormwater run-off to the dam must be neutral to ensure its structural integrity and hydrological function is not significantly altered. Stormwater from future built and hard stand development must be managed elsewhere on the land.*

- The supplementary DSI report indicates that elevated levels of chromium are present in a number of samples with one in particular exceeding the HIL A residential criteria. Further consideration is required, including consideration of the potential sources of the elevated chromium levels and whether the levels present are a constraint to residential development.

Groundwater and surface testing is required given the site accommodates an on-site waste water management system and the risk of contamination has not been canvassed.

Following the submission of a letter response which did not provide exhaustive information (**Appendix 10f**), a supplementary report was provided, dated 6 November 2024 (**Appendix 10g**) and a leachate test was carried out in accordance with the *Australian Standard Leaching Procedure (ASLP)* for hexavalent chromium (CrVI). The results indicated that the levels were below the HIL A for residential use. The previous results that exceeded the HIL A, were analysed for chromium that included chromium II, III and VI. The report concludes that it can be assumed that the high levels relate to Chromium II and III which do not pose a risk to human health.

The letter response indicated that the current owners have no knowledge of any chemicals or usage of the area where the total chromium was found in the soil that could explain why there are elevated levels of Chromium in this location. The area that the Chromium was found has only been used as a cattle yard or open paddock and the area has not had any specific contaminants, sheds, cattle dips or other works or uses to indicate that chromium could have been a contaminant in the locality.

Surface water testing was carried out on two of the on-site dams and results compared against Schedule B2 of the *National Environmental Protection Measures (NEPM)*, and the *Australian Water Quality Guidelines (AWQG)*. E coli levels were between 10 and 100 colony forming units (cfu). The water is not considered safe for drinking purposes or consumption, or for the irrigation of human raw food crops. Appropriate hygiene such as washing hands with soap is recommended if contact is made with the water.

The results indicate that the existing on-site waste water management system has not impacted the water in the dams.

The report recommends that dams are drained and dam voids filled with soil from the local area and dam wall, once the property is de-stocked. The *Water Cycle Management Study* and *Localised Flood and Overland Flow Study* indicate that no dams are to be altered, and are to be utilised as part of the future stormwater management system for the site. The Draft Sooley Precinct DCP requires the de-watering of dams to be utilised as part of the future residential subdivision of the site.

The on-site waste water management system for the existing dwelling on the land will remain until such time the dwelling is demolished and development approval has been obtained for the same. At the time of demolition of the dwelling, the on-site waste water management system, trenches and all associated pipe work will be removed and decommissioned. The Draft Sooley Precinct DCP contains controls to ensure that this is appropriately undertaken.

A future Development Application will require the consideration of a Remediation Action Plan (RAP) to detail any future required site remediation.

- Clarification was requested, in relation to a number of practices occurring on the land as part of the existing agricultural activity that has potential to result in adverse impacts on human health. These are clarified below.

Animal carcasses were placed in a pit and burial method was in accordance with NSW Department of Primary Industries '*Animal Carcass Disposal*' fact sheet. There was a shallow rock formation where the current owner had located and stored animal carcasses. The burial location is in the general location of the rock formation.

Fill material was observed in a gully including concrete blocks and tyres that were used to inhibit erosion. This fill, as well as the concrete, tyres and other man made products have been removed along this location and no erosion has been observed in the gully.

Council recently undertook agency consultation with Water NSW and advice was received on 21 February 2025 (**Appendix 19a**) and 28 March 2025 (**Appendix 19b**). Outstanding concerns are discussed below:

Preference is given for the URA designation to only apply to the part of the land that is to be seweraged and not within the part of the land that is to remain unsewered. It is important for the URA designation to apply to all of the land in order to limit the degree of additional new intersections onto Crookwell Road and for Council to have reliance on a statutory document (*GM LEP 2009*) in order to enforce this provision via the *GM DCP 2009*. This has been the position of Transport for NSW (TfNSW) from pre-gateway consultation. Recent advice from TfNSW for the Planning Proposal to the north (515 Crookwell Road) requires Council to impose additional controls that require a vehicular connection to Onslow Road, thereby emphasising the importance to retain the proposed URA provisions.

There is adequate capacity in the Goulburn sewage treatment plant to cater for future lots within the sewer service area. Some augmentation work will be required to service the lots and a detailed design will be considered at subdivision stage.

The proposed zones shown in Figure 5 indicate the extent of areas to be re-zoned in this Planning Proposal and prevails over the zoned areas indicated on the concept plan (Figure 2).

As mentioned above and elsewhere in this report, the land located south of the high-pressure gas main pipeline will be serviced by mains sewer and water. This is also detailed in the Urban Release Area (URA) provisions in the Draft Sooley Precinct DCP.

It is acknowledged that the supplementary DSI report in Appendix 10g conflicts with information contained in the *Water Cycle Management Study* and *Localised Flood and Overland Flow Study* that indicate that the models are representative of dams remaining and are to be utilised as part of the future stormwater management system for the site. The Planning Proposal thus far has been on the basis that no dams are to be removed or disturbed. There are alternative solutions which can be explored to overcome the impacts from elevated E coli levels in the surface water without the need to fill the dams. Development controls have been imposed in the Draft Sooley Precinct DCP that requires the investigation of dam de-watering.

State Environmental Planning Policy (Resilience and Hazards) 2021- Chapter 4 Remediation, requires a consent authority to be satisfied (prior to granting consent to a DA) that if the land is contaminated, the land is suitable in its current state or will be made suitable for a future residential use.

It is noted that the RAP was not updated to reflect the latest version of the supplementary DSI report. The Draft Sooley Precinct DCP contains provisions that requires a DA to ensure that a PSI, DSI and RAP is submitted to enable the comprehensive assessment of the suitability of the site for future residential development and ensure any necessary remediation is carried out.

The Water NSW pre-gateway advice includes a Strategic Land and Water Capability Assessment (SLWCA) which indicates that the water quality risk varies from Low to High across the site. However, most of the site has a Moderate or Low risk to water quality. The areas of High risk and a majority of areas of Moderate risk are confined to the watercourses which will be rezoned to RE1 Public Recreation and C2 Environmental Conservation, thereby ensuring that the opportunity for development in



these locations is limited (including residential accommodation). The SLWCA maps are presented in the Figures below.

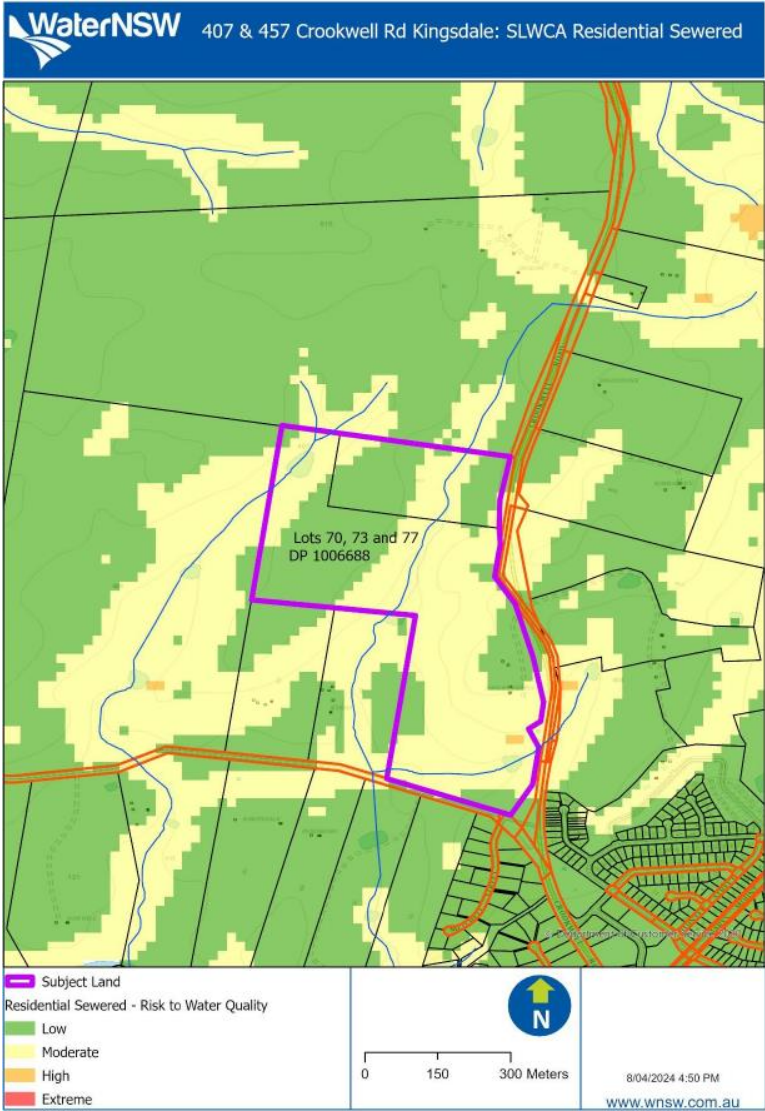


Figure 21: SLWCA map for residential sewer development (source: Water NSW)

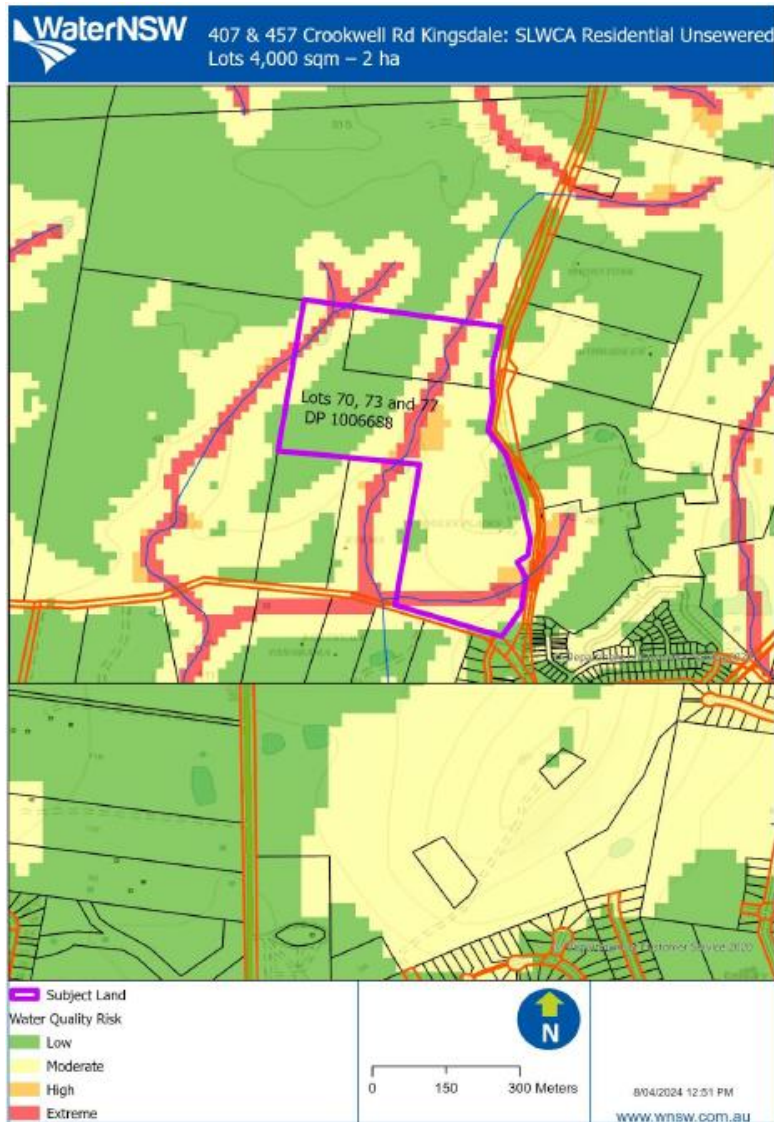


Figure 22: SLWCA map for residential unsewered development (source: Water NSW)

This planning proposal is consistent with Chapter 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* as it:

- Has given consideration to the Strategic Land and Water Capability Assessment.
- Has demonstrated that a neutral or beneficial impact on water quality can be achieved, and
- Has consulted with Water NSW, prior to seeking a gateway determination.

The Planning Proposal is consistent with Direction 3.1.

### 3.6.7 Direction 4.1 Flooding

The objectives of this Direction are to:

- a. Ensure that development of flood prone land is consistent with the NSW Governments' Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- b. Ensure the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

This Direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

1. This Direction requires a planning proposal to include provisions that give effect to and are consistent with:
  - a. The NSW Flood Prone Land Policy,
  - b. The principles of the Floodplain Development Manual 2005,
  - c. The Considering flooding in land use planning guideline 2021, and
  - d. Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
2. A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.
3. A planning proposal must not contain provisions that apply to the flood planning area which:
  - a. Permit development in floodway areas,
  - b. Permit development that will result in significant flood impacts to other properties,
  - c. Permit development for the purposes of residential accommodation in high hazard areas
  - d. Permit a significant increase in the development and/or dwelling density of that land,
  - e. Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate.
  - f. Permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent.
  - g. Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
  - h. Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.
4. A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:
  - a. Permit development in floodway areas
  - b. Permit development that will result in significant flood impacts to other properties,
  - c. Permit a significant increase in the dwelling density of that land
  - d. Permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
  - e. Are likely to affect the safe occupation of and efficient evacuation of the lot, or
  - f. Are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and

emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.

5. For the purpose of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

The land subject of the Planning Proposal is not subject to riverine flooding, although is subject to overland flooding, following existing natural drainage channels, as shown in the Figure 11, and Figure 23 below.

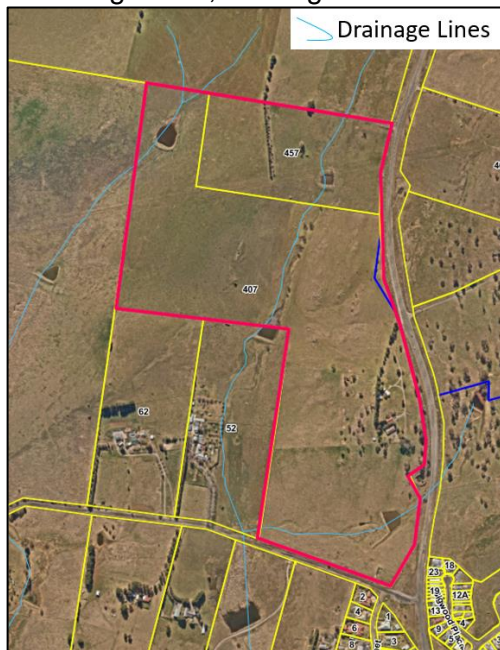


Figure 23: Location of drainage paths relative to the subject site (Near Map Australia Pty Ltd, 2023)

The existence of the drainage paths traversing the land indicate that the land is prone to flooding and therefore this Planning Proposal is required to consider this Ministerial Direction.

The *Goulburn Floodplain Risk Management Plan and Study 2022 (The Flood Study)*, prepared in collaboration the Department of Planning and Environment- Environment, Energy and Science was adopted by Council on 16 August 2022. The Study investigates riverine flooding of the Wollondilly and Mulwaree Rivers and includes development controls to alleviate risk to life and property during periods of inundation.

*The Flood Study* recommended an *Overland Flow Flood and Floodplain Risk Management Study* be undertaken, in recognition of the vast amount of drainage channels upstream of Rivers, differing flood behaviours, depths and velocities, and short catchment response times. Council is currently in the process of initiating this work and has engaged a consultant. In the meantime, Council commissioned overland flood modelling to be undertaken, that utilises the same data and methodology as *The Flood Study*, that will directly inform the yet to be undertaken *Overland Flow Flood and Floodplain Risk Management Study*. This data will assist in analysing the risk from overland flooding for Planning Proposals.

Council is in possession of the overland flood mapping layer which indicates the extent of overland flooding. The area of impact of overland flooding is located centrally within the site, near the north west corner of the land, and at the southern part of the land near Chinaman's Lane, as illustrated in Figure 20.



The overland flow model maps are available to view on the Council's website at: <https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-7>.

*The Flood Study* and Flood Policy, administered under Chapter 3.8 of the *Goulburn Mulwaree Development Control Plan (DCP) 2009*, implements Flood Planning Constraint Categories (FPCC). Four FPCC's have been established to separate areas of the floodplain from the most constrained and least suitable areas for intensification of land use. The FPCC's are presented in Figure 20 and are to be considered as part of a Flood Impact and Risk Assessment (FIRA) Report prepared for future development proposals.

The completion of the *Overland Flow Flood and Floodplain Risk Management Study* will result in the designation of the Flood Planning Area (FPA) and specific development controls for land subject to overland flooding will then be derived.

Direction 4.1(1) and (5) - consistency with Policy and Guidance documentation

(1) *A planning proposal must include provisions that give effect to and are consistent with:*

- (a) the NSW Flood Prone Land Policy,*
- (b) the principles of the Floodplain Development Manual 2005,*
- (c) the Considering flooding in land use planning guideline 2021, and*
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.*

(5) *For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.*

The Flood Risk Management Manual includes the *NSW Flood Prone Land Policy* and replaces the *Floodplain Development Manual* (DIPNR 2005).

The *NSW Flood Prone Land Policy* (*The Flood Policy*) has the primary aim of reducing the impacts of flooding, whilst also reducing loss. This involves supporting a balanced approach when it comes to the use and development of flood prone land, to manage flood risk effectively and increase community resilience to flooding. To achieve its aim, the Policy requires the consideration of Flood Risk Management Planning to assess flood behaviour and quantify the flood hazard, to alleviate risk to life and property. This process also involves the consideration of variables such as climate change, changes to the catchment and cumulative impacts. Ultimately future development will be guided through Policy implemented at the Local Government level.

The *Considering flooding in land use planning guideline 2021* is a supporting document for Council that provides guidance on how to manage risk from flooding in local communities. This includes the consideration of flood risk up to the Probable Maximum Flood (PMF) for riverine and overland flooding scenarios. It guides the implementation of Flood Planning Areas (FPA) prescribed under clause 5.21 of the *GM LEP 2009* and under the *GM DCP 2009*.



*The Flood Study*, as well as the overland flooding data, up to the PMF has been considered in this Planning Proposal. As the overland flooding data does not form part of *The Flood Study*, there is no defined FPA. However, it is considered necessary that the entirety of the FPCC's shown in Figure 20 above (i.e. flood prone land up to the PMF) are re-zoned to RE1 Public Recreation (for future public open spaces) and C2 Environmental Conservation (for those areas of overland flooding that are within private land). This is in addition to the areas containing derived native grassland and Aboriginal Heritage, as per Figure 19. This will ensure that future residential and ancillary development occurs only within areas of land that are flood free (i.e. within those areas to be re-zoned to R2 Low Density Residential and R5 Large Lot Residential).

There are a very limited range of uses that are permissible with consent in the C2 Environmental Conservation zone and the RE1 Public Recreation zone. These zones do not permit residential accommodation and/or ancillary development. This will ensure that there is limited opportunity for development to occur within these areas of inundation (up to and including the PMF) and will encourage their retention as undeveloped land. This will result in the least financial risk on government resources. Infrastructure such as roads and ancillary components such as drainage swales and stormwater detention facilities are not prohibited in the above zones and they will inevitably be required to access the other side of overland flood paths. The modelling carried out in the updated Local Flood & Overland Flow Study (Appendix 15b) has accounted for the regrading and land forming of the internal road network shown on the concept model, as well as stormwater drainage infrastructure (such as culverts).

Future development proposals will require engineering consideration to ensure that road crossings above overland flood impacted areas are appropriately designed to ensure access can be facilitated during a 1% AEP flood.

The rezoning of all parts of the land impacted by overland flooding, to C2 Environmental Conservation and RE1 Public Recreation zone will alleviate, to the largest extent possible, pressure on government resources associated with emergency and rescue.

The Planning Proposal has demonstrated that the land has capability for future residential development, in accordance with Policy and guidance documentation referenced above. The future Development Application will be required to supply specific detail to specifically demonstrate how each future residential lot will be in compliance with the *GM LEP 2009* and the *GM DCP 2009*, and therefore how the subdivision proposal as a whole will have acceptable environmental impacts (specifically as a result of flooding and downstream impacts on other property), and how each future occupant can safely occupy a dwelling.

### Evacuation

The extent of the overland flood prone land, particularly its configuration in a north-south direction and parallel to Crookwell Road and Chinaman's Lane (for the southern portion of the overland flood area), will have impacts on where the connecting roads to Crookwell Road and Chinaman's Lane will be located, and therefore ability to access and evacuate the site.

A large majority of the overland flood area is within Flood Planning Constraint Categories that are the least hazardous (i.e. FPCC 3 & 4). These categories can accommodate development, not including sensitive uses, and incorporate few flood related development controls.

The overland flood prone land data for depth and velocity is provided for the 5%, 1% and 0.05% Annual Exceedance Probability (AEP), and up to and including the Probable Maximum Flood (PMF).

Depth and velocity data for the above flood events has been considered across the parts of the site where it is overland flood impacted. The maps showing this detail are contained within **Appendix 12a-12d**. The ranges for depth and velocity are considered below in Table 2.

*Table 2: Depth and velocity ranges for each overland flood event within the subject land*

	Depth: min to max (metres)	Velocity: min to max (m/s)
<b>5% AEP</b>	0.014 - 1.78	0.041 – 2.477
<b>1% AEP</b>	0.016 - 1.914	0.049 – 2.573
<b>0.05% AEP</b>	0.112 – 2.359	0.235 – 3.438
<b>PMF</b>	0.134 – 2.615	0.321 – 3.688

The above figures indicate that parts of the land subject to overland flooding, up to and including the probable maximum flood are required to be retained as natural stormwater drainage channels, to reduce disturbance to overland flow paths and reduce risk to future occupants. It is considered appropriate that these areas are re-zoned to a restrictive C2 Environmental Conservation zoning and RE1 Public Recreation to ensure that most development types are prohibited within these areas. It is noted that there are future roads that traverse parts of the overland flood areas as indicated on the concept plan. Given the locations of the roads and the depths of these locations being under 0.5 metres, it was considered appropriate that the proponent submit a *Local Flood and Overland Flow Study* (**Appendix 15b**) to consider flood behaviour and post development flows to demonstrate suitable future egress above the 1% AEP flood levels for future residential development. The post development flows also considered downstream impacts.

The modelling undertaken in the Local Flood & Overland Flow Study has demonstrated that the extent of flooding relative to Council's preliminary maps is similar. It demonstrates that for the 0.2% AEP flood (up to and including), the residential lots and internal road network shown on the concept plan will be within the least risk flood hazard (as per Figure 24). The pre and post development modelling indicates little difference in terms of downstream impacts.

Overland flooding depths and velocity data have been considered for the existing road infrastructure along Crookwell Road, leading along the evacuation route to a food free area that provides services and a safe refuge (i.e. south, to the Mistful Park commercial centre). Maps incorporating spot depth and velocity data for the 5%, 1%, 0.05% AEP and up to the PMF have been produced and are included in **Appendix 13a-13d**.

The data for maximum depth and velocity are considered below in Table 3 below:

*Table 3: maximum depth and velocity for each overland flood event along Crookwell Road*

	Depth (metres)	Velocity (m/s)
<b>5% AEP</b>	0.079	0.881
<b>1% AEP</b>	0.091	0.969

<b>0.05% AEP</b>	0.204	1.619
<b>PMF</b>	0.264	2.215

The greatest depth and velocity at Crookwell Road is 0.264 metres and 2.215 metres per second respectively and this is for the PMF event.

The above data needs to be considered against flood velocity and depth thresholds, which relate to the stability of people and vehicles in flood waters, and to buildings impacted by flooding. Considering the general flood hazard vulnerability curve (Figure 1 in publication [Flood Hazard, Flood Risk Management Guideline FB03](#)), the evacuation route is subject to the least hazardous category of H1, which is safe for people, vehicles and buildings.

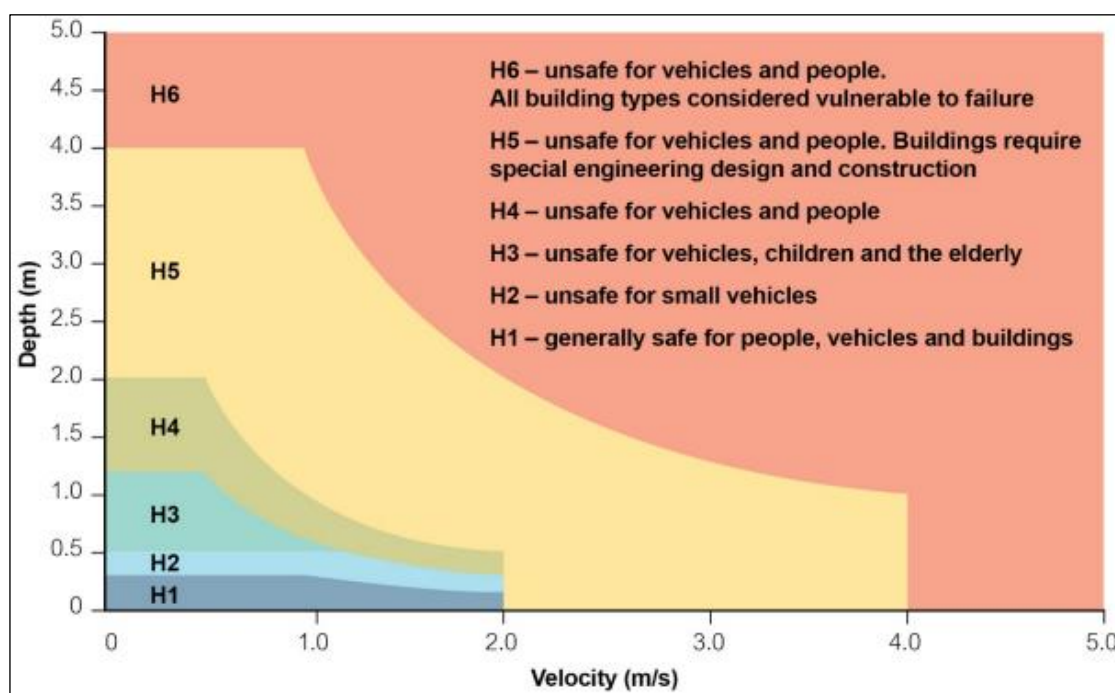


Figure 24: Hazard vulnerability curve (Source: Australian Institute for Disaster Resilience Guideline 7-3, Flood Hazard, 2017)

Therefore, the flood depths and velocities considered above in Table 3 are considered relatively low risk. The figures within the table above are notably higher for the PMF, than for the 5%, 1%, 0.05% AEP. However, a PMF event in Goulburn has a rare 1 in 1,000,000 probability in any given year, further reducing the potential risk of occurrence, according to *The Flood Study*.

The extent of the overland flood area is approximately 7.3 hectares, relative to the land area of 50.70 hectares subject of the Planning Proposal. There is sufficient residual area within the site to locate future residential and ancillary development within the developable R2 Low Density Residential and R5 Large Lot Residential zoned area and therefore not subject future occupants or assets to any flood risk.

Further to the above, the additional following circumstances mitigate risk from flood and justifies the capability of the site for future residential development, whilst also promoting the safety of occupants, property and assets, and alleviating financial cost to government emergency services in the event of a significant flood event:

- Multiple access points are provided, one to the north east of the site to Crookwell Road and one to the south at Chinaman's Lane. This will provide an additional evacuation route.
- Given the low flood depths and velocities, and that future residential development will be low density in nature, only limited future roads and bridges will be required and these can be engineered to maintain existing flow paths, minimise flood water displacement and be designed incorporating sufficient height to enable their use during a 1% AEP flood event.
- The land is subject to overland/flash flooding and is within an elevated location above the Wollondilly floodplain. The nature of flooding within the site is therefore of short duration.

A Flood Impact and Risk Assessment (FIRA) has been prepared as a supplement to this Planning Proposal report, that further considers flooding risk (Appendix 14). The FIRA demonstrates that the Planning Proposal will result in 'indirect consequences' (utilising the flood emergence response classifications under Flood Risk Management Guideline EM01) following the implementation of mitigating measures discussed under this Direction. This is an improvement to a 'high trapped perimeter' classification originally identified prior to the consideration of any mitigating measures.

The above considerations demonstrate that future occupants of the site will be able to safely and effectively evacuate (if required) during a significant flood event.

#### Direction 4.1(2) and (3)- Flood Planning Area (FPA) considerations

The Planning Proposal is to exclude the entirety of the land subject to overland flooding via restrictive C2 Environmental Conservation and RE1 Public Recreation re-zoning, and therefore require future residential and ancillary development to be located wholly within R2 Low Density Residential and R5 Large Lot Residential re-zoned land.

As mentioned above, the applicant has commissioned a *Localised Flood and Overland Flow Study* (Appendix 15a) that includes modelling of the pre and post development overland flows for the concept subdivision plan and considers the impacts of overland flooding on downstream property. The model shows that the pre and post development flow, up to and including a PMF event is negligible. Furthermore, the impacts to downstream property, particularly 52 Chinaman's Lane (i.e. Lot 2 DP 776381) is also negligible. See Figure 25 and Figure 26.



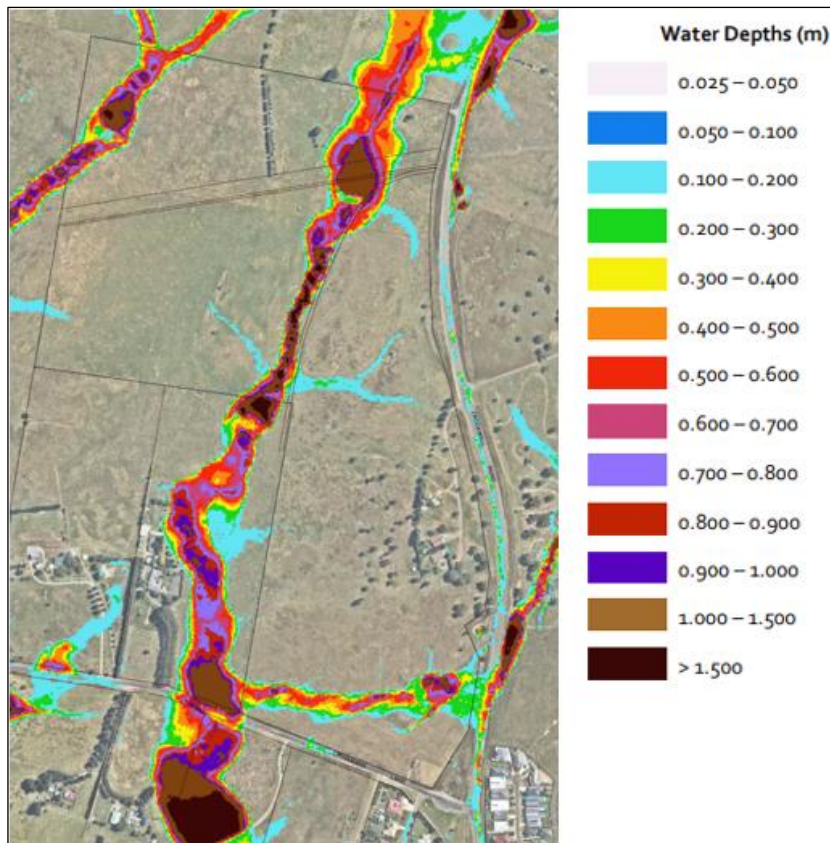


Figure 25: PMF Pre-development Depth and Extent

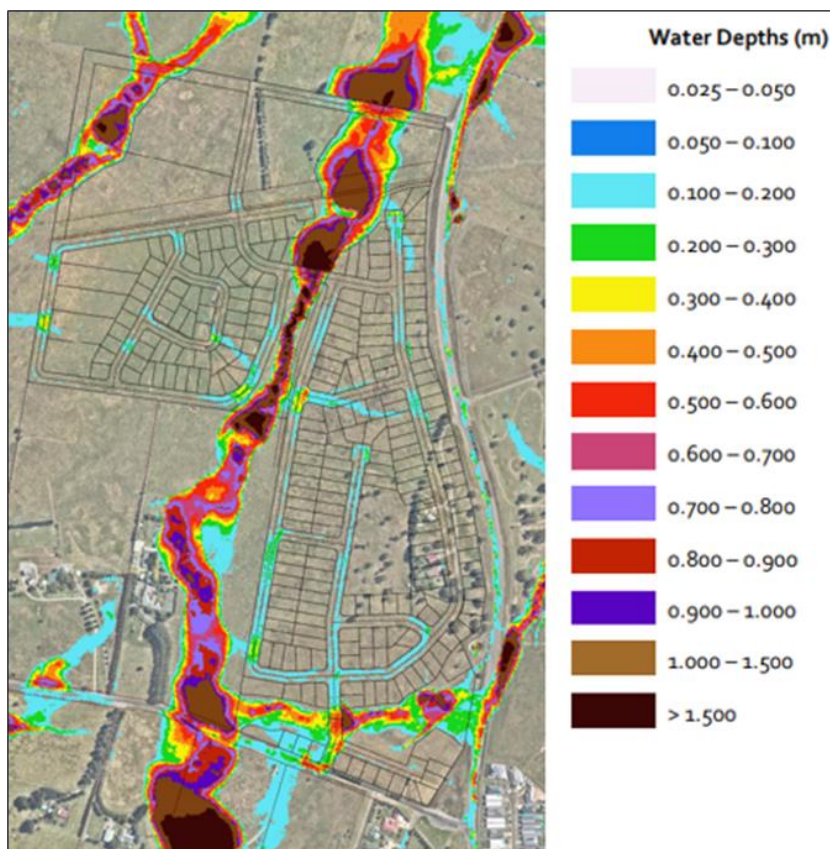


Figure 26: PMF Post-development Depth and Extent

The *GM DCP 2009*, specifically *Chapter 3.8 Flood Affected Lands* and *Appendix J Flood Policy* stipulates that for areas outside *The Flood Study*, the Flood Planning Level (FPL) that applies is 1% AEP plus a freeboard of 0.5 metres. These will only apply to the areas that are zoned RE1 Public Recreation and C2 Environmental Conservation. These zones include very limited permissible land uses and exclude residential accommodation and therefore will not increase development density in flood prone lands.

For the permissible uses, some of which include sensitive uses, the *GM LEP 2009* and *GM DCP 2009* contain existing provisions which safeguard against any future adverse impacts on flood behaviour and the safety of people. Clause 5.22(2) and (3) of the *GM LEP 2009* include provisions that apply to sensitive and hazardous development (as well as development that is not sensitive and hazardous development) and requires that development consent must not be granted to development unless the consent authority has considered whether the development:

- *will affect the safe occupation and efficient evacuation of people in the event of a flood,*
- *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- *will adversely affect the environment in the event of a flood.*

If a proposal for a sensitive or non-sensitive use is proposed within the parts of the land to be re-zoned to RE1 Public Recreation and C2 Environmental Conservation, the consent authority must be assured that safe occupation and efficient evacuation can occur, mitigation measures are considered to minimise risk to life, and that the proposal safeguards adverse environmental impacts, which would include impacts to flood behaviour to other property.

It is noted that each of the zones RE1 Public Recreation and C2 Environmental Conservation do not permit any form of hazardous development.

The *Flood Policy* within *Appendix J* of *The GM DCP 2009* requires that 'sensitive uses and Facilities' incorporate controls including:

- *floor levels are equal to or greater than the PMF flood level,*
- *entrance levels to underground spaces (basements, carparking etc.) are required to be above the level of the FPL (1% AEP flood level plus 0.8 m freeboard) or PMF level, whichever is higher.*
- *All structures to have flood compatible building components below the FPL (1% AEP flood level plus 0.8 m freeboard) or the PMF level, whichever is the highest.*
- *Engineers report to certify that any structure can withstand the forces of floodwater, debris and buoyancy up to and including the FPL (1% AEP flood level plus 0.8 m freeboard) or a PMF, whichever is greater.*
- *The minimum surface level of open car parking spaces, carports or garages shall be as high as practical. The driveway providing access between the road and parking space shall be as high as practical and generally rising in the egress direction.*
- *Garages capable of accommodating more than three motor vehicles on land zoned for urban purposes, or enclosed car parking, must be protected from inundation by floods up to the FPL (1% AEP flood level plus 0.8 m freeboard).*
- *Reliable access for pedestrians or vehicles required during a 1% AEP flood to a publicly accessible location above the PMF.*

*- The evacuation requirements of the development are to be considered. An engineer's report will be required if circumstances are possible where the evacuation of persons might not be achieved within the effective warning time.*

Development within future RE1 Public Recreation and C2 Environmental Conservation zones, will have difficulty in satisfying each of the requirements above as the PMF level is applied to these re-zoned areas and the controls above relate to the PMF levels. The possibility of future development within these areas is therefore highly unlikely and this safeguards against any potential for increase in risk to people and the environment.

The C2 Environmental Conservation zone does not permit any form of development without consent. The RE1 Public Recreation zone permits limited development without consent, including Environmental facilities, Environmental protection works and Roads. These uses are not considered to impose any detrimental impacts on flooding and are uses that are likely to result in improved environmental outcomes. Notwithstanding this, a development proponent is required to take into consideration, the requirements of Part 5 of the *Environmental Planning and Assessment Act 1979* for development without consent which includes taking into consideration *all matters affecting or likely to affect the environment by reason of that activity*.

The concept plan demonstrates that there is capability to accommodate a future residential subdivision proposal that ensures no adverse stormwater impacts to downstream property. A future specific development proposal will be subject to detailed consideration with the lodgement of a Development Application (DA) to ensure compliance with the GM LEP 2009 and GM DCP 2009 is demonstrated.

Existing infrastructure such as farm dams have been considered, and the need for their integrity to be maintained as stormwater management infrastructure is important. Development controls are included in the Draft Sooley Precinct DCP to safeguard the integrity and function of the existing farm dams, for future development proposal on the land.

#### Direction 4.1(4) Special Flood Considerations

*A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:*

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit a significant increase in the dwelling density of that land,*
- (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or*
- (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.*

The Council considered the optional inclusion of the Special Flood Considerations Clause (5.22) into the GM LEP 2009 on 2 November 2021. Council endorsed the inclusion of the Clause as applied to correctional centres, hospitals, hazardous industries, hazardous storage establishments and emergency service facilities.

The proposal does not seek the uses to which the special flood considerations apply.

Special Flood Considerations are not considered to currently apply to this planning proposal, however the requirement of 4.1(e) for the safe occupation and efficient evacuation of the lot is a requirement repeated in other applicable flood guidelines to which a proposal must be consistent.

Additionally, the *GM DCP 2009* and Flood Policy also restricts the placement of critical and sensitive uses within Flood planning constraint categories 1 to 3 and identifies them as potentially unsuitable in Flood planning constraint category 4 (dark green, PMF).

#### Response to gateway determination

A gateway determination was issued on the 25<sup>th</sup> July 2024 and additional information is summarised below to further satisfy consistency with this Direction, and addressed in the *Flood Risk and Impact Assessment (FIRA)* (Appendix 14). An updated *Local Flood and Overland Flow Study* has also been provided (**Appendix 15b**).

The models presented in the FIRA account for climate change, taking into consideration the ARR Guidelines to determine projected increase in precipitation intensity. Climate Change is addressed in the *Local Flood and Overland Flow Study*.

The FIRA includes a comparison of the pre and post development scenarios presented in the *Local Flood & Overland Flow Study* (Appendix 15b) for the 10%, 5%, 1%, 0.5%, 0.2% AEP, and the PMF flood events. This range of flood information indicates that safe access can be facilitated for people and vehicles within the least hazard flood category up to and including a 0.2% AEP flood. Access can also be facilitated during a PMF event, subject to detailed engineering designs to ensure a low risk hazard category over drainage channel crossings.

For Crookwell Road and Chinaman's Lane, Council has obtained additional overland flooding information that indicates safe access can be facilitated on these roads during significant flood events for the full duration of flood events. See **Appendix 18**.

The existing farm dams are incorporated into the overall on site stormwater management system as considered in the *Local Flood & Overland Flow Study*. The models in this Study have applied the assumption of dams being at full capacity (prior to a rainfall event). The potential impacts of these dams on future residential development downstream, such as from scouring when overtopping, will be alleviated through the inclusion of development controls imposed in the Draft Sooley Precinct DCP, to ensure the safety of persons in the event a flood, and to ensure the integrity and function of the dams has been accounted for and certified. This will ensure compliance with Direction 4.1, by assuring the integrity of the extent of flooding and will alleviate the potential for increased government spending.

The modelling for the PMF post development scenario provided in the *Local Flood and Overland Flow Study* indicate that there is an increase in flooding immediately downstream of the northern site boundary. It is noted that Council is currently considering a separate Planning Proposal on land to the north (515 Crookwell Road). A FIRA has been submitted that demonstrates consistency within the flooding extent and model shown in the *Local Flood and Overland Flow Study* for the subject Planning Proposal.



The State Emergency Service (SES) have also had the opportunity to review the Planning Proposal. The concerns raised have been addressed elsewhere in this report and are summarised below:

The models presented in the FIRA account for climate change, taking into consideration the ARR Guidelines to determine projected increase in precipitation intensity.

Flood information has been provided in the FIRA to demonstrate that safe access can be facilitated during a PMF event for all future roads, particularly where they cross existing drainage lines. This will require some engineering design at Development Application stage to demonstrate that roads and the decks of bridge crossings are above the level of flooding. Given the shallow depth of floodwaters in these locations, this is capable of being achieved. This will ensure that future residential occupiers will not be isolated in the event of a flood.

The land subject of this Planning Proposal has an acceptable flooding risk. All land up to and including the PMF will be rezoned to restrictive C2 Environmental Conservation and RE1 Public Recreation, which prohibit residential accommodation. For permissible development within these zones, as well as within the future R2 Low Density Residential and R5 Large Lot Residential zones, clause 5.31 and 5.22 of the *GM LEP 2009* will apply to all future development, and a future assessment must ensure that risk to life and property in the event of a flood is alleviated.

Additional flooding information data obtained by Council has demonstrated that safe access (if required) can be facilitated along the existing road network, up to and including the PMF.

*The Flood Study*, recently adopted by Council, makes a recommendation for a 'Scoping study for Total Flood Warning System' which Council is currently considering.

#### Response to agency consultation

In accordance with the requirements of the Gateway Determination, agency consultation was carried out with the Conservation Programs, Heritage and Regulation team under the Department of Climate Change, Energy, the Environment and Water (DCCEEW). A referral response was received on 10 February 2025 and contained in Appendix 20. Concerns in relation to Flood plain risk management are addressed below:

Pre and post development flooding analysis has been carried out and presented in the Local Flood & Overland Flow Study (Appendix 15b) for a significant number of flood events, including the 10%, 5%, 1%, 0.5%, 0.2% AEP, and the PMF. There has been a need to supply this information to further verify Council's preliminary overland flow data supplemented from *The Flood Study*.

The models to produce this data have accounted for the regrading and land forming of the internal road network, as well as box culvert requirements at the three drainage channel crossing points. It is considered that the model takes a conservative approach, due to not taking into account a continuing loss of rainfall that equates to 2.7mm/hour as prescribed by the *Australian Rainfall and Runoff: A Guide to Flood Estimation, prepared by the Commonwealth of Australia (Geoscience Australia) 2019*.

The pre and post flood extents are similar and not vastly different to the Council's preliminary data, therefore having no adverse downstream impacts. The flooding information indicates that the site has capability to accommodate a future residential subdivision, the extent to which can be determined in a future development proposal

and considered in a formal Development Application (DA), beyond this Planning Proposal. Specific engineering information will be required at that stage to demonstrate how future roads will be constructed over watercourses to ensure non adverse downstream and off-site impacts, and ensure the pre and post development stormwater flow are the same. The GM DCP 2009 Chapter 3.8, *Flood Affected Lands*, contains provisions in regard to evacuation routes, to ensure that they are safe. The site is not impacted by riverine flooding and is located above the Wollondilly floodplain. The topographical nature of the site is such that it enables the free passage of water during significant rainfall events.

In addition to the extent of overland flooding, the part of the site that incorporates RE1 Public Recreation zoning also incorporates other areas to be protected, including areas containing Aboriginal heritage (see Figure 19) and woodland vegetation in moderate condition (see Figure 13) that will be retained as a future public reserve.

Consultation with NSW SES has been carried out and their advice was received on 5 February 2025 and is in **Appendix 25**. The SES supports Council's approach to impose restrictive rezoning over flood prone land. Post- development conditions have been provided in Appendix 15b and demonstrate that the site has capability to accommodate future residential development, which will be considered in further detail upon the lodgement of a future Development Application (DA).

Signage is recommended to be placed around future public recreation areas to make the public aware of flooding risk. This is a matter beyond the scope of the Planning Proposal and can be explored at the time a DA is made and the developer negotiates the dedication of land, such as the future recreation spaces, as part of a Planning Agreement (PA) with Council.

As mentioned above, there are provisions already in place within the GM DCP 2009 Chapter 3.8 to ensure safe evacuation can occur if required.

Given that all flood prone land up to and including the PMF will be rezoned to restrictive zones C2 or RE1, future occupants can safely shelter in place and there is no need to evacuate other than if required in the event of a medical emergency.

As explained further in the submitted Flood Impact and Risk Assessment (Appendix 14) During a 0.2% AEP flood event, central Goulburn cannot be accessed from north Goulburn/the subject site, therefore the most appropriate evacuation point is the developing commercial precinct at Mistful Park, located within approximately 450 metres from the subject site, which contains services such as a medical centre, supermarket, childcare centre, commercial building and service station.

It has been demonstrated that the site has some capacity for future residential development. A future DA will be required to provide a detailed subdivision proposal to demonstrate how each future dwelling will be located above the PMF, negligible impacts between pre and post development stormwater impacts, and how future road crossings over natural drainage lines can be designed to assure safe access during a PMF event, ensuring non adverse off-site impacts.

The overland nature of flooding within the lot and in the vicinity of the lot is above riverine crossing points and along elevated drainage channels that enable the free drainage of water. Therefore the duration of flooding is expected to be short.

As previously mentioned earlier in this report, the intended function of the existing dams for future stormwater management purposes, and the importance to retain their structural integrity is acknowledged. The Draft Sooley Precinct DCP includes provisions to account for the ongoing integrity of the dams in order to protect downstream property from risk of failure, by requiring engineering certification at the establishment of development, and any measures required to be incorporated into the future to ensure dam integrity is not compromised at any stage of development and into the future.

The planning proposal is consistent with the Flood Risk Management Manual and *NSW Flood Prone Land policy, Considering flooding in land use planning guideline 2021*, and the *Goulburn Floodplain Risk Management Study and Plan*.

The proposed alterations to the zoning (in particular) under the *GM LEP 2009* will alleviate adverse impacts on the flow path and integrity of the drainage channel, during overland flood events.

In summary, the Planning Proposal:

- will not facilitate development in floodway areas;
- will avoid significant flood impacts to other properties;
- does not permit residential accommodation and ancillary development within overland flood prone areas;
- will ensure that occupants of future permissible development are able to safely evacuate;
- only permits development to be carried out with development consent (except exempt development);
- does not increase or place increased pressure on government resources, and
- does not permit hazardous industries or storage establishments.

The planning proposal is consistent with the Flood Risk Management Manual and *NSW Flood Prone Land policy, Considering flooding in land use planning guideline 2021*, and the *Goulburn Floodplain Risk Management Study and Plan*.

The proposed alterations to the zoning under the *GM LEP 2009* and new DCP controls will alleviate adverse impacts on the flow path and integrity of the drainage channel, during overland flood events.

The Planning Proposal is consistent with Direction 4.1.

### **3.6.8 Direction 4.3 Planning for Bushfire Protection**

The objectives of this direction are to:

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

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

Where this Direction applies:

1. A relevant planning authority when preparing a planning proposal must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
  - a. Have regard to *Planning for Bushfire Protection 2019*,
  - b. Introduce controls that avoid placing inappropriate developments in hazardous areas , and

- c. Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone.
- 3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
  - a. Provide an Asset Protection Zone (APZ) incorporating at a minimum:
    - i. An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, with the property, and
    - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road.
  - b. For infill development (that is development within an already subdivided area) where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
  - c. Contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
  - d. Contain provisions for adequate water supply for firefighting purposes,
  - e. Minimise the perimeter of the area of land interfacing the hazard which may be developed,
  - f. Introduce controls on the placement of combustible materials in the Inner Protection Area

The site is within a RU6 Transition zone and is wholly bushfire prone, identified as Category 3 vegetation with a medium bushfire risk as illustrated in Figure 27.



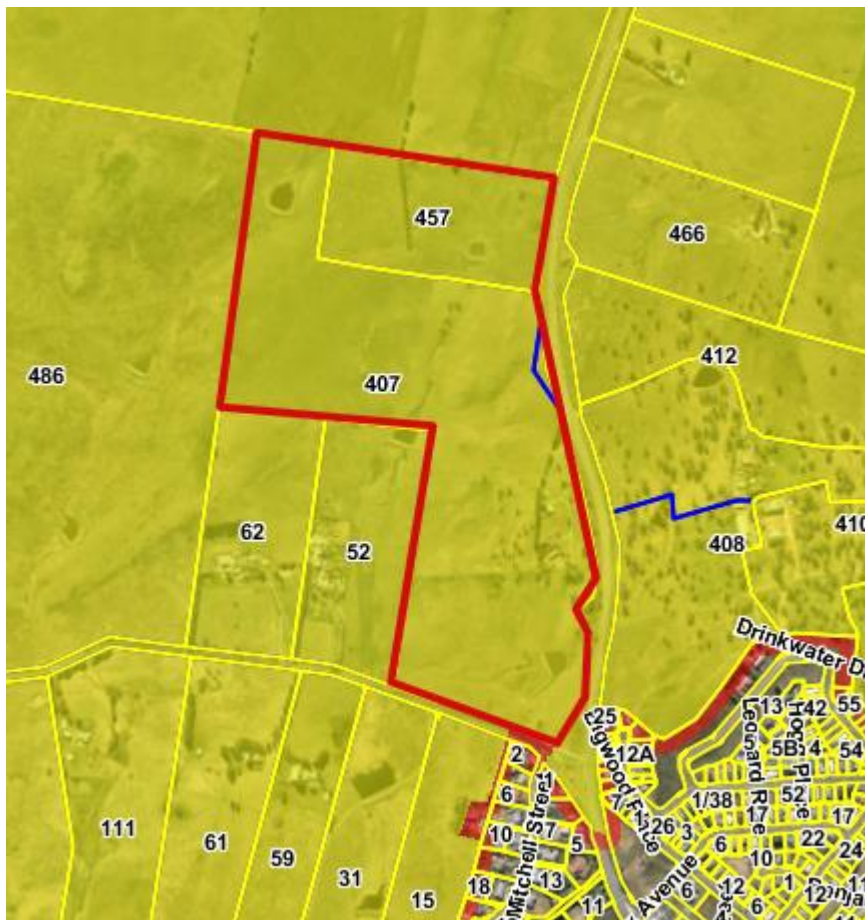


Figure 27: Category 3 Bush fire prone land map

The land is located adjacent to the urban fringe and the future lots will be serviced by Goulburn's reticulated water system, up to the point where the high pressure gas main pipeline traverses the land. The future Large Lot Residential lots north of the gas main pipeline will rely on on-site provisions for water supply.

The proponent has submitted a *Bushfire Strategic Study and plan* (**Appendix 5a and b**) to provide an independent assessment of the land's suitability to accommodate future low density residential and large lot residential development in regard to bushfire risk. The assessment has been undertaken in accordance with NSW Rural Fire Service guidance document '*Planning for Bushfire Protection 2019*'.

The Study includes the following bush fire protection measures:

- Given that Grassland is the predominant vegetation formation surrounding the site, suitable Asset Protection Zones (APZ) can be provided for future dwelling houses, particularly those that are located on the Lots that border the subject land.
- Two-way perimeter access roads are provided within the concept plan at a width of at least 20m. In addition, there is one (1) new access road proposed to the existing Crookwell Road, and to Chinaman's Lane (1), thereby providing evacuation routes to the north or south.
- Dwellings would not be exposed to radiant heat levels exceeding Bush Fire Attack Level or BAL-29 as illustrated in **Appendix 5b**;
- The site is accessed by two-way, sealed access road at Crookwell Road, along the eastern boundary, and Chinaman's Lane along the southern boundary;
- There will be sufficient water pressure for fire-fighting purposes for lots to be serviced by mains water. Static water supply for fire-fighting purposes can be

provided to future residential development north of the high pressure gas main pipeline, by way of a dedicated fire-fighting supply tank incorporating appropriate fittings to provide adequate water pressure during an emergency (e.g. Storz connection).

The land incorporates varying topography, with an average site slope of between 10 and 15 degrees. However, this will not jeopardise compliance with the APZ and BAL requirements of *Planning for Bushfire Protection 2019*.

Roads are designed and sited to enable safe access and evacuation of all vehicles. Two alternative evacuation routes will be available from each frontage of the development to the south and to the north east. Evacuation routes are directed away from the hazard and dwelling sites will not be isolated.

The proposal includes the creation of 256 lots and not considered to warrant an increase in the provision of existing emergency service facilities or capabilities. This planning proposal will exhaust a large majority of the opportunity areas within the Sooley Precinct.

The *GM DCP 2009* includes *Chapter 3.17 Bush Fire Risk Management* which requires development on bush fire prone land to be developed in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979* and *Planning for Bushfire Protection Guidelines* (i.e. *Planning for Bush Fire Protection 2019*). These guidelines contain all the required development controls to ensure the required bushfire protection measures can be implemented through a future development application, for example, the implementation of Asset Protection Zones (APZ) and incorporation of a defensible space for occupants to safely defend property within an area that is limited by the presence of combustible materials and obstructions. It also provides information in regard to BAL's to enable future residential development to incorporate suitable materials to provide it with some protection in the event of a bushfire.

This planning proposal has had regard to *Planning for Bush Fire Protection 2019* and meets the required controls to ensure that future residential accommodation is appropriately sited, can be adequately managed and offers the least risk to occupants and emergency services.

Post gateway agency consultation was carried out with NSW Rural Fire Service and advice was received on 28 January 2025, which is included in Appendix 21. It is noted that no objection is raised to the Planning Proposal, subject to a future Development Application (DA) demonstrating that a dwelling house on each future subdivided lot ensures that it can be built to Bushfire Attack Level (BAL) 29 or less in accordance with *Planning for Bushfire Protection 2019*.

It is recognised that upon the development of future residential lots, the bushfire hazard risk will be reduced as lots become managed. In accordance with section 10.3 of the *Environmental Planning and Assessment Act 1979*, Council is required every five (5) years to review the extent of bushfire prone land and seek endorsement by the Commissioner of the NSW Rural Fire Service. This will provide the opportunity to reduce the extent of mapped bushfire prone areas as new lots are created.

The Planning Proposal is consistent with Direction 4.3.

### 3.6.9 Direction 4.4 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

- a. Land which is within an investigation area within the meaning of the Contaminated Land Management Act 1997
- b. Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- c. The extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital- land:
  - i. In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
  - ii. On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)

When this Direction applies:

1. A planning proposal authority must not include in a particular zone (within the meaning of the Local Environmental Plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:
  - a. The planning proposal authority has considered whether the land is contaminated, and
  - b. If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.
  - c. If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.
2. Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Council's records do not indicate that the subject land is potentially contaminated, and the land is not identified as significantly contaminated land. However, the land's current and former agricultural use is listed as an activity that has potential to cause contamination, as per Table 1 of the *Managing Land Contamination Planning Guidelines*.

This direction therefore applies to this planning proposal.

The proponent has submitted a *Preliminary Site Investigation (PSI)*, dated 24 November 2022 and contained within **Appendix 10a**.

The PSI assessed the potential for contamination based on:

- A desktop study.
- Review of topography, soil type and geology information for the site.
- Review of historical aerial photography of the site using photographs from 1975, 1987, 1991, 1997, 2014 and 2020.
- Search of NSW EPA contaminated land records.
- NSW Office of Water groundwater bore search.
- Review of current land title.
- Site history survey completed by current owners.
- A site walkover inspection of the area.

A site visit at 407 Crookwell Road was conducted by a Licenced Asbestos Assessor LAA from CSH Consulting on 1<sup>st</sup> August 2022. The site findings included the following, supported by desktop investigations:

- The site contains a dwelling house, ancillary development and associated infrastructure including an on-site effluent management system. A large majority of the site appears to have been utilised for agricultural purposes, from at least 1975, based on historical aerial photography.
- No obvious signs of saline conditions were observed, no suspected asbestos materials or odours were encountered during the site visit. However, asbestos was identified as a potential contaminant from rubble observed at the site, and within the residential and ancillary development.
- There was a low probability of acid sulphate soils being present within the site.
- Environmental Protection Authority (EPA) Contaminated Land Records do not indicate that the site or neighbouring sites are subject to any notices.
- Two (2) bores are located within the site for domestic stock purposes. Seven (7) bores are located within a 500 metre vicinity of the site. Refer to Figure 28 below.



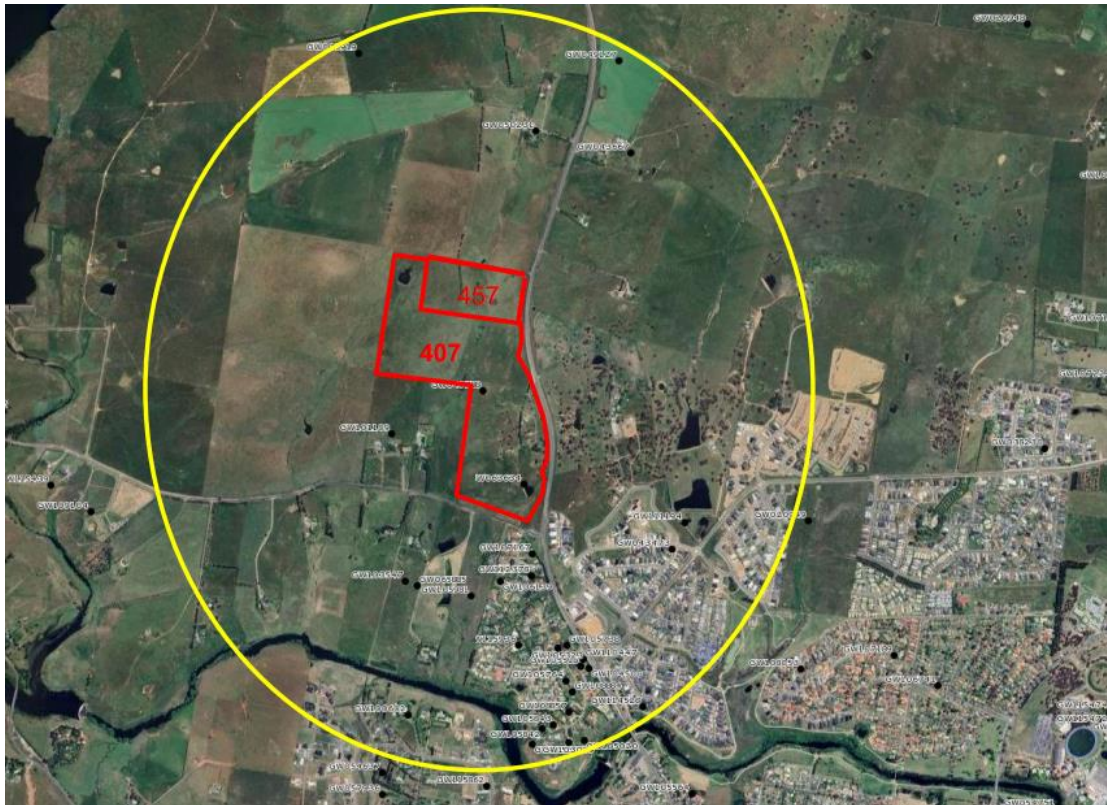


Figure 28: Bore Locations identified in the Preliminary Site Investigation, prepared by CivPlan, dated 23 September 2022.

The PSI identified seven (7) Potential Areas of Environmental Concern (PAEC) resulting in low to moderate likelihood for contamination. An extract of the report detailing each of the PAEC is included below in Figure 29. An aerial showing their location is shown in Figure 30.

Table 3: Potential areas of Environmental Concern (PAEC) identified during investigation of site		
PAEC No	Area descriptor	Potential contaminants
PAEC01	Residential building and garage	Asbestos, SMF, lead (paint) and polychlorinated biphenyls (PCB)
PAEC02	Pump sheds associated with onsite groundwater bores – broken with just housing.	Metals; total recoverable hydrocarbons (TRH); benzene, toluene, ethylbenzene, xylene (BTEX); polycyclic aromatic hydrocarbons (PAHs)
PAEC03	Three piles of fill and building rubble	Asbestos and lead (paint)
	approx. 100m to West of residential building running along the fence line approximately 50m apart	
PAEC04	Rock formation approx. 100m East of central dam – contains miscellaneous materials like steel and buried and cremated animal carcasses.	Surveying of effectiveness of disposal of animal carcasses.
PAEC05	Fill along Eastern side of gully from Northern central section of site down to central dam – contained building rubble, concrete, tyres and some plastic	Metals; TRH; BTEX; PAH; PCB; OCP; phenols and asbestos
PAEC06	Sheds to North of residence contained weed killer chemicals including a 20-litre container of glyphosate.	TRH; BTEX; PAH; OCP; Glyphosate and other herbicides
PAEC07	An old fuel tank on the neighbouring paddock on the boundary approx. 100 m West of and up gradient from central dam	Metals; TRH; BTEX; PAH.

Figure 29: Potential Areas of Environmental Concern (PAEC) identified in the Preliminary Site Investigation (PSI).

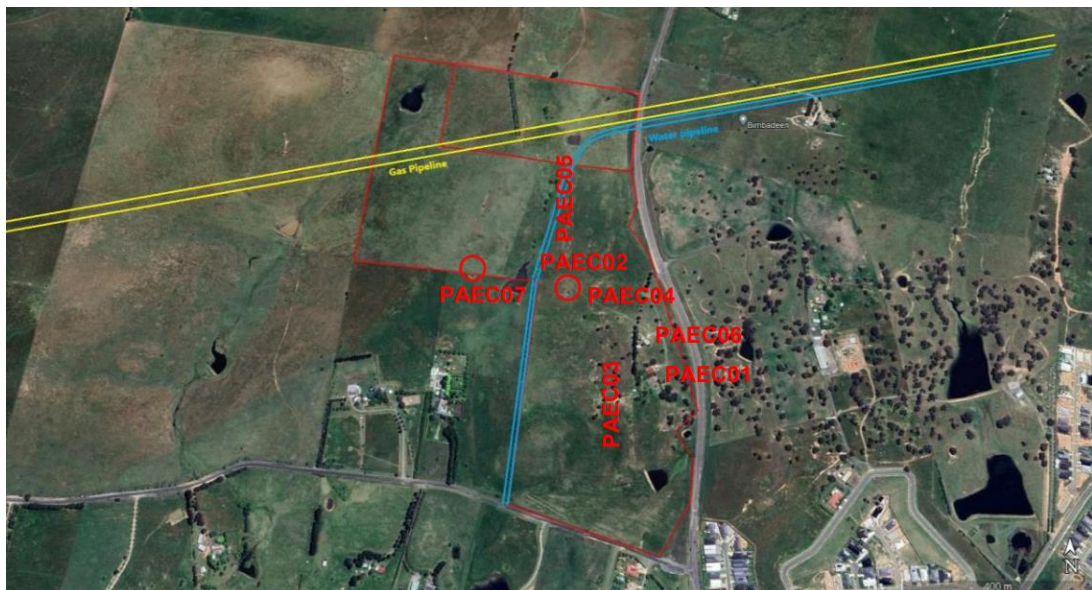


Figure 30: Locations of each PAEC as identified in the PSI.



The report recommends further intrusive investigation, as the site in its current condition may not be suitable for the proposed land use. The report also disclosed that the investigation did not include the evaluation of groundwater contamination status.

A *Detailed Site Investigation (DSI)* dated 24 November 2022 and prepared by CSH Consulting was also submitted with the Planning Proposal (**Appendix 10b**). It further investigates the 7 PAEC considered above in the PSI. An extract of the report is considered below in Figure 31.

<b>Table 1: Area of concern analysis</b>		
<b>PAEC No</b>	<b>Findings</b>	<b>Further requirements</b>
PAEC01	It was advised that the house and garage will continue to be occupied and will be removed prior to works commencement on site.	A hazardous materials survey, including sampling, is to be carried out and a remedial action plan is to be developed for the safe demolition and removal of any contaminated waste.
PAEC02	Further investigation of the material associated with the pump sheds indicated that only the housing was left onsite. No evidence of potential hazardous causing materials could be seen to initiate further investigation.	Housing was removed from site. No further investigation required
PAEC03	The 3 piles of fill contained brick, timber and other anthropogenic materials. The timber was untreated and contained no lead paint. There was no evidence of fibre cement sheeting and the fill was able to be scrapped down to virgin land with no evidence of hazardous materials that would cause harm to human health or the environment	Fill was removed from site. No further investigation required
PAEC04	The carcasses were disposed of in a pit.	No further investigation required.
PAEC05	Similarly to PAEC03, the fill contained concrete blocks, tyres and some plastic. As the fill was dug into and scrapped, there was no evidence of any hazardous materials that would cause harm to human health or the environment. The concrete blocks and tyres have been used as erosion inhibitors.	Fill was removed from site. No further investigation required.
PAEC06	The sheds are to remain and will be demolished at the same time as the house and garage.	Sampling of this area to be conducted prior to demolition and will be included in the remediation action plan with PAEC01
PAEC07	The old fuel tank on the neighbouring property has a berm around the tank to direct any runoff from the tank to remain on the property and not seep into the Property 407.	No further investigation required.

Figure 31: Potential Areas of Environmental Concern (PAEC) further assessed in the Detailed Site Investigation (DSI).

The DSI report concluded that the remaining potential contamination sites are PAEC01 and PAEC06. The other PAEC are considered to offer a low risk to human and environmental health. The report recommends that PAEC01 and PAEC06 are

tested at the time the structures are demolished and removed and recommends a Remedial Action Plan (RAP) to define the testing required and site management during demolition and removal of potential contaminants.

The RAP was prepared by CSH Consulting and dated 8<sup>th</sup> March 2023. See **Appendix 10c**. It concludes that the potential for contamination and the risk to human and environmental health is low. It recommends, for PAEC01 and PAEC06, pre and post demolition sampling and assessment, lawful removal of the waste and the implementation of an unexpected finds protocol.

Council requested that the proponent provide an updated Detailed Site Investigation (DSI) that further considers and evaluates the likelihood of contamination on the land and makes conclusions and recommendations as to whether or not the site is capable of accommodating future residential uses.

A *supplementary report to the DSI report*, prepared by CSH Consulting Pty Ltd and dated 4<sup>th</sup> August 2023 (**Appendix 10d**) was submitted to Council. Soil sampling was carried out in locations that are considered to be potential areas of concern so that the likelihood of contamination can be determined. The soil sampling locations, however, were not in accordance with the PAEC identified in the previous PSI and DSI report referred to above.

The sampling locations identified in the supplementary report are shown below in Figure 32.



Figure 32: Locations of samples taken in areas determined to be PAEC as identified in the supplementary report to the DSI, dated 4 August 2023.

The PSI report did not identify the yards located near the south-eastern corner of the site as a PAEC. The sampling areas identified in the supplementary report (DSI) included the yards although some of the PAEC identified in the PSI were not included in those sampled in the supplementary report. These include PAEC02, PAEC04 & PAEC05. The applicant was requested to provide reasoning for this.

The supplementary report also does not address the matter raised in the PSI report that the *investigation has not included the evaluation of groundwater contamination*. The applicant was requested to provide reasoning for this.

A response letter was provided to Council from CSH Consulting, dated 1 September 2023 (**Appendix 10e**). It indicates that:

- The yard in the south-eastern corner of the property was not included as an area of concern in the PSI as it was not identified as an area that had any contamination concerns during onsite visit and discussions with the owner. The yard was included in the sampling for the supplementary report at the request of the client.
- During the site visits for both the PSI and DSI, site water usage was assessed including all upstream water sources. Flowing water on the property in the creek that runs north south through the centre of 407 was found to flow from leakage of the main water supply. There are no bores being used onsite. The dams onsite are used for livestock. The lack of contamination on site deemed the assessment of water was not required.

A telephone discussion was undertaken between Senior Strategic Planning Council officer and The Director of SCH Consulting, on the 05/09/2023, who confirmed that there was evidence of clean water coming out of the ground along the alignment of the Highland Source Pipeline (HSP), which was the reason for the identification of a PAEC towards the northern boundary of the property and along the watercourse (which consisted of concrete block and tyres placed in the creek bed to prevent the drainage course from washing out). They have since been removed and that location is no longer considered to contain PAEC.

It was also verbally confirmed that only one bore was located on site, which has been capped and disconnected. The other bore identified could not be located.

The supplementary report concludes that there is low risk to human and environmental health, and the site is deemed suitable for rezoning and development on the basis that the requirements of the RAP are followed. This consists of:

- Prior to the demolition of the dwelling and garage, sampling and analysis is to be carried out to assess the extent of potential contamination.
- An unexpected finds protocol is to be implemented during demolition activity.
- Following demolition and removal of all demolished materials, the soils around the former structures are to be sampled for potential contaminants.
- The analysis results are to verify the RAP.
- Any contaminants are to be lawfully disposed of and evidence of lawful disposal are to be retained.

It is noted that within the supplementary report, elevated levels of Chromium were present in multiple soil samples. One sample exceeded the Health Investigation Level (HIL) category A. These findings were not highlighted or explained in the report, and



the location and potential sources of elevated Chromium identified. Further investigation is required, specifically:

- The identification of the location and potential sources of elevated Chromium.
- An assessment of the leaching potential of Chromium in soil carried out in accordance with the Australian Standard Leaching Procedure (ASLP).
- Groundwater and surface water sampling and investigation is required.
- Consideration of the risk of contamination from the existing on site waste water system, and the decommissioning of this system in the Remediation Action Plan (RAP).
- Clarification as to whether the fill material remains in the gully, as identified in the DSI report (**Appendix 10b**), and the erosion status of the gully.
- Clarification as to whether the pit housing the animal carcasses is in the same location as the rock formation, as identified in the response letter to Council (**Appendix 10e**), and whether the effectiveness of disposal has been considered against the NSW Department of Primary Industries 'Animal Carcass Disposal' Fact Sheet dated March 2021.

Further reporting and recommendation is required to determine whether there is a constraint for the site to be developed for future residential purposes.

The proponent provided a response to Council letter (**Appendix 10f**) and supplementary DSI report (**Appendix 10g**) in response to the above matters and these are considered in detail in section 3.6.6 above. The report indicates that from the outcomes of the further soil analysis (beneath the footprints of, and around existing buildings and ancillary development that will be demolished), *'the site is deemed suitable for rezoning and development on the basis that remediation action plan is followed'*. It is noted that an updated RAP was not provided to reflect the latest analysis undertaken.

The Draft Sooley Precinct DCP contains controls to ensure that a future DA for subdivision is provided with a PSI, DSI and RAP, and that the appropriate steps are carried out to rectify any residual contamination. These provisions are included, in addition to those already imposed in the *GM DCP 2009* for addressing contamination in relation to water quality.

This planning proposal has assessed the potential for contamination on the subject site, and it is considered suitable for future residential purposes.

The Planning Proposal is consistent with Direction 4.4.

### **3.6.10 Direction 5.1 Integrating Land Use and Transport**

The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a. Improving access to housing, jobs and services by walking, cycling and public transport, and
- b. Increasing the choice of available transport and reducing dependence on cars, and
- c. Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d. Supporting the efficient and viable operation of public transport services, and
- e. Providing for the efficient movement of freight.

This Direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.

When this direction applies a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- a. *Improving Transport Choice- Guidelines for planning and development* (DUAP 2001), and
- b. *The Right Place for Business and Services- Planning Policy* (DUAP 2001)

The proposal is seeking to rezone an area of 50.70 hectares from RU6 Transition to R2 Low Density Residential and R5 Large Lot Residential, to create 256 lots. The site is located adjacent to the urban area, adjacent to the Mistful Park commercial area. There is currently a bus service that runs between Crookwell and Goulburn that operates eight (8) times daily (four trips to Crookwell from Goulburn and four trips to Goulburn from Crookwell). It is noted that two of the earlier and two of the later trips run on school days only. The closest designated bus stop to the site is at Marys Mount Road at the junction of Donnelly Crecent, which is located approximately 1.3 kilometres south east from the site. There are bus services that currently run locally within Goulburn however none frequent the Mistful Park residential and commercial area between Crookwell Road and Mortimer Junction, other than a single bus service that travels to the Mistful Park commercial area from the Goulburn CBD. This service runs three times daily (three trips each way). There is potential for the Crookwell to Goulburn bus route to divert its route through the future new road off Chinaman's Lane, to the future lots to be provided by Planning Proposal to the north (515 Crookwell Road) and back onto Crookwell Road, to connect both Planning Proposals. Urban Release Area (URA) provisions are included in the Draft Sooley Precinct DCP Chapter, by virtue of clause 6.2A of the *GM LEP 2009*. The URA provisions would require these routes to be designed to accommodate buses.

The site is contiguous with the urban area on the eastern side of Crookwell Road and is located approximately 350 metres from the Mistful Park commercial area. Its development potential has almost been reached and the *GM DCP 2009* already contains provision for a small supermarket, other convenience retailers, commercial tenancies and other essential services such as medical centres that are mostly under construction or already built. These are uses that attract foot traffic and therefore it is appropriate that shared paths are installed at completion of the subdivision stage to ensure that there are contiguous footpath connections to this commercial area. It is also appropriate that a future subdivision makes provision within its road network to accommodate buses that will most likely be required to accommodate children of school age.

To encourage usability and ensure that a future footpath results in the least environmental disruption, the most appropriate location for a path to be constructed is within the future subdivision, alongside areas that are proposed to accommodate public reserves and other public spaces. This would include the areas proposed to be re-zoned to public recreation, as well as the main thoroughfare from the future new access point at Chinaman's Lane, adjacent to future R2 Low Density Residential zoned land.

This will be facilitated via the URA provisions referenced above, to be included in the site-specific Draft Sooley DCP Chapter.

Just as important as the internal footpath connections, are those externally to the site that connect it to important infrastructure including the Mistful Park commercial area and the regionally significant Wollondilly Walking Track. There are existing gaps in footpath infrastructure on public land, between the future new access point on Chinaman's Lane, to Crookwell Road, at the intersection of Mary Martin Drive.

Council has commissioned a *Pedestrian Access and Mobility Plan (PAMP) and Shared Path Strategy* which aims to improve and prioritise connectivity and sustainability of communities responding to the growth of the Local Government Area (LGA) in accordance with the *Local Strategic Planning Statement (LSPS)*. It identifies required footpath connections, including those mentioned above, to address gaps in existing infrastructure.

An existing pedestrian crossing incorporating a refuge island is located on Crookwell Road, just north of the intersection with Marys Mount Road, which offers a direct route for pedestrians utilising the footpath on the western side of Crookwell Road, to the Mistful Park commercial area.

The site subject to this Planning Proposal will exhaust a large majority of the Sooley Precinct's development potential and will create a significant number of future residential lots, with an additional potential for up to 60% uptake of additional dwelling types such as dual occupancy or secondary dwellings. There will be scope for a potential bus service route or alteration to an existing route to enable this area to be serviced, and therefore provide a public transport route to the Mistful Park commercial area, the Goulburn CBD and to the various public schools within Goulburn.

Despite the total AM and total PM peak traffic generation being up to 250 vehicle trips two way (and up to 150 vehicle trips two way, taking into account potential additional dwellings by way of secondary dwellings or dual occupancies), the concept plan is not considered to have any significant impact on the efficient movement of freight, given the future new intersection off Chinaman's Lane and the utilisation of the existing intersection at Crookwell Road, which most of the low density residential lots will utilise. One new intersection is proposed at the north east corner of the site that will integrate with the concept design presented with Planning Proposal to the north of this site (i.e. 515 Crookwell Road) and will be largely utilised by the proposed large lot residential lots (including the 24 lots proposed at 515 Crookwell Road). According to the submitted *Traffic Impact Assessment (TIA)* dated December 2023 (**Appendix 16**) the existing intersection at Crookwell Road/Chinaman's Lane in its current form, as a priority controlled intersection, would operate at a satisfactory level of service in the future if the concept plan is realised.

TfNSW have considered the TIA and require the following:

- The existing Chinaman's Lane/Crookwell Road intersection is not considered to be adequate to cater for future traffic to be generated by a future development proposal. Therefore this intersection is required to be upgraded to a CHR/Axillary Left Turn (AUL) turning treatment.
- The new intersection required at Crookwell Road is required to incorporate a CHR/AUL turning treatment. A strategic concept design is required to be submitted prior to public exhibition of the Planning Proposal and post gateway determination to ensure that compliance is demonstrated with applicable

Austrroads Guides, is safe for future road users, and can be accommodated within the existing road reserve.

The Urban Release Area (URA) provisions contained within Figure 3 have been considered and agreed by TfNSW. These include provisions to minimise the number of new intersections at Crookwell Road, requiring road connectivity with the future adjoining large lot residential subdivision to the north, and other matters to ensure that future development is undertaken in a logical and cost effective manner.

The proponent submitted to Council, the outstanding strategic concept designs on the 9<sup>th</sup> December 2024, which was required to include details such as:

- channelised right (CHR) and auxiliary left (AUL) turning treatments.
- compliance with section 8.2.3 of *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* for a design speed of 110kph (10kph above the posted speed), for the AUL turn treatment.
- compliance with Figure 7.3 of *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* for a design speed of 110kph (10kph above the posted speed), for the CHR treatment.
- cross sections along Crookwell Road for the full length of the above turn treatments.
- a longitudinal section of the proposed access road to ensure the grade of the approach with Crookwell Road is appropriate.
- sight distance, based on a design speed of 110 kilometres per hour (kph).

The Strategic Concept Designs are in **Appendix 17**.

Post gateway agency consultation was carried out with TfNSW and advice was received on 4 February 2025, which is included in **Appendix 22**. The submitted strategic concept designs were considered and some design amendments are required, which can be addressed prior to the issue of a Subdivision Works Certificate, following the issue of a development consent. It is also noted that work that will be required within Crookwell Road to facilitate the new intersection, close existing access points, and intersection improvements to the existing Chinaman's Lane and Crookwell Road intersection, will require concurrence under section 138 of the *Roads Act 1993*. The provisions of the Draft Sooley Precinct DCP are supported.

The Planning Proposal is consistent with *Improving transport Choice- Guidelines for planning and Development*, and *The Right Place for Business and Services- Planning Policy* as required by this Planning Direction. The subject land is located adjacent to the urban fringe and development controls for future development will be imposed to encourage walking, cycling, use of public transport, and reduce travel demand by car. The Planning Proposal supports provision for a future efficient and viable operation of a public transport option for the future residents of the Sooley Precinct.

The Planning Proposal is consistent with Direction 5.1.

### **3.6.11 Direction 6.1 Residential Zones**

The objectives of this direction are to:

- a. Encourage a variety and choice of housing types to provide for existing and future housing needs,
- b. Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

- c. Minimise the impact of residential development on the environment and resource lands.

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

When this direction applies:

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

This planning proposal is seeking the rezoning of a Transition RU6 zone to R2 Low Density Residential and R5 Large Lot Residential, and therefore this Direction applies.

*The Urban and Fringe Housing Strategy* identifies areas suitable for the provision of additional housing to meet housing demand generated by population growth. The residential population of the LGA is expected to increase by an additional 5000 to 7000 residents, and *The Housing Strategy* identifies opportunities for the provision of 3500 additional dwellings up to 2036, primarily focused on the urban areas of Goulburn and Marulan.

Based on previous housing supply trends, *The Housing Strategy* identifies future housing opportunities as follows:

- Infill within the existing urban area of Goulburn is expected to make up 7% growth. This facilitates opportunity for urban intensification and renewal.
- Medium to high density housing within an R3 Medium Density Residential zone in immediate vicinity to the Goulburn CBD. Examples of suitable housing include shop top housing and residential flat buildings.
- Serviced residential land in Goulburn and Marulan is expected to make up 80% of growth. Housing opportunities are broad and include detached housing development and ancillary development such as secondary dwellings, although there is also potential for dual occupancies, semi-detached dwellings and other multi-dwelling housing types.
- Un-serviced residential development, within an R5 Large Lot Residential zone, located on the urban fringes of Goulburn, is expected to make up 10% growth. These lots typically accommodate larger detached dwelling houses and ancillary development.

These opportunities make provision for a broad range of housing types and locations.



The Planning Proposal will satisfy part of the 80% growth opportunity for serviced residential land in Goulburn and Marulan and will satisfy part of the 10% growth opportunity for large lot residential land, by re-zoning a small part of the land to create lifestyle lots. In addition, the R2 Low Density zone allows for secondary dwellings, dual occupancies and multi dwelling housing.

All future lots will be serviced by mains water and sewer, with the exception of future large lot residential lots located north of the high pressure gas main pipeline. This will ensure improved water quality outcomes within the Drinking Water Catchment, to achieve a neutral or beneficial impact on water quality (where on-site effluent management systems are provided). It will also ensure that land in the future is not further fragmented following provision of services.

There are large lot residential lots identified in the concept plan that are located south of the high pressure gas main pipeline (i.e. Lots 249-253) and between future low density residential land and the westernmost boundary of the land abutting Conservation zoned land. In addition to the perimeter road, these lots will serve the purpose of providing a transition and buffer to alleviate potential land use conflict that may occur from possible agricultural land uses on land to the west. These lots will also be serviced and therefore may incorporate a lessor minimum lot size of 4,000m<sup>2</sup> as they are limited in number and immediately contiguous to future low density residential lots.

The proponent's submitted *Water Cycle Management Study* (**Appendix 8a**), updated *WCMS* (**Appendix 8b**) and *Effluent disposal- site and soil evaluation* (**Appendix 8c**) have been considered earlier in this report. All unserviced lots are capable of being efficiently serviced by independent waste water management systems whilst ensuring a neutral or beneficial impact on water quality and the drinking water catchment.

All other lots are capable of being serviced with water and sewerage infrastructure. It is expected that sufficient water pressure will be provided to future development. Future land subdivision will warrant the augmentation of sewerage infrastructure and this will be considered at the Development Application stage of development.

The subject land is located on the urban fringe and therefore is inconsistent with Planning Direction, part (c) as follows:

*'reduce the consumption of land for housing and associated urban development on the urban fringe'.*

This inconsistency is justified by the *Urban and Fringe Housing Strategy* that has been approved by the Planning Secretary. The land subject of the Planning Proposal is identified in *The Housing Strategy*, in addition to some immediately surrounding land.

The limited opportunity area identified for 407 Crookwell Road avoids the location of Biophysical Strategic Agricultural Land (BSAL) within the land. However, given Council's later resolution to include land to the north (i.e. 515 Crookwell Road) as an opportunity area for future large lot residential development within *The Housing Strategy*, it is considered appropriate to include the entirety of 407 Crookwell Road in the Planning Proposal. Council's resolution to include 515 Crookwell Road as an opportunity area has fragmented the band of BSAL land and reduces its value as an agricultural resource. Retaining the BSAL land (approximately 26 ha) would mean that future large lot residential land within 515 Crookwell Road will be isolated with no continuity or relationship to urban fringe.

Due consideration to the objectives of this Direction has been given. The planning proposal includes a change to the zone and minimum lot size to facilitate a future low density and large lot residential subdivision, therefore encouraging a variety and choice of housing types to provide for existing and future housing needs.

The Planning Proposal makes efficient use of existing and future required infrastructure through the integration of other opportunity sites within the Sooley Precinct (such as the site to the north at 515 Crookwell Road). The existing road network is utilised to service future development and the subject site is on the urban fringe, thereby minimising potential land use conflict. The Mistful Park commercial area is located within close proximity and existing essential infrastructure including water and sewerage services (Figure 33) can be provided to service future low density residential development.

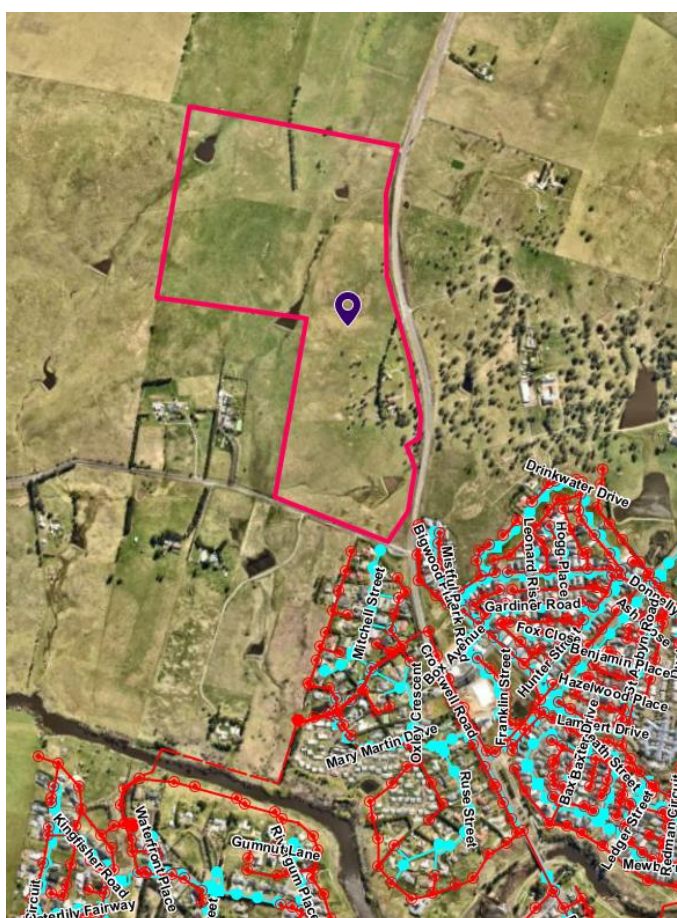


Figure 33: Existing location of water and sewer infrastructure relative to the subject site.

The Planning Proposal has demonstrated that impacts on the environment will be minimised through zoning and lot size layout that alleviates potential land use conflict and demonstrates compliance with the hierarchy of 'avoid, minimise and offset' as prescribed under the *Biodiversity Conservation Act 2016*.

Although a concept subdivision design has been submitted, it has only been done so, to facilitate a capability assessment to demonstrate that a future development will be suitable. The detailed design phase will occur at the Development Application stage, should the Planning Proposal be approved. At that phase of development, proponents will be required to consider the *GM DCP 2009 Sooley Precinct chapter* which will provide development controls to dwelling houses within a rural or large lot context, as

well as a low density residential context. The Draft DCP will include Policy that considers setbacks, orientation, colours and materials, access, and ancillary matters such as services, outbuildings and fencing. It will also include provisions that aim to protect the natural values of the land (i.e. significant flora and fauna, flooding, rural character).

Urban Release Area (URA) provisions will also be included, pursuant to clause 6.2A of the *GM LEP 2009*, to require matters such as access and connectivity (for vehicles and pedestrians) between future subdivision developments, and to address concerns raised by TfNSW to ensure disruption to Crookwell Road is alleviated. As referenced earlier in this report, the Draft Sooley Precinct DCP is within **Appendix 1**.

For R5 Large Lot Residential zoned land, the provision for essential public utility infrastructure, including effluent disposal and stormwater, and water supply for drinking and for fire-fighting purposes, is prescribed under clause 7.3 of the *GM LEP 2009*. Other standards are also prescribed in the following sections of the DCP:

- Chapter 3.17 Bushfire risk management: includes controls for dedicated fire – fighting water supply in accordance with NSW Rural Fire Service's *Planning for Bushfire Protection* guidelines.
- Chapter 5.3 Rural dwellings: includes controls to ensure legal and practical access, sufficient potable water supply storage, on- site waste water management and electricity supply. *State Environmental Planning Policy (Biodiversity and Conservation) 2021* is prescribed for on-site waste water disposal to achieve a neutral or beneficial effect on water quality.

The *GM DCP 2009* also includes the requirement to provide connections to essential services such as electricity, prior to the finalisation of the subdivision development. Electricity infrastructure traverses the land as shown below in Figure 34.

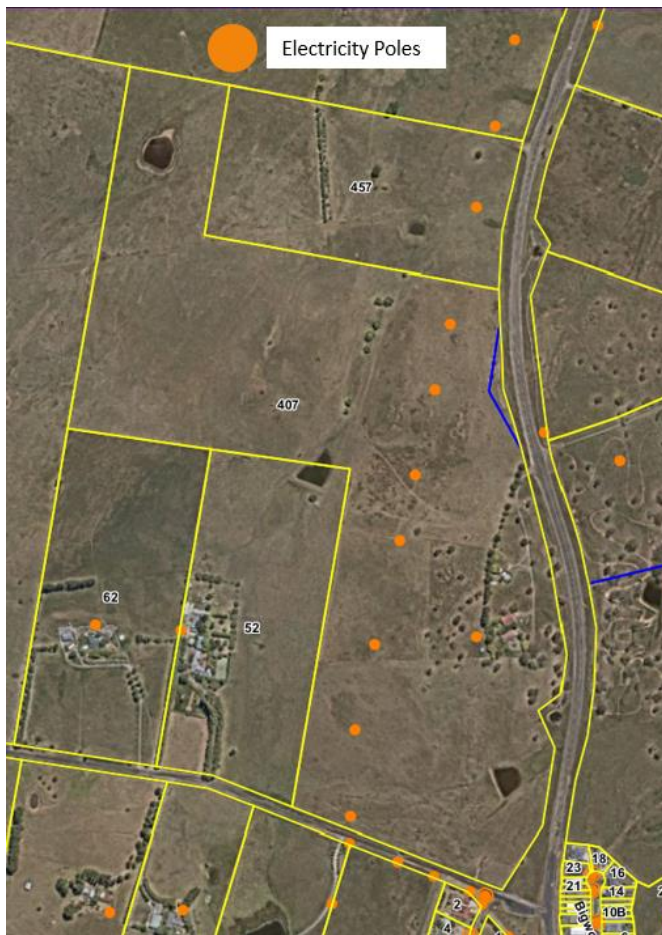


Figure 34: Location of exiting electricity poles, conveying powerlines.

The subject land is currently zoned RU6 Transition, incorporating a minimum lot size of 10 hectares. This proposal is seeking a rezone to R2 Low Density Residential and R5 Large Lot residential incorporating a minimum lot size of 700 m<sup>2</sup>, and 4,000m<sup>2</sup> and 2 hectares respectively. This would increase the permissible residential density in the area.

Overall, this planning proposal is considered consistent with this local planning direction. The inconsistency in relation to direction 6.1(1)(c) is considered minor as the Planning Proposal is consistent with the *Urban and Fringe Housing Strategy* which has been approved by the Planning Secretary. *The Housing Strategy* has given due consideration to the objective of this direction.

### 3.6.12 Direction 9.1 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

Direction (1)(a) applies to all relevant planning authorities.

Direction (1)(b) only applies in the following local government areas:

Ashfield, Canada Bay, Kogarah, North Sydney, Auburn, Canterbury, Ku-ring-gai, Parramatta, Bankstown, City of Sydney, Lake Macquarie, Sutherland, Baulkham Hills, Fairfield, Lane Cove, Warringah, Blacktown, Gosford, Leichhardt, Waverley, Blue Mountains, Hawkesbury, Liverpool, Willoughby, Botany Bay, Holroyd, Manly, Wollondilly, Burwood, Hornsby, Marrickville, Woollahra, Camden, Hunters Hill, Mosman, Wollongong, Campbelltown, Hurstville, Newcastle, Wyong.

When this Direction applies:

(1) A planning proposal must:

- a. Not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.
- b. Not contain provisions that will increase the permissible density of the land within a rural zone (other than land within an existing town or village).

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy approved by the Planning Secretary which:
  - i. Gives consideration to the objectives of this direction, and
  - ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c) In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- d) Is of minor significance

This Planning Proposal affects land within the RU6 Transition zone, being a rural zone. Therefore this Direction applies.

The Planning Proposal is for the RU6 Transition zoned land to be rezoned to R2 Low Density Residential and R5 Large Lot Residential, which would remove the ability to continue with an agricultural pursuit on land in the order of 50.70 hectares, and therefore inconsistent with this Direction.

The inconsistency with Direction 9.1 Rural Zones is justified by *The Housing Strategy*.

### **3.6.13 Direction 9.2 Rural Lands**

The objectives of this direction are to:

- a) Protect the agricultural production value of rural land,
- b) Facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- c) Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the state,
- d) Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,



- e) Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- f) Support the delivery of the actions outlined in the NSW Right to Farm Policy

This Direction applies when a relevant planning authority prepares a planning proposal outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGA's in the Greater Sydney Region other than Wollondilly and Hawkesbury, that:

- a) Will affect land within an existing or proposed rural or Conservation Zone (including the alteration of any existing rural or conservation zone boundary) or
- b) Changes the existing minimum lot size on land within a rural or conservation zone.

When this Direction applies:

(1) A planning proposal must:

- a. Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement
- b. Consider the significance of agriculture and primary production to the State and rural communities
- c. Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
- d. Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
- e. Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
- f. Support farmers in exercising their right to farm
- g. Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use
- h. Consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land
- i. Consider the social, economic and environmental interests of the community

(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:

- a. Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
- b. Will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
- c. Where it is for rural residential purposes:
  - i. Is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

- ii. Is necessary taking account of existing and future demand and supply of rural residential land

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy approved by the Planning Secretary and is in force which:
  - i. Gives consideration to the objectives of this direction, and
  - ii. Identifies the land which is subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- b) Is of minor significance

This planning proposal is seeking to rezone the subject site from RU6 Transition and amend the minimum lot size. Therefore this direction applies.

As previously considered, the Planning Proposal is consistent with the requirements of the *South East and Tablelands Regional Plan, Draft South East and Tablelands Regional Plan 2041*, and the *Local Strategic Planning Statement (LSPS)*. The *Urban and Fringe Housing Strategy* delivers the housing requirements that are envisioned within the *LSPS*.

*The Housing Strategy* has acknowledged and considered the significance of agriculture and primary production in the local government area, in the determination of suitable opportunity areas for housing growth. Specifically, the consideration of Department of Primary Industries' policy regarding the preservation of the best productive land, minimisation of land use conflict and maintaining and improving the economic viability of agricultural operations.

As discussed earlier in this report, the land is identified as Biophysical Strategic Agricultural Land (BSAL), Class 3 Moderate soil fertility as shown in Figure 35 below. The extent of this land is limited to the central parts of the land, and adjacent to Crookwell Road, particularly to the north. The area of this land offers a limited agricultural resource.



Figure 35: Biophysical Strategic Agricultural Land Map (shown in green). Subject site bordered by broken yellow lines (Source: Planning Viewer, 2020)

The land is currently used for livestock grazing and based on historical aerial photography, appears to have been used for this purpose for at least the last 15 years. Livestock grazing is also the surrounding dominant agricultural land use.

Council Resolution 2020/224 and 2020/261 included the land to the north (515 Crookwell Road) in the *Urban and Fringe Housing Strategy* and a Planning Proposal is now being considered by Council for this land. The BSAL area extends to this land.

The land is included in the Draft State Significant Agricultural Land (SSAL) map shown in Figure 36, which was subject to public exhibition in late 2021 and early 2022. The application of the map to NSW Planning is yet to be determined by the NSW Department of Primary Industries.

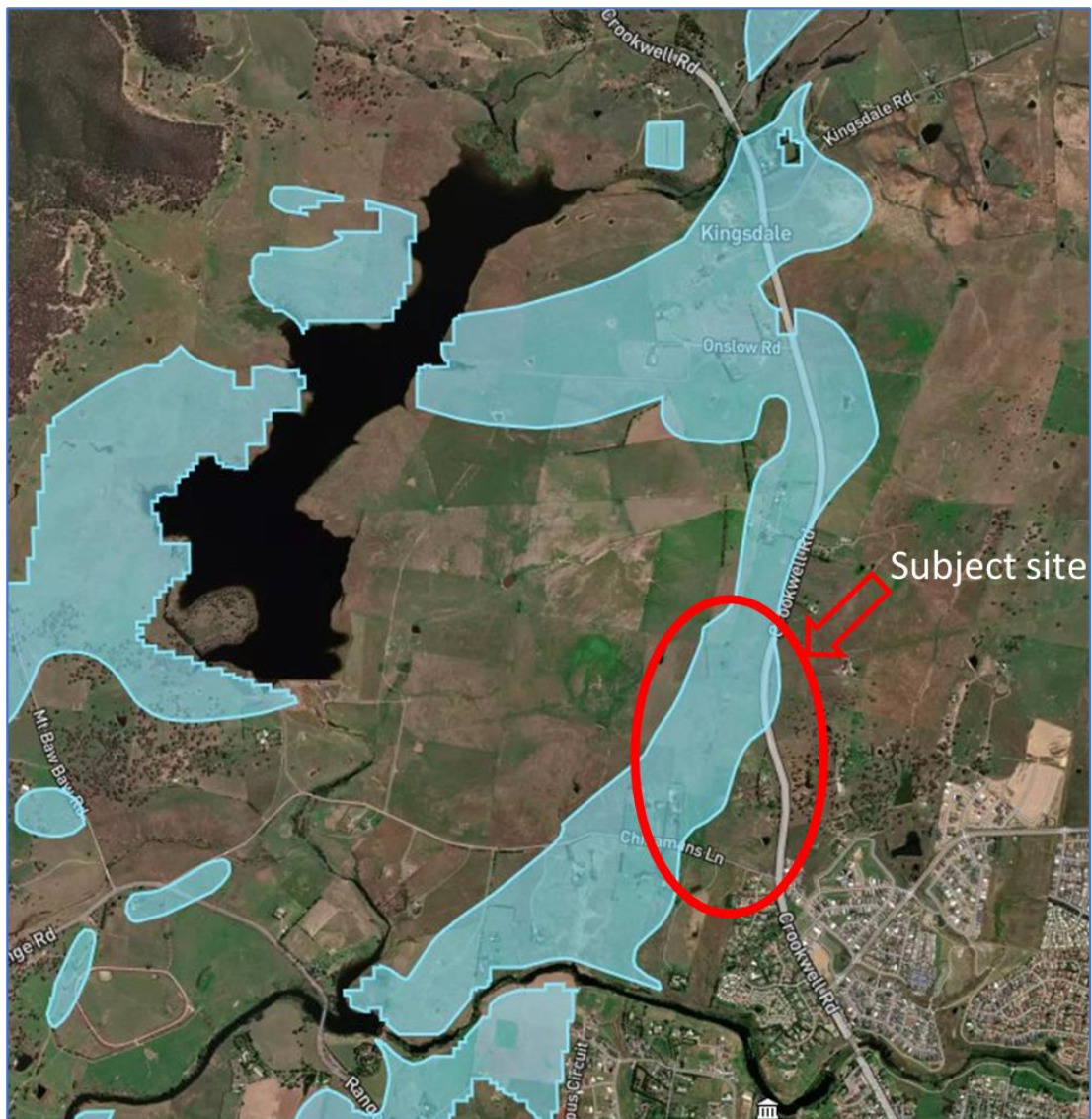


Figure 36: Draft State Significant Agricultural Land Map (shown in blue) (Source: NSW Department of Primary Industries)

As mentioned earlier in this report, *The Housing Strategy* does not include the entirety of 407 Crookwell Road as an opportunity area. The opportunity area avoided the location of Biophysical Strategic Agricultural Land (BSAL). This would have safeguarded the value of the BSAL land on the site, as well as where it also exists to land north and south of the site. However, a later Council resolution resolved to include land to the north as an opportunity area (i.e. 515 Crookwell Road), resulting in the fragmentation of this BSAL area thereby reducing its value as an agricultural resource. If the BSAL impacted land within 407 Crookwell Road was to be retained (in the order of approximately 26ha), this would have a significant impact on a future Planning Proposal to the northern site, isolating it with no relationship, connection or continuity to the urban fringe. Enabling the entirety of 407 Crookwell Road to be developed facilitates a contiguous development and relationship to the urban fringe, results in better opportunity for infrastructure provision and would alleviate potential land use conflict between existing agricultural and future urban land. In effect it would ensure a well-planned and orderly future development.

The proponent has submitted a *Biophysical Strategic Agricultural Land Verification Assessment*, prepared by SLR Consulting Pty Ltd and dated November 2022 (**Appendix 7**). The assessment was carried out in accordance with the *Interim Protocol for site verification and mapping of biophysical strategic agricultural land*, (*the interim protocol*) prepared by the then Office of Environment & Heritage and the then Office of Agricultural Sustainability & Food Security, dated April 2013. The assessment concludes that the entire study area, being 51 hectares is not classified as BSAL, due to non-contiguous areas of identified criteria and other soil properties.

The assessment included the following exclusion areas as per *the interim protocol*:

- Slopes of less than or equal to 10%. Out of the 51 Hectare study area, the assessment eliminated 17 hectares.
- Areas that incorporated a slope of less than 10% and less than 20 hectares in contiguous area were also excluded (i.e. 2 hectares).
- An area of less than 1 hectare which consisted of land incorporating greater than 30% rocky outcrop was excluded.

Within the remainder of the study area (i.e. 32 ha), twenty two (22) sites were further assessed to determine soil profile description in accordance with *The Australian Soil Classification* publication (R.F Isbell). This consisted of 10 detailed sites and 12 check sites. Two (2) dominant Soil Map Units (SMU) were identified:

- Epipedal Black Vertosol: this soil type does not meet BSAL criteria due to soil depth not exceeding 70cms.
- Subnatic Grey-Brown Sodosol: this soil type does not meet BSAL criteria due to poor drainage and moderately low inherent soil fertility.

Considering the site assessment requirements for BSAL, contained within *the interim protocol*, the 51 hectare study area is non-BSAL. This is consistent with existing and previous agricultural land uses that have prevailed in the study area, which have been of a lessor productive nature, i.e. grazing, rather than crop production. The report recommends that the mapping identifying the land as BSAL is removed so as to ensure consistency with the outcomes of the BSAL investigation.

The Planning Proposal is not detrimental to the objectives of this Direction as it does not have significant agricultural production value that would warrant its retention.

The Planning Proposal will have notable benefits to the future of Goulburn and is required to meet the expected population growth and housing needs for future residents. The Planning Proposal is responding to the social, economic and environmental interests of the community.

This Planning Proposal will have significant contributions to the one currently being considered to the north, and ultimately to the public interest. The Planning Proposal provides the following benefits:

- it has provided an opportunity for a contiguous and new urban area that will be well connected to the existing urban area to the south;
- with its corner location immediately adjacent to the urban fringe, this has meant that access provision is more efficient, giving the northern site a valuable opportunity to limit its access to Crookwell Road, which has resulted in compliance with TfNSW requirements.



- the concept plan demonstrates that potential land use conflict to adjacent rural zoned land can be alleviated, through the consideration of buffers on the outskirts of the land. For example, the location of perimeter roads, large lot residential lots incorporating larger minimum lot sizes, and public open space.

- rural land fragmentation is alleviated through the development of a contiguous and well connected future growth area adjacent to the urban fringe, providing better opportunities for orderly and well planned development.

- the parts of the land that contain high biodiversity value, flood prone land and significant Aboriginal heritage will be safeguarded through restrictive zoning (RE1 Public Recreation and C2 Environmental Conservation) to alleviate future disturbance.

It is considered that existing agricultural activities, future permissible rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains, can operate, without their operation or viability being detrimentally impacted, as a result of this Planning Proposal.

The *Housing Strategy* has accounted for the availability of infrastructure including human services, utility infrastructure, transport and proximity to existing centres in considering the location of future residential opportunity areas. Future housing opportunity areas identified in *The Housing Strategy* consist of infill, serviced residential, large lot residential contexts in Goulburn and serviced residential contexts in the smaller urban centre of Marulan, to account for the varying housing demands in the LGA. The Planning Proposal forms part of the 10% of housing opportunity to provide future residents the choice of Large Lot Residential development. This part of the Sooley Precinct will not provide reticulated water and sewer due to proximity to existing infrastructure. However, the land contains sufficient area to accommodate on site effluent management systems without causing any adverse water quality impacts to the drinking water catchment. The Planning Proposal also forms part of the 70% of housing opportunity to provide future residents the choice of serviced low density residential development whilst also expecting to achieve neutral or beneficial water quality outcomes.

The site is adjacent to the Mistful Park commercial area and will therefore encourage alternative forms of transport other than the car. These will be facilitated within the land via the main through-road. Crookwell Road has sufficient capacity to accommodate the future subdivision. The Goulburn CBD from the site is within close distance by vehicle.

#### Response to gateway determination

The gateway determination requires agency consultation with Department of Primary Industries and Regional Development (DPIRD)- Agriculture and Biosecurity. Initial advice was received that recommended a Land Use Conflict Risk Assessment (LUCRA) be undertaken to identify potential conflicts with nearby agricultural uses and relevant mitigation measures.

The following justification is provided to address potential land use conflicts for this Planning Proposal:

- The southern boundary of the site adjoins the existing urban area, which adjoins the Mistful Park commercial precinct.

- The eastern boundary of the site adjoins small rural land holdings that have very limited potential for agricultural uses. Furthermore, the minimum subdivision lot size is 10 hectares and is zoned C4 Environmental Living zone, which greatly limits agricultural potential. All agricultural uses require consent from Council, thereby providing Council with an opportunity to further consider potential land use conflict and prohibit inappropriate development that will have any unreasonable amenity impact on future occupants. Additionally, the land immediately adjacent to the subject land to the east contains biodiversity value and therefore has limited agricultural land value.
- The proposed zoning layout shown on the concept plan is such that the proposed R5 Large Lot residential land will be located at the site perimeter along the northern and part of the western boundary and will act as a buffer to western land which has agricultural potential. The predominant agricultural activity to the west and north is livestock grazing, and limited agricultural activities are permissible on this land (extensive agriculture and oyster aquaculture). The location of the proposed R5 zone on the subject land will act as a buffer and transition between future R2 Low Density Residential zoned land and the adjoining land to the west, increasing the distance of future low density residential development from land to the west. The R5 zoned land will incorporate larger minimum lot sizes ranging from 4,000m<sup>2</sup> to 2 hectares and all agricultural uses require consent from Council, thereby providing Council with an opportunity to further consider potential land use conflict and prohibit inappropriate development that will have any unreasonable amenity impact on future occupants.
- The adjoining land to the north (515 Crookwell Road) is also subject of a Planning Proposal to rezone land to R5 incorporating a 2 hectare minimum lot size. The proposed R5 zoned land in the subject Planning Proposal and that adjoins the common (northern) boundary with 515 Crookwell Road, incorporates a minimum lot size of 2 hectares.
- The south western boundary adjoins land that is zoned RU6 Transition and is partially identified in the *Urban and Fringe Housing Strategy* as opportunity land that can be re-zoned to R2. Council has finalised its *Flood Study* which has included preliminary overland flood data that identifies that some of this land is identified as flood prone. This land is zoned RU6 Transition and incorporates a minimum lot size of 10 hectares, which does not encourage intensive agricultural activity.
- The Sooley Dam is located approximately 1.5 kilometres west of the subject site and is utilised as a water source for Goulburn. Therefore, there is limited capacity for development in this area. Additionally, the land is within the Sydney Drinking Water catchment and water quality must be assured for any development or activity.
- The main agricultural activity that is carried out on some of the lots in the vicinity of the subject land is livestock grazing.
- A Draft Sooley Precinct DCP chapter has been developed, and includes development controls for new roads to be located along the perimeter of the site, and for roads to incorporate landscaping, by way of street trees on each side of the proposed new road. This will further alleviate potential for land use conflict.

Following further liaison with DPI Agriculture, it was agreed the information above is sufficient to serve as a LUCRA and no additional work is required.

In addition to those mentioned above, the Draft Sooley Precinct DCP Chapter contains the following provisions to further safeguard potential land use conflict:

- Landscape buffers (within a 10 metre wide easement) to most boundaries facing adjoining conservation zoned land to the west which also act as visual buffers. This would apply when a perimeter road is not proposed.
- Front setbacks of at least 20 metres from a public road and a rear and side setback requirement of 10 metres.

Post gateway agency consultation was carried out with DPIRD Agriculture and Biosecurity, and advice was received on 25 February 2025 (**Appendix 23**). No objection was raised, subject to some additional recommendations as follows:

- Imposition of a building setback of 30 metres, when a side or rear boundary adjoins adjacent land zoned C3 Environmental Management, and making future landholders aware of future maintenance responsibilities associated with the landscape provisions in the Draft Sooley Precinct DCP.

The Draft Sooley Precinct DCP has been updated to include this requirement.

- Where a future lot adjoins land zoned C3 or RU6, the keeping of pets such as dogs is restricted, or dog-proof fencing is installed, in order to prevent accidental ingestion of baits, and to reduce risk of residents' dogs escaping and harming livestock. The recommendation to not allow dogs off-leash in nearby public areas was also put forward.

The Draft Sooley Precinct DCP (Appendix 1) has been updated to include provisions in relation to the installation of dog-proof fencing on boundaries that adjoin C3 or RU6 zoned land in order to mitigate impacts from concerns raised.

Regarding the recommendation of off-leash dog areas in public areas, there is no mechanism in the Planning Proposal process to enforce this requirement. A future Development Application will require the dedication of public spaces including parks, and a Planning Agreement (PA) is a necessary mechanism to initiate this process. This will include the consideration of matters such as provision of signage to convey no off-leash dog areas within these future public spaces.

- Additional mitigation measures to be incorporated to safeguard against impacts on existing adjoining landholdings which have potential to operate as extensive agriculture (cropping), being a higher potential land use conflict compared to grazing.

Council contains information in each 10.7(2) Planning Certificate, that informs prospective purchasers on the challenge of potential land use conflict, particularly when a lot intended for future residential use adjoins or is within close proximity to a property which is carrying out an activity such as agriculture, that may result in impacts from noise, spray drift, odour, dust, etc. This includes the consideration of land uses that do not require Council's prior development consent and the right for those activities to be undertaken on rural land that are consistent with the zone objectives.

Agency advice was provided from the licensing and approvals division of DCCEEW on 22 January 2025 (**Appendix 24**), which is considered below:

- The approach to re-zone flood prone/riparian areas to C2 Environmental Conservation is supported, with the preference for these to be in public ownership, or contained within a single lot, if in private ownership. The only means in which land can be placed in public ownership is via a Planning Agreement, where the developer proposes to dedicate land to Council, for a public purpose. This is usually considered alongside a development proposal. Due to the extent and configuration of the flood prone/riparian areas, requiring the entirety of the C2

zoned land to be contained within a single lot is not considered effective, for the purposes of maintenance. There are additional requirements prescribed in the Draft Sooley Precinct DCP that require the establishment of vegetative buffers along each side of the natural drainage line and installation of fencing to protect the area. This will include the establishment of a Vegetation Management Plan (VMP) and the imposition of covenants that require on-going maintenance requirements to be complied with. Given these responsibilities on future property owners, it is considered appropriate that the natural drainage lines not necessarily be contained in a single lot. The proposed minimum lot size surrounding the proposed C2 zoned land is a minimum of 4,000m<sup>2</sup> and the extent of lots proposed is approximately 8 or less.

- The riparian areas required above are not to be impacted when considering Asset Protection Zones (APZ). The Draft Sooley Precinct DCP reinforces this requirement.
- There is sufficient capacity in the existing water supply and sewerage systems for the additional demands required for future development, subject to augmentation work required during subdivision works stage of the future development.

The inconsistency with Direction 9.2 Rural Lands is justified. The *Urban and Fringe Housing Strategy* identifies the land as suitable for the purposes of future development into the R5 Large Lot Residential zone and R2 Low Density Residential zone, whilst considering the objectives of this direction. *The Housing Strategy* has been approved by the Planning Secretary.

## Section C- Environmental, Social and Economic Impact

### 3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

As mentioned earlier in this report, parts of the site contain Plant Community Type (PCT) 1330, being a Critically Endangered Ecological Community (CEEC) and in mostly poor condition although there is a portion that is in moderate condition. This PCT is potential habitat for Key's Matchstick Grasshopper which is listed as endangered under the *Biodiversity Conservation Act*.

To alleviate any adverse impact to this significant biodiversity, the cluster of moderate condition PCT 1330 in the order of 1.9 hectares, is to be retained as a public reserve, safeguarded through the re-zoning of this area of land to RE1 Public Recreation, to ensure that this area of land is prevented from development and conserved. A Planning Agreement (PA) would be required from the developer to negotiate the dedication of this land to Council for its future intended purpose. This will include the consideration of a Vegetation Management Plan so Council can understand the full extent of its obligations.

Land to the east of this area will also serve as an important native vegetation corridor, ultimately to land on the eastern side of Crookwell Road that contains a similar PCT. This area on the concept plan will be required to incorporate future low density residential lots that require the following:

- The retention and conservation of all mature hollow bearing trees, including the natural land form within the Tree Protection Zone (TPZ).
- No lopping, trimming, ringbarking, topping or damage to these trees (including their root systems).
- Careful consideration of lot design/configuration relative to the location of the impacted trees to provide a future development lot that is capable of meeting dwelling design requirements prescribed in the Draft Sooley Precinct DCP.
- Site coverage maximum of 50%.

The above are incorporated in the Draft Sooley Precinct DCP, including the requirement to retain and conserve the significant trees and prohibit any damage or alteration to these trees, via the imposition of a restriction as to user under section 88b of the Conveyancing Act 1919. A diagram is provided in the Draft DCP that indicates the location of the significant trees for ease of reference.

The above is being proposed in an effort to maintain canopy continuity between the proposed public reserve, and property to the east of Crookwell Road, and therefore promote the retention and conservation of important biodiversity, by making property owners aware and provide them with an opportunity to sensitively design future development.

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



A High-Pressure Gas Transmission pipeline is located within the subject land, approximately 75 metres from the northern boundary at its closest point. See Figure 37 below.

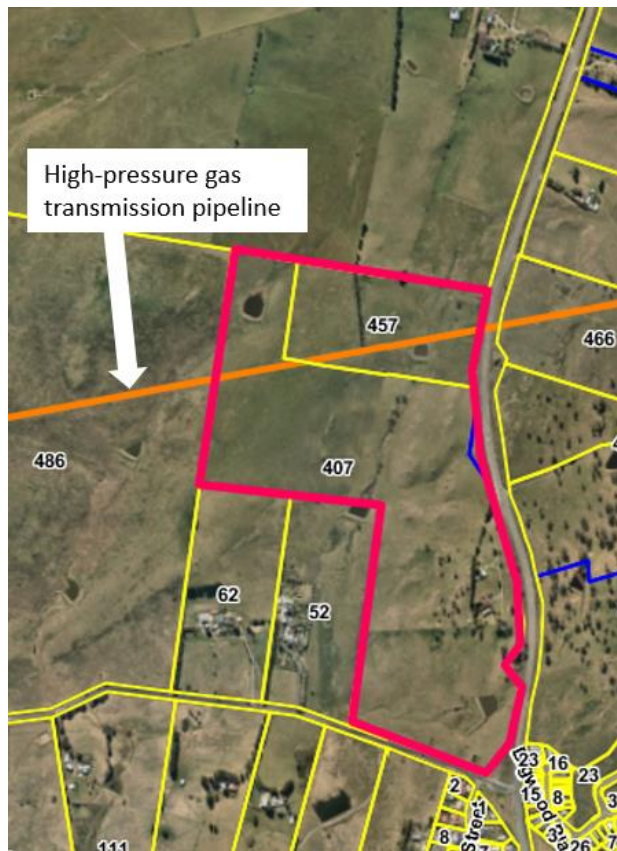


Figure 37: Location of high pressure gas transmission pipeline (Source: Near map Australia Pty Ltd, 2022)

East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA) who own and operate the pipeline, have been consulted in regard to the Planning Proposal. No objection is offered to the Planning Proposal because future land uses are not classified as sensitive (i.e., a use which may increase the impacts of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure). However, the R2 low density residential zone and R5 large lot residential zone permits certain development which are considered to be sensitive in nature (e.g. centre based child care centres, educational establishments, hospitals and health services facilities, and places of public worship) and such proposals may be forthcoming in the future. Therefore, in the absence of other Policy, it is appropriate to include provisions within the Draft Sooley Precinct DCP chapter to include requirements from the pipeline authority in the event a DA is lodged for such uses. This will include matters such as the location of sensitive uses is to be located outside the pipeline Measurement Length (ML), being a distance applied to both sides of the pipeline and representing the extent of the heat radiation zone associated with a full-bore pipeline rupture.

APA have provided in principle support for the location of limited road crossings over the pipeline easement, subject to agreement that APA retain their easement entitlements within the location of that infrastructure.

The Department of Planning, Housing and Infrastructure recently introduced a Policy to protect fuel pipelines. It aims to strengthen measures already in place under *State*

*Environmental Planning Policy (Transport and Infrastructure) 2021*. A new Ministerial Direction has also been introduced that will apply to sites that are:

- Wholly or partially within the *Potential safety risk consideration distance* of 200 metres.
- Proposing sensitive land uses involving vulnerable persons, such as childcare centres.
- Proposing sensitive land uses that result in a significant population increase for residential or employment related uses (e.g., multi dwelling housing).

It is noted that the Gateway Determination was issued on the 25<sup>th</sup> July 2024 and the Ministerial Direction commenced on the 1<sup>st</sup> August 2024. Therefore no further consideration is required.

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

The Planning Proposal area will become the urban fringe once the Sooley Precinct's growth opportunity areas have been exhausted. Therefore it is important to consider its relationship with the existing urban area and how it will connect with future opportunity areas. The implementation of the Urban Release Area (URA) clause under Part 6, clause 6.2A(3) of the *GM LEP 2009* will assist in promoting orderly, cost effective and logical development, via controls stipulated within the *GM DCP 2009*.

For the part of 407 Crookwell Road that is outside *The Housing Strategy* mapped area, the extent of serviced low density residential land and large lot residential land is considered appropriate for the following reasons:

- The location of future low density residential land is clustered and is located amongst proposed public recreation spaces and drainage courses, encouraging their utilisation and ownership.
- The location of future large lot residential land is clustered and located along the western and northern boundaries of the land, alongside rural and conservation zoned land. This alleviates potential for land use conflict as this provides a transition and buffer between low density residential zoned land and the adjoining zoned land, and future large lot residential land to the north.
- Public spaces, and all public roads (including perimeter roads) will be embellished with landscaping, which further assists with buffering to alleviate potential amenity impacts to existing rural land and associated residences to the west and south. A potential reduction to the speed limit on Crookwell Road, will alleviate potential land use conflict to future residential lots that share a boundary with Crookwell Road.
- The large lot residential lots incorporating the larger 2 ha minimum lot size contain the high pressure gas pipeline easement within the land zoned R5. The Draft Sooley Precinct DCP will require the easement to be aligned along the boundary that adjoins land zoned the R2 zone. This will serve as a buffer to the adjoining future low density residential lots, where physical development will not be permitted.
- Utilising the entirety of 407 Crookwell Road means there is opportunity to create a future subdivision proposal that is well connected (to the northern part of the precinct), contiguous and reduces pressure and disturbance to Crookwell Road due to multiple access points.

The Mistful Park commercial centre has almost reached capacity, responding to the rapidly growing Marys Mount residential area. The *GM DCP 2009* currently contains provisions to facilitate a variety of services that residents would normally expect within this small commercial centre. An existing childcare centre, gym/commercial building, car wash and café are already built. A supermarket and medical centre are currently under construction and a site has been approved for a future service station.

The development of the Sooley Precinct growth opportunity areas will provide the impetus for the Mistful Park commercial precinct to mature further and provide important services within a close proximity and therefore encourage alternative and sustainable modes of travel.

Pedestrian and cycle connectivity is also required to be established to encourage sustainable modes of travel. Council's *Pedestrian Access and Mobility Plan (PAMP)* dated 9<sup>th</sup> April 2024 recommends a new shared path between the junction of Chinaman's Lane and Crookwell Road, along the western side of Crookwell Road to connect to existing infrastructure at Mary Martin Drive. This, in addition to a shared path at the site frontage in Chinaman's Lane and an internal shared path along the internal main thoroughfare, will ensure a well-connected urban area to the Mistful Park commercial precinct and the regionally significant Wollondilly Walking Track.

## **Section D- State and Commonwealth Interests**

### **3.10 Is there adequate public infrastructure for the planning proposal?**

The *Traffic Impact Assessment (Appendix 16)* indicates that Crookwell Road can accommodate additional demand from a future subdivision of the subject land.

Following review by TfNSW, no objection is offered, however the new intersection at Crookwell Road will be required to incorporate a Channelised Right (CHR) and Auxiliary left turn (AUL) turning treatment, subject to the lodgement of a concept design prior to public exhibition and following a favourable gateway determination. For the Chinaman's Lane intersection, Council's Operations team offer in principle support to the required additional intersection and further details are to be considered at the time a Development Application (DA) is submitted for a future subdivision.

TfNSW require the existing Chinaman's Lane and Crookwell Road intersection to be upgraded in accordance with Figure 3 to cater for additional traffic that will utilise this intersection, mostly as a result of land subject to this Planning Proposal. The upgrade of this intersection is identified in the *Goulburn Mulwaree Local Infrastructure Contributions Plan 2021* and it is expected that this work will be carried out by the developer via a works in kind agreement.

The intersection locations, minimum required intersection designs and order of construction will be included in the Urban Release Area (URA) provisions within the Draft Sooley Precinct DCP chapter. The URA map in the *GM LEP 2009* is being altered to include the subject land, to enable the application of clause 6.2A.

Council undertook early consultation with TfNSW in an effort to ensure TfNSW requirements are identified early in the Planning Proposal. The URA Policy will facilitate the efficient and orderly delivery of development, whilst also providing enough

flexibility to enable either the subject site or the site to the north to proceed independently (i.e. either 515 Crookwell Road or 407 and 457 Crookwell Road). Future subdivision development proposals will include the consideration of detailed intersection designs that will include consultation and concurrence with TfNSW.

The R2 Low density residential land and the R5 large lot residential land south of the high pressure gas transmission pipeline will be serviced by reticulated sewer and water. The portion of R5 zoned land north of the high pressure gas transmission pipeline will be unserved. Those future lots will be required to provide on-site waste water management systems as well as sufficient water supply storage to meet future residential property occupiers and for fire-fighting purposes.

Telecommunications and electricity infrastructure is available to the land, which provides opportunity for connection to future residential lots.

It is not considered that the proposal will require additional state or locally provided infrastructure.

### **3.11 What are the views of State and Commonwealth public authorities` consultation in accordance with the Gateway determination?**

The following State Government agencies were consulted during the agency consultation stage of the Planning Proposal and the sections of this report their advice is addressed in is indicated below:

- Department of Climate Change, Energy, the Environment and Water – Flooding and Biodiversity and Heritage- sections 3.3.7 and 3.6.4 respectively. No advice in relation to heritage was raised.
- Department of Climate Change, Energy, the Environment and Water – water licensing- section 3.6.13.
- NSW State Emergency Service- section 3.6.7.
- NSW Rural Fire Service- section 3.6.8.
- Transport for NSW- section 3.6.10.
- Department of Primary Industries and Regional Development (DPIRD)- Agriculture- section 3.6.13.
- Water NSW- section 3.6.6.

## **Part 4- Mapping**

The maps included within

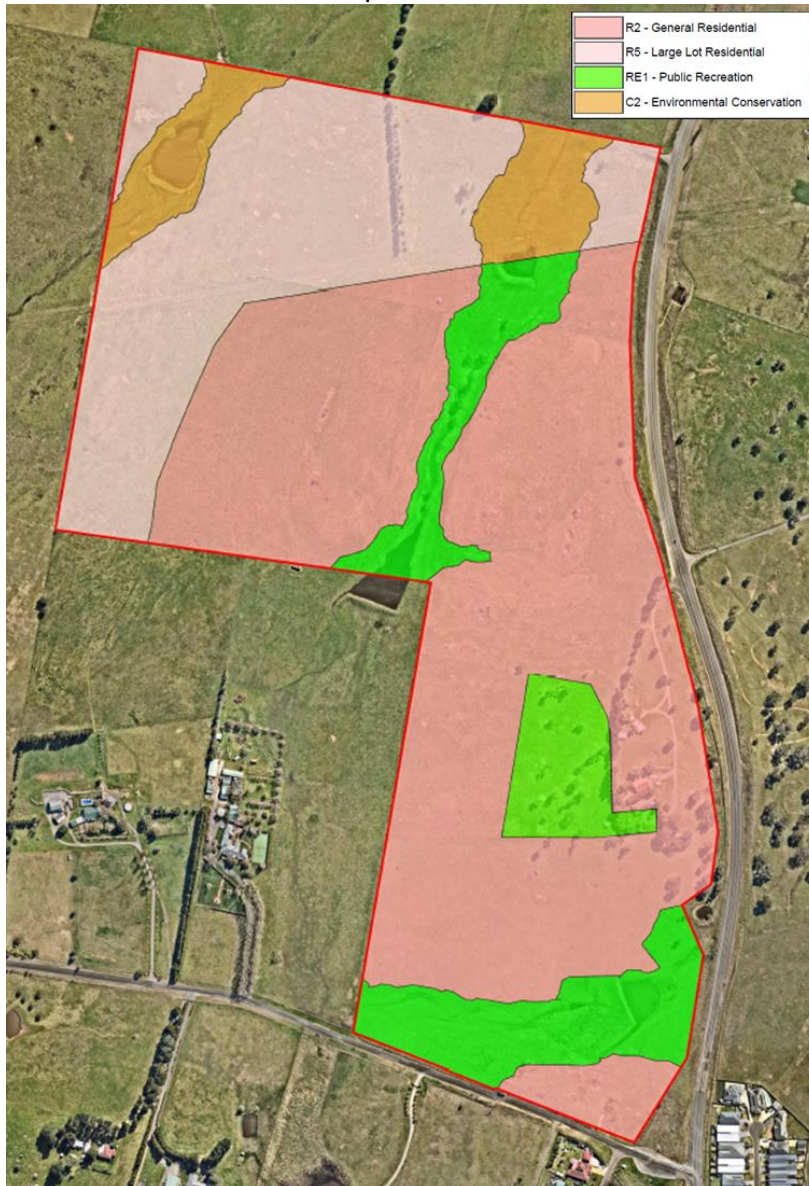


Figure 5, Figure 7 and Figure 9 depict the area to which this proposal relates and includes the proposed amendment from the RU6 Transition to R2 Low Density Residential and R5 Large Lot Residential (alongside the minimum lot size amendments) and RE1 Public Recreation and C2 Environmental Management, and the inclusion of the land subject of the Planning Proposal as an Urban Release Area (URA).

## Part 5- Community Consultation

As part of the Gateway assessment by the Planning Secretary, public exhibition of the proposal will occur for the prescribed period under the *Environmental Planning and Assessment Act 1979*. Furthermore, written notification will be provided to the landowner and adjoining landowners.



The proposal will be advertised in the prescribed manner under the gateway procedures.

## Part 6- Project Timeline

<b>Water NSW Pre Gateway Consultation</b>	March - May 2024
<b>Gateway Determination</b>	25 July 2024
<b>Timeframe for completion of technical studies</b>	No further studies identified at this stage*
<b>Timeframe for agency consultation</b>	January - February 2025
<b>Public Exhibition</b>	April-May 2025
<b>Public Hearing</b>	No hearing identified
<b>Consideration of submissions</b>	May- June 2025
<b>Date of submission of LEP to DPIE</b>	June 2025
<b>Anticipated date of plan made</b>	July 2025
<b>Anticipated date plan forwarded to DPIE for notification</b>	July 2025

## Part 7- Appendices

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

<b>Appendix 1</b>	Draft Sooley Precinct Development Control Plan (DCP)
<b>Appendix 2a</b>	Planning Proposal covering letter
<b>Appendix 2b</b>	Concept subdivision layout
<b>Appendix 2c</b>	Updated concept subdivision layout
<b>Appendix 3a</b>	Council report 18 <sup>th</sup> July 2023
<b>Appendix 3b</b>	Council resolution 18 <sup>th</sup> July 2023
<b>Appendix 4</b>	Concept subdivision layout 515 Crookwell Road
<b>Appendix 5a</b>	Bushfire Strategic Study
<b>Appendix 5b</b>	Bushfire Strategic Study Site Plan
<b>Appendix 6</b>	Aboriginal Cultural Heritage Assessment report
<b>Appendix 7</b>	Biophysical Strategic Agricultural Land Verification Assessment
<b>Appendix 8a</b>	Water Cycle Management Study
<b>Appendix 8b</b>	Updated Water Cycle Management Study
<b>Appendix 8c</b>	Effluent disposal- site and soil evaluation
<b>Appendix 9a</b>	Preliminary Biodiversity Development Assessment Report
<b>Appendix 9b</b>	Biodiversity Development Assessment Officer comments
<b>Appendix 10a</b>	Preliminary Site Investigation (PSI)
<b>Appendix 10b</b>	Detailed Site Investigation (DSI) 24 <sup>th</sup> November 2022
<b>Appendix 10c</b>	Remedial Action Plan
<b>Appendix 10d</b>	Supplementary report to DSI 4 <sup>th</sup> August 2023
<b>Appendix 10e</b>	Response to Council letter 1 <sup>st</sup> September 2023
<b>Appendix 10f</b>	Response to Council letter dated 20 <sup>th</sup> August 2024
<b>Appendix 10g</b>	Updated supplementary report to the DSI 6 <sup>th</sup> November 2024
<b>Appendix 11</b>	Water NSW Pre-gateway advice 10 <sup>th</sup> April 2024
<b>Appendix 12a</b>	Flood data – velocity and depth for 5% AEP
<b>Appendix 12b</b>	Flood data – velocity and depth for 1% AEP
<b>Appendix 12c</b>	Flood data – velocity and depth for PMF
<b>Appendix 12d</b>	Flood data- velocity and depth for 0.05% AEP
<b>Appendix 13a</b>	Flood data – velocity and depth for 5% AEP (Crookwell Road)
<b>Appendix 13b</b>	Flood data – velocity and depth for 1% AEP (Crookwell Road)
<b>Appendix 13c</b>	Flood data – velocity and depth for PMF (Crookwell Road)

<b>Appendix 13d</b>	Flood data – velocity and depth for 0.05% AEP (Crookwell Road)
<b>Appendix 14</b>	Flood Impact Risk Assessment (FIRA)
<b>Appendix 15a</b>	Localised Flood and Overland Flood Study
<b>Appendix 15b</b>	Updated Localised Flood and Overland Flow Study dated 10 December 2024
<b>Appendix 16</b>	Traffic Impact Assessment
<b>Appendix 17</b>	External Intersection Works- Strategic Design
<b>Appendix 18</b>	North Goulburn Planning Proposals- overland flooding affectation of roads
<b>Appendix 19a</b>	Agency consultation advice Water NSW
<b>Appendix 19b</b>	Agency consultation advice Water NSW- supplementary letter
<b>Appendix 20</b>	Agency consultation advice DCCEEW - CPHR
<b>Appendix 21</b>	Agency consultation advice NSW RFS
<b>Appendix 22</b>	Agency consultation advice TfNSW
<b>Appendix 23</b>	Agency consultation advice NSW DPIRD Agriculture
<b>Appendix 24</b>	Agency consultation advice DCCEEW – licensing and approvals
<b>Appendix 25</b>	Agency consultation advice NSW SES