

12.2 PLANNING PROPOSAL 745 CROOKWELL ROAD, KINGSDALE**Author:** Nick Thistleton, Strategic Planning Projects Officer**Authoriser:** Warwick Bennett, General Manager

Attachments: 1. **Planning Proposal 745 Crookwell Road**  

2. **RMS Response 745 Crookwell Road**  

Link to Community Strategic Plan:	<p>Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning.</p> <p>Strategy EC3 Support and foster conditions that enable local and small/home-based businesses to grow.</p> <p>Strategy EC4 Foster and develop a diverse, adaptive, and innovative agricultural industry.</p>
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

1. That the report from the Strategic Planning Projects Officer be received;
2. That Council resolve to revise Schedule 1 of the Goulburn Mulwaree Local Environmental Plan 2009 to permit the use of 745 Crookwell Road, Kingsdale (Lot 16 DP1069310) for the purpose of a *restaurant or café*.
3. That the planning proposal to amend Goulburn Mulwaree Local Environmental Plan 2009 as above be submitted to the Department of Planning and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*;
4. That the Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.

PURPOSE OF REPORT

The purpose of this report is to attain support for a planning proposal that seeks to amend Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009* to include a *restaurant or café* as an *Additional permitted use* at 745 Crookwell Road, Kingsdale (the subject site).

Should Council resolve to proceed according to the recommendation, the subject planning proposal would be forwarded to the Department of Planning and Environment (DPE) for a Gateway Determination.

BACKGROUND**Introduction**

Council received a request on 30 May 2018 to submit a planning proposal for 745 Crookwell Road to the Minister of NSW Planning and Environment for a gateway determination.

Site Details

The subject site is located next to Lake Sooley, approximately 15 minutes from Goulburn's CBD with the primary site access off the intersection between Marble Hill Road and Crookwell Road (Figure 1).



Figure 1: Subject site location

REPORT

Likely Impacts

The site currently has approvals to operate a winery and cellar door premises (DA/2003/0181) as well as holding up to five (5) events per year for 250-300 people (DA/0143/1112). However the E3 Environmental Management zone that applies to the land currently prohibits the land owner from developing a restaurant or café in conjunction with these existing uses.

Preliminary Advice from Government Agencies

The proponent provided Council with advice from Water NSW and the RMS as appendices to the planning proposal (Appendix 1).

Water NSW

The advice received from Water NSW indicated that the subject site was particularly sensitive due to its location immediately adjacent to Lake Sooley. However they offered no objection to the planning proposal and that any future development application must demonstrate a neutral or beneficial impact on water quality in accordance with the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. This will involve attaining the concurrence of Water NSW during the development assessment process.

These impacts will be assessed during the development assessment stage.

Revision of RMS Advice

The advice received from the RMS requested that the proponent prepare a detailed traffic study in order to attain support for this planning proposal. The proponent stated in their planning proposal that they believed this to be an onerous request given that no development works are proposed at this stage.

Strategic Planning was successful in getting the RMS to revise their original advice on 3 September 2018 because the RMS would still have the authority to request a traffic study during the development assessment process through the application of Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007* (Appendix 2).

The applicant may require the concurrence of the RMS in accordance with the *State Environmental Planning Policy (Infrastructure) 2007*. This would involve the preparation of a detailed traffic assessment to demonstrate the impacts of an increased traffic flow on the intersection between Crookwell Road and Marble Hill Road.

Other Legislative provisions

The planning proposal is required to demonstrate compliance with the section 117 Ministerial directions. These require the proponent to justify that the planning proposal will result in a positive environmental planning outcome. The subject planning proposal is generally consistent with these directions.

Council will also be able to control any impacts of a development application through consideration of the objectives of Zone E3 Environmental Management of the GM LEP 2009, various controls under the *Goulburn Mulwaree Development Control Plan 2009* and section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Any subsequent development application for the purpose of a *restaurant or cafe* on the subject site may result in greater traffic on the local intersection and have possible impacts upon water quality. However it is considered that the intensity of this type of development on the site will not result in over-development. If concerns are raised during the assessment of any development application, these two (2) issues can be adequately addressed through the submission of reports detailing the impacts and how the application addresses them during the development assessment process.

Conclusion

It is likely that this planning proposal will result in a net positive environmental planning outcome for the region as it will allow the possibility of developing an integrated winery, cellar door and restaurant or café business in the region. This kind of enterprise has been successful in attracting tourists to regional areas elsewhere in NSW and the rest of Australia.

It is considered that the planning proposal to add restaurants or cafes as an additional permitted use in Schedule 1 of the GM LEP 2009 at 745 Crookwell Road, Kingsdale (Lot 16 DP1069310) will result in a net positive environmental planning outcome. It is therefore recommended that Council resolve to endorse this planning proposal for submission to the Department of Planning and Environment for a gateway determination.



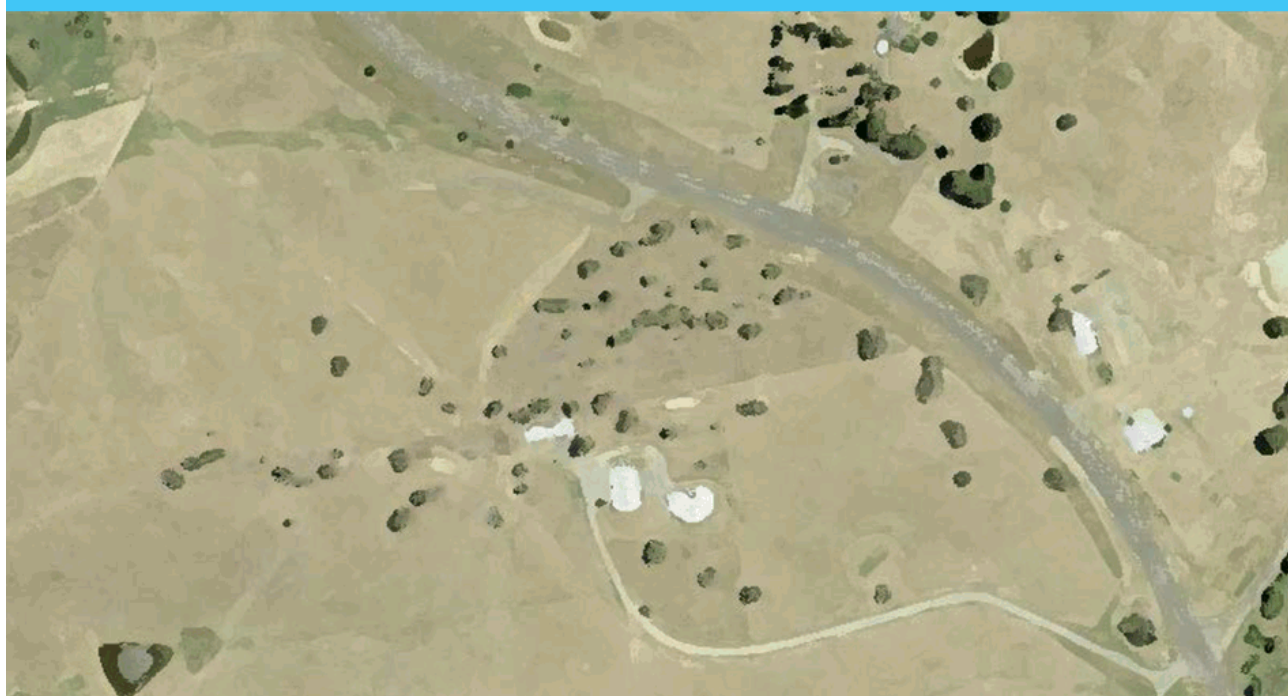
Planning Proposal

To amend Goulburn Mulwaree Council Local Environmental Plan 2009

745 Crookwell Road, Kingsdale

May 2018

Kingsdale Wines





Statement of Environmental Effects

Statement of Environmental Effects prepared by:

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Client and Land Details

Client: Kingsdale Wines
Subject Site: Lot 16, DP1069310
745 Crookwell Road, Kingsdale, NSW 2580
Proposal: Planning Proposal to amend Goulburn Mulwaree Council Local Environmental Plan 2009

Warwick Stimson MPiA CPP
Director



This report dated May 2018 is provided to 'the client' exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the report and upon the information provided by the client.

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1 Executive Summary

This Planning Proposal is submitted to Goulburn Mulwaree Council to request an amendment to *Goulburn Mulwaree Council Local Environmental Plan 2009* (LEP) to permit an additional land use at 745 Crookwell Road, Kingsdale, through an amendment to Schedule 1 of the LEP. It has been prepared by Stimson & Baker Planning on behalf of the owner, Kingsdale Wines.

The subject land 745 Crookwell Road, Kingsdale, which is legally described as Lot 16 DP1069310 and is approximately 37.46ha in area.

The subject land is currently zoned *E3 – Environmental Management* under the *Goulburn Mulwaree Council LEP 2009*.

The primary objective and intended outcome of the Planning Proposal is to amend the LEP to permit the development of a restaurant on the site, as an ancillary use to the existing approved land use activities. The owners currently operate an approved vineyard, producing and distributing wine. This includes a small existing building, adjoining the processing section of the vineyard, where wine tasting is offered. The owners have recently enquired with the Council as to their ability to utilise this existing space as a small restaurant and have been advised that such a use is prohibited in the zone. It is proposed to allow a restaurant on the site by amending *Schedule 1 – Additional Permitted Use* in the LEP, and by including an Additional Permitted Uses map as part of the LEP.

At this stage, the proposal is conceptual and so there are no specific architectural or fitout plans for the use. However, the owners wish to be able to accommodate a relatively small restaurant of some 30 seats. A future DA would provide further details on the components of the development, including kitchen details, on-site waste management and specific traffic impacts.

The Planning Proposal demonstrates that there is site specific planning merit and justified by addressing the relevant strategic documents, Net Community Benefit Test, the objectives and actions within the relevant regional and sub-regional strategies, the relevant State policies, Ministerial Directions and environmental impacts.

It is recommended that this Planning Proposal be endorsed by Goulburn Mulwaree Council and commence the Gateway process.



2 Introduction

This Planning Proposal is submitted to Goulburn Mulwaree Council to request an amendment to *Goulburn Mulwaree Local Environmental Plan 2009 (LEP)* to permit a restaurant on the subject site. It is proposed to facilitate this through an amendment to Schedule 1 of the LEP, and the addition of an Additional Permitted Uses map identifying the subject land.

This Planning Proposal has been prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the NSW Government's A Guide to Preparing Planning Proposals and A Guide to Preparing Local Environmental Plans.

In particular, this Planning Proposal addresses the following specific matters in the EP&A Act and guideline;

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
 - Need for the Planning Proposal;
 - Relationship to strategic planning framework;
 - Environmental, social and economic impact;
 - State and Commonwealth interests;
- Mapping;
- Community consultation; and
- Project timeline.

It is requested that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with Section 3.34 of the EP&A Act

3 The Site and Surrounds

3.1 The Site and Locality

The subject site known as 745 Crookwell Road, Kingsdale, which is legally described as Lot 16 DP4069310. The site is located on the southern side of Crookwell Road, some 8 km to the north-west of Goulburn. The Bumana Creek bounds the site to the south. The wider area is characterised by rural farming and agricultural uses. Lake Sooley is located to the south-west of the site and this forms part of the Sydney Water Catchment.



Figure 1 Site Context from Goulburn



Figure 2 Site cadastre overlay



Figure 3 Aerial of Subject Site



Figure 4 Subject Site and surrounding cadastre



3.2 Current Approvals for the Site

A number of consents have been produced by Goulburn Mulwaree Council as a result of a recent GIPA request for information, including:

- DA2003/0181/DA – Erection of a dwelling and winery.
- DA/0362/0607 – Two Directional Tourist Signs
- DA/0143/1112 – Five Annual Outdoor Entertainment Events
- DA/143/1112/DA Modification – Increase maximum patron number to 250-300 persons

We have obtained copies of the above consents if required.

3.3 Current Zoning

The *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* is the principle planning instrument applying to the subject land. The subject land is zoned *E3 – Environmental Management* under the LEP. The land use table for the E3 zone is quoted below:

Objectives of the zone:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of water catchment areas, environmentally sensitive land and areas of high conservation value.*

Permitted without consent:

Environmental protection works; Extensive agriculture; Home occupations

Permitted with consent:

Agriculture; Air strips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Farm buildings; Forestry; Home-based child care; Home businesses; Home industries; Information and education facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Rural workers' dwellings; Secondary dwellings; Signage; Stock and sale yards; Tourist and visitor accommodation; Water recycling facilities

Prohibited:

Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Rural industries; Seniors housing; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3



Figure 5 - LEP Zoning Map - E3



4 Part 1 – Objectives of the Planning Proposal

The intended outcome of the planning proposal is to permit the use of the site as a restaurant.

At this stage the proposal is conceptual, and details would be planned and provided in detail as part of a future Development Application.

4.1 Details of the Proposed Land Use

This Planning Proposal seeks an amendment to allow for a restaurant to be operated on the site in conjunction with other approved land uses. The definition within the LEP is as follows:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

Such uses are currently prohibited on the site.

Built Form

At this stage there are no plans for any physical works. Such works would be the subject of a future and separate Development Application.



5 Part 2 – Explanation of Provisions

The intended outcome of permitting a restaurant on the subject land will be achieved by amending Goulburn Mulwaree Local Environmental Plan 2009 by:

1. inserting into Schedule 1 – Additional Permitted Uses

Use of certain land at 745 Crookwell Road, Goulburn

- | | |
|-----|--|
| (1) | <i>This clause applies to part of the land at 745 Crookwell Road, Goulburn being Lot 16 DP4069310, as shown on the Additional Permitted Uses Map</i> |
| (2) | <i>Development for the purposes of restaurant or cafe is permitted with development consent.</i> |

It is noted that an *Additional Permitted Uses Map* will be added to the LEP to show the portion of the land to which this application relates.

6 Part 3 – Justification

6.1 Section A – Need for the Planning Proposal

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

No. The planning proposal is required to enable a form of development that will complement the existing land uses on the site, without any significant impacts on the locality.

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

Yes. There is no other mechanism that could facilitate this development. A planning proposal is required.

6.1.3 Is there a net community benefit?

In accordance with the *Draft Centres Policy* prepared by the *Department of Planning* (April 2009), where a proposal comes forward that is inconsistent with a permitted use in a zone, the Net Community Benefit Test should be applied as part of the Gateway process. This is outlined below:

Net Community Benefit Test Criteria	Proposed Development	Comply
Will the proposal be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The proposal does not compromise the agreed State and regional strategic directions. The planning proposal will facilitate a development that will complement the existing land uses on the site and contribute to the wider visitor and tourism economy of Goulburn and its surrounds.	✓
Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Whilst the site is outside of the regional city of Goulburn, the use is complementary to the existing activities on the site.	
Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?	No. This planning proposal is for a specific use complementing existing uses on the site. The site already has approvals in place for a winery and cellar door and a limited number of outdoor events throughout a year. Adding an additional permitted use on this site in the E3 zone is unlikely to undermine the objectives of the zone and is considered the most appropriate mechanism to deliver the outcome.	✓
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are currently no spot rezonings of this nature in this area of the LGA for additional permitted land uses, so there are no cumulative impacts expected.	✓
Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?	This proposal will not generate permanent job, rather part-time jobs. There will be no loss of employment lands as a result of the planning proposal.	✓
Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?	N/A	N/A



Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	There is good road infrastructure currently available to the site. Utilities are also already available that would enable the proposed use to operate. There is no public transport currently available to the site	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not re	✓
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No.	✓
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No. The land is currently used for agricultural purposes and has not been identified as having significant biodiversity. The land is located within the Sydney Water Catchment, and as such, matters relating to water quality can be addressed as part of a separate and future development application. WaterNSW have been consulted in relation to this proposal and those discussions are detailed later in this report.	✓
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will public domain improve?	The proposal will be compatible with the existing approved land uses on the site. No public domain impacts are expected.	✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will result in an additional eating outlet offering within the LGA.	✓
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No, the location of the subject site is quite isolated and any development beyond the site specific outcome would be considered unviable.	✓
What are the public interest reasons for preparing the proposal? What are the implications of not proceeding at that time?	It is unlikely there would be any negative public interest impacts. If the planning proposal did not proceed the owners would not be able to realise the full potential of their existing approved facility.	✓

The net community benefit of the Planning Proposal can be summarised as follows:

- Encourage employment opportunities on the site and additional economic activity.
- Serves the daily needs of the Goulburn area.
- Contributes to the tourism offering of Goulburn to visitors to the city and wider region.
- Complements an existing approved land use on the site.
- The proposal would not require any substantial upgrades of existing road infrastructure.
- Environmental constraints are not significant and would not be difficult to manage on site.



- The proposal will provide opportunities for employment and broader economic base of the region by providing uses that are currently under represented in the area at a level that they could be.



6.2 Section B – Relationship to Strategic Planning Framework

6.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The South East and Tablelands Regional Plan is a relevant consideration against this planning proposal. The Regional Plan is a strategic planning document that establishes the vision, goals and actions for the wider region. The proposal is not of a scale that would significantly impact on the objectives of the Plan being achieved.

6.2.2 Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?

There are no Council strategies that directly relate to the proposal.

6.2.3 Is the planning proposal consistent with the applicable state environmental planning policies?

The majority of the State Environmental Planning Policies (SEPPs) that are relevant to the Planning Proposal are better addressed at the detailed stage of a development application for the proposal. However, it is considered that the Planning Proposal is generally consistent with the relevant State Environmental Planning Policies as outlined below:

SEPP	Applicable	Comment
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	✓	The Planning Proposal does not affect the application of this SEPP. Future Development Applications would consider the provisions within this SEPP and any practice guides issued by WaterNSW.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓	Exempt and complying development under this SEPP will continue to apply
State Environmental Planning Policy (Infrastructure) 2007	✓	The Planning Proposal does not affect the application of this SEPP. The future DA will consider the SEPP.

6.2.4 Is the planning proposal consistent with applicable Ministerial directions?

The following ministerial directions are relevant to the Planning Proposal and addressed further below:

S9.1 Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones Applies to land within an existing or proposed business or industrial zone and seeks to retain areas of business and industrial activity and protect employment lands.	The Planning Proposal does not alter the current business land zonings in and around Goulburn. This Planning Proposal is for a specific outcome relating to an existing approved winery and cellar door. It is considered that the proposal is not inconsistent with this Direction
1.2 Rural Zones Aims to protect the agricultural production value of rural land.	The Planning Proposal will support promotion of the ongoing agricultural use of the property. The proposal will not result in a significant 'footprint' on the subject site and it is intended to provide a complementary offering to the existing site activities.
1.5 Rural Lands	The proposal will not limit the regional production of rural land.



Aims to protect the agricultural production of rural land.		It is considered that the proposal is not inconsistent with this Direction.
2. Environment and Heritage		
2.1	Environment Protection Zones	The planning proposal would not result in any development that would significantly affect the protection and conservation of environmentally sensitive areas. It is considered that the proposal is not inconsistent with this Direction.
5. Housing, Infrastructure and Urban Development		
5.2	Sydney Drinking Water Catchments	Pre-lodgement consultations have been undertaken with WaterNSW in respect of this proposal. Advice from WaterNSW concludes the proposal is low risk and details can be provided at the time of any Development Application demonstrating protection of the drinking water catchment.
6. Local Plan Making		
6.3	Site Specific Provisions This direction seeks to discourage unnecessary site restrictions and specific planning controls.	There are no additional development standards in planning provisions imposed as a result of the planning proposal. The future land use will not be inconsistent with the E3 zone objectives. The proposal is inconsistent with Clause 4(a) of this direction, however the inconsistency is considered to be of minor significance, given the minor nature of the proposal. Approval of the Secretary is recommended to satisfy this direction.

6.3 Section C – Environmental, Social and Economic Impact

6.3.1 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?

Highly unlikely. The subject site is nearly totally cleared and is currently used for agricultural purposes.

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

No. There are no changes to any provisions of the Goulburn Mulwaree LEP as it relates to environmental impacts. A detailed assessment of the potential impacts of the development proposal would be undertaken as part of a future Development Application.

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

There are no negative social or environmental impacts considered relevant for this proposed development.

6.4 Section D – State and Commonwealth Interests

6.4.1 Is there adequate public infrastructure for the Planning Proposal?

There is adequate public infrastructure in place already.



6.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Initial pre-lodgement discussions were held with officers from Goulburn Mulwaree Council in September 2017. Council advised that consultation should be undertaken with both WaterNSW and RMS prior to lodgement of the Planning Proposal. Correspondence was provided to those agencies in October and their responses are appended to this submission and discussed below.

6.4.2.1 WaterNSW Response

In summary, the WaterNSW response includes an assessment of the proposed use in the context of their spatial model – a Strategic Land & Water Capability Assessment (SLWCA). The SLWCA concludes that the proposal would pose a low risk. Further verbal discussions were undertaken with officers from WaterNSW and it was agreed that more detailed water quality impact assessments would be undertaken at the time of a Development Application for a proposal such as this one.

6.4.2.2 RMS Response

The RMS response requires a traffic impact assessment to be submitted however we respectfully suggest this would be an onerous requirement on the proponent at this stage. Matters relating to traffic access, egress and impacts have been considered extensively through the course of the various approvals that have been issued on the site.

Moreover, the RMS traffic generation rate for restaurants is not high at 5 trips per 100sqm GFA. In this instance, assuming 50sqm for up to 30 seats, the generation is only 2.5 trips. It is also noted that no development works are proposed as part of this submission.

The traffic generation of the proposal is extremely low and such detail would ordinarily be provided accompanying a Development Application.



7 Part 4 – Mapping

It is noted that the Goulburn Mulwaree LEP will require an Additional Permitted Uses map to be appended to the LEP as a result of this planning proposal. This map will identify the part of the site that is intended to allow the proposed development.



8 Part 5 – Community Consultation

This Planning Proposal will need to be subject to the statutory community consultation processes as required by any Gateway determination and the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

The Gateway will confirm the consultation requirements, however the preparation of a draft LEP amendment to enable a restaurant is consistent with the definition of a “low” impact Planning Proposal therefore requiring an exhibition period of 28 days.

The Planning Proposal will likely be notified in local newspapers that circulate the areas affected, Council’s website, in writing to adjoining landowners and public authorities. Details as to the Planning Proposal and how to make a submission will be included.

Supporting documentation should be included with the exhibited Planning Proposal as follows:

- The Gateway Determination
- Goulburn Mulwaree Local Environmental Plan 2009 (written instrument and maps)

Given the location of the site and in the context of the surrounding area and development this seems reasonable.

We look forward to responding to any feedback from the Council, public authorities and the community in relation to the planning proposal and expect that this section will be updated as the gateway process progresses, and the community consultation period concludes.



9 Project Timeline

It is expected that the Planning Proposal will be finalised within the following suggested project timeline:

Milestone	Timeframe
Council report endorsing the Planning Proposal for a Gateway Determination	June
Gateway Determination issued by the Minister for Planning and Environment	August
Public Exhibition period including consultation with public authorities	September/October
Assessment of the Planning Proposal and consideration of public submission	November
Council report of submissions and endorsing of Planning Proposal to be submitted to the Department to finalise the LEP.	December
LEP will be notified on legislation website	December

It is understood that these timeframes may differ as they are dependent on when the matter is reported to Council and when the Minister issues the Gateway Determination and other external factors such as Christmas Holiday periods.



10 Conclusion and Recommendation

The Planning Proposal is justified on the basis that an additional permitted use for a restaurant within the E3 zone is the best means in achieving the intended outcomes of the proposal and is suitable in this location. It meets all the relevant State, Regional and Local planning policies and is considered to be of minor significance in the context of these. Preliminary site investigations have revealed that any environmental impacts can be managed on the site and under a full and proper assessment of a Development Application.

The Planning Proposal has site specific planning merit and provides some benefit in using this particular site given the established approved land use activities.

It is recommended that this Planning Proposal be endorsed by Goulburn Mulwaree Council and request that the Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with the Environmental Planning and Assessment Act, 1979.



Appendix A

Authority Responses



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ABN 21 147 934 787

13 November 2017

Contact: Philip Carroll
Telephone: 1300 662 077
Our ref: D2017/132263

Stimson & Baker Planning
PO Box 1912
Penrith NSW 2751

Dear Mr Stimson

Subject: Proposed amendment to Goulburn Mulwaree LEP 2009

Reference is made to your correspondence dated 23 October 2017 seeking comment from WaterNSW to a proposed amendment to Goulburn Mulwaree Local Environmental Plan 2009, amend Schedule 1 to enable a restaurant to be a permissible use on Lot 16 DP1069310, 745 Crookwell Road Kingsdale (your ref: 17.086).

The site is located within the Sydney drinking water catchment and has a number of watercourses running through it which discharge into Lake Sooley, located at its southern boundary. Lake Sooley is a source of drinking water for Goulburn township. Given this sensitive location, a critical issue for WaterNSW when considering this planning proposal is the suitability of the site to accommodate the use and its potential water quality impacts.

Accordingly, the following requirements of section 117 of the *Environmental Planning & Assessment Act 1979* clause 5.2 will need to be addressed as part of the planning proposal:

- (4) *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, and*
 - (b) *future land use in the Sydney drinking water catchment should be matched to land water capability,*
- (5) *When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:*
 - (a) *ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and*
 - (b) *give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority,*

In respect to State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, the following matters will need to be responded to in the planning proposal:

- 3. *Aims of Policy*
The aims of this Policy are:

- (a) to provide for healthy water catchments that will deliver quality water while permitting development that is compatible with that goal, and*
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and*
- (c) To support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.*

A Strategic Land & Water Capability Assessment (SLWCA) is a spatial model that assesses the physical capability of natural features of land and waterways to identify appropriate types and intensities of landuse that will not adversely impact on water quality and catchment health. The spatial inputs include:

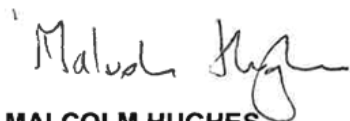
- slope
- soil erodibility
- soil permeability
- soil depth
- distance to watercourses
- vegetation coverage

It is noted the current uses of the site consist of a dwelling, winery (cellar door) and intensive plant viticulture (grape vines) which is classified as a commercial activity. Please find attached copies of the SLWCA maps for the subject site. The SLWCA Unsewered Map indicates that the likely location where the development would take place on the site (towards the road in proximity to existing development) poses a moderate risk. The SLWCA Retail Map, in the absence of having a specific map for restaurants indicates that the likely location where the development would take place on the site (towards the road in proximity to existing development) poses a low risk.

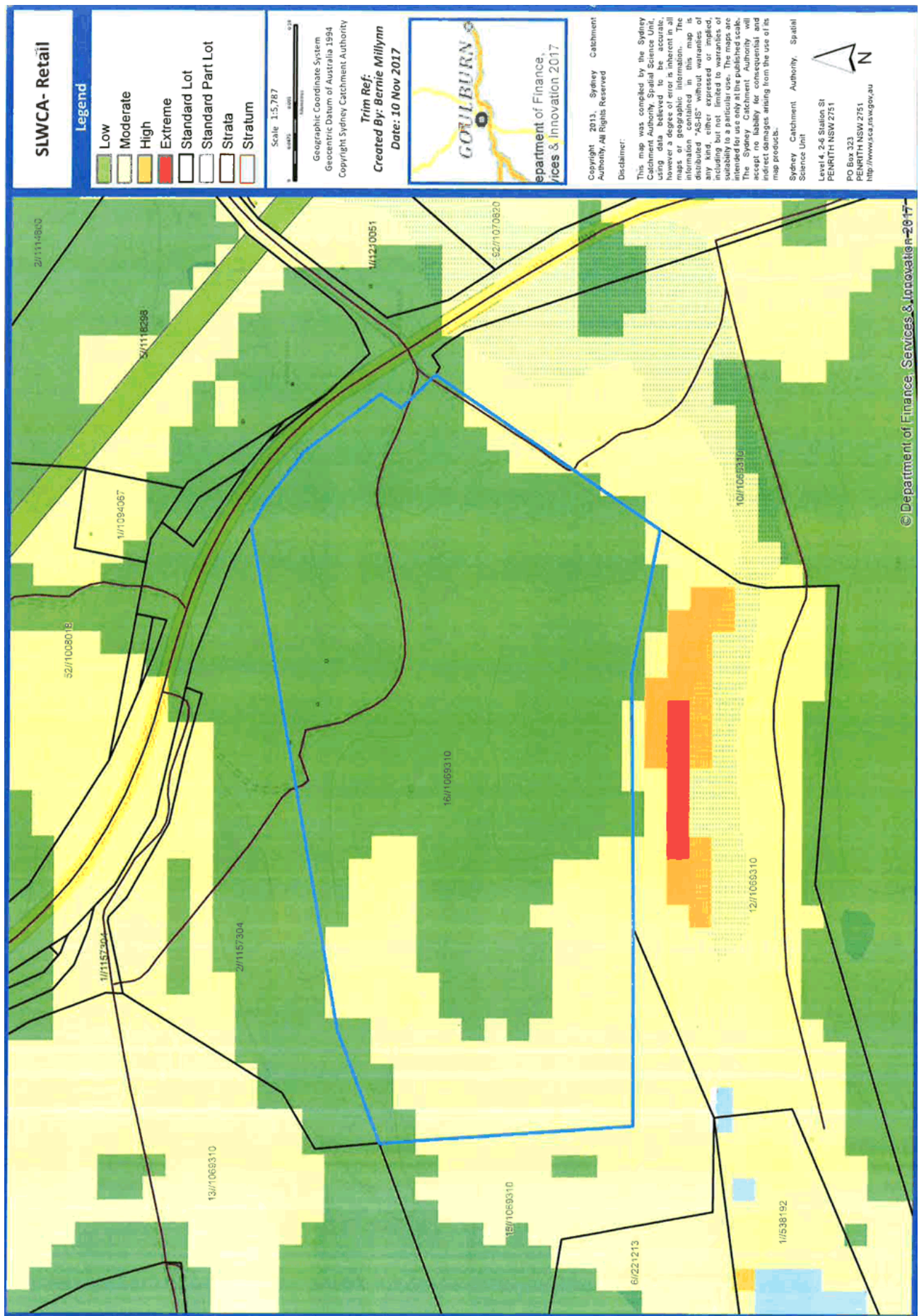
The SLWCA is broad scale and the information submitted in the planning proposal will need to include other environmental and planning data to more fully address all relevant issues, including NorBE (Neutral or Beneficial Effect). Additional information can also be sourced from WaterNSW's website on the requirements of this information www.watarnsw.com.au/water-quality/catchment/development.

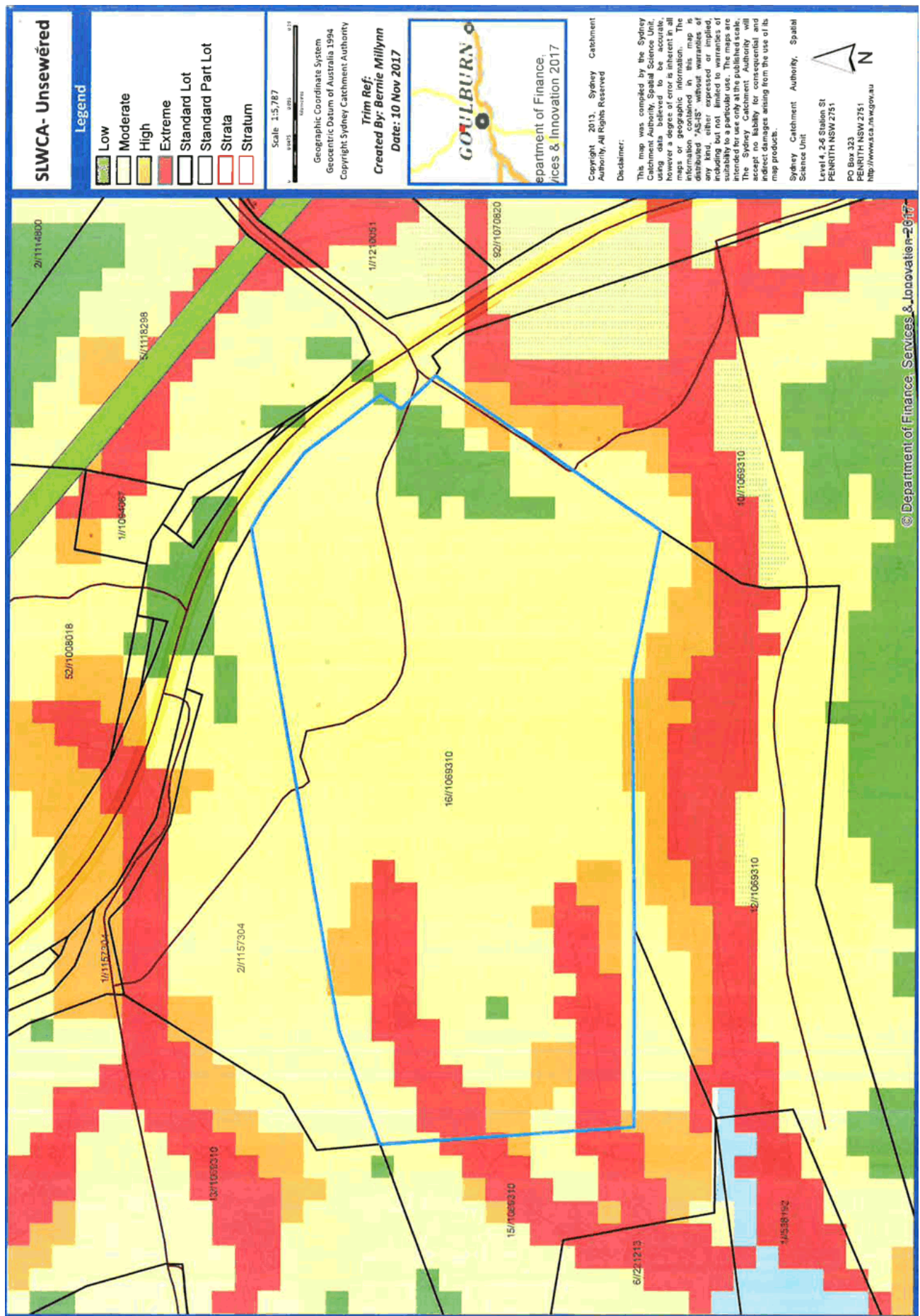
Thank you for the opportunity to comment. Should you require further information, please contact Philip Carroll Land Use Planning Adviser on 1300 662 077, or email environmental.assessments@watarnsw.com.au.

Yours sincerely



MALCOLM HUGHES
Manager Catchment Protection





Our Ref: STH07/01712/03
Contact: Kristian Pinochet 4221 2580
Your Ref:



Transport
Roads & Maritime
Services

3 November 2017

Rebecca Sherman
Stimson & Baker Planning
BY EMAIL: rebecca@stimsonandbaker.com.au

Attn: Warwick Stimson

**PLANNING PROPOSAL ADVICE - LOT 16 DP 1069310, 745 CROOKWELL ROAD,
KINGSDALE**

Dear Madam

Roads and Maritime Services (RMS) refers to your correspondence dated 23 October 2017 regarding the subject application.

RMS has reviewed the submitted information and offers the following comments for your consideration:

- RMS notes that the planning proposal to rezone the subject land may result in an increase in traffic generation.
- A traffic study is required to allow RMS to assess the traffic and safety implications relating to potential future development. Reference should be made to RMS Guide to Traffic Generating Developments (Version 2.2). This needs to include the following:
 - A scaled plan showing the existing and proposed future access arrangements.
 - Photographs from the existing and proposed future access location showing sight lines in either direction. RMS requires clarification of the sight distance available at the existing/proposed accesses. It should be noted that RMS requires sight distance to comply with the safe intersection sight distance in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections* Table 3.2, in both directions.
 - Existing and likely future traffic movements per day and in the AM and PM peak hours.
 - An assessment of the existing and potential future traffic volumes at the intersection with Crookwell Road. Any future development may warrant an access upgrade at Crookwell Road. The treatment type is to be determined based on the warrants for turn treatments outlined in *Austroads Guide to Road Design – Part 4: Intersections and Crossings* -

Roads & Maritime Services

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General Figure A 10: Warrants for turn treatments on the major road at unsignalised intersections.

- Existing and likely future parking arrangements.
- Existing and likely future servicing arrangements, including turning templates

Note: The plan would need to demonstrate that all vehicles need to be able to enter and exit the site in a forward direction.

- The traffic study needs to identify appropriate works to manage the traffic impacts and safety impacts associated with any potential future development.
- The traffic study needs to consider the environmental impacts of any works within the road reserve that form part of any future development. These impacts include traffic and road safety impacts as well as other impacts such as noise, heritage, socio-economic issues and biodiversity.

Please note that the above advice is based on the information provided by the proponent. RMS position is subject to change, dependant on the information provided in any future application.

If you have any questions please contact Kristian Pinochet on (02) 4221 2580.

Please ensure that any further email correspondence is sent to development.southern@rms.nsw.gov.au.

Yours faithfully



Chris Millet
Manager Land Use
Southern Region

Roads & Maritime Services

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Our ref: STH07/01712/04
Contact: Rachel Carocci 4221 2423

3 September 2018

Nick Thistleton
Goulburn Mulwaree Council
BY EMAIL: Nick.Thistleton@goulburn.nsw.gov.au
CC: council@goulburn.nsw.gov.au

PLANNING PROPOSAL ADVICE – LOT 16 DP 1069310, 745 CROOKWELL ROAD, KINGS DALE

Dear Nick,

Roads and Maritime Services (RMS) refers to your correspondence dated 17 August 2018 regarding the subject planning proposal.

RMS has completed an assessment of the development, based on the information provided and focussing on the impact to the State Road Network. For this development, the key state road is Crookwell Road.

RMS has reviewed the information submitted and reconsiders the need for a traffic study as part of the planning proposal.

RMS recognises that additional information will be required as part of any development application for the proposed restaurant or café. On this basis, RMS agrees the requirement for a traffic study can be deferred until this stage, should the planning proposal be successful.

Given the above, RMS does not object to the subject planning proposal in principle.

If you have any questions please contact Rachel Carocci on 4221 2423.

Please ensure that any further email correspondence is sent to development.southern@rms.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Chris Millet".

Chris Millet
Manager Land Use
Southern Region

rms.nsw.gov.au

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