



Goulburn Mulwaree Council
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5 November, 2020

Contact: Kate Wooll
Reference: REZ_0001_1718

Director General
NSW Department Planning, Industry and Environment
PO Box 5475
WOLLONGONG NSW 2520

Attention: George Curtis

Dear Sir/Madam,

**REQUEST FOR GATEWAY DETERMINATION FOR PLANNING PROPOSAL (GMC
Ref: REZ_0001_1718) – REZONE MISTFUL PARK, NO. 408 AND 412 CROOKWELL
ROAD, GOULBURN FROM E4 ENVIRONMENTAL LIVING TO R2 LOW DENSITY
RESIDENTIAL**

Goulburn Mulwaree Council resolved at its meeting of 15 September, 2020 to prepare a Planning Proposal to rezone "Mistful Park" being No. 408 and 412 Crookwell Road, Goulburn from E4 Environmental Living to R2 Low Density Residential under *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009*. The amendment is to include altering the minimum lot size provisions to reduce the minimum from 10ha to 700m².

On 21 July 2020, Council adopted the *Urban and Fringe Housing Strategy* which identified that this site may be suitable for urban residential housing in the short to medium term, given its proximity to existing urban development, but also identifies that the site has potential biodiversity constraints. Council considered a report on the Planning Proposal at its meeting of 15 September, 2020 and resolved (2020/357) that:

1. *The report from the Business Manager Strategic Planning regarding the Proposal to rezone Mistful Park (Lot 1 & 4 DP 1223269 and Lot 214 DP 1231260) be received.*
2. *Council resolve to prepare a Planning Proposal to amend Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP) 2009 which will:*
 - a) *Rezone land being Lot 1 & 4 DP 1223269 and Lot 214 DP 1231260 from E4 Environmental Living to R2 Low Density Residential under GM LEP 2009 and*
 - b) *Amend the minimum lot size map on the subject lands to 700m².*
3. *When the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the Department of Planning, Industry and Environment.*
4. *The proposed R2 Low Density Residential Zoning and 700m² minimum lot size are to be further assessed following the outcome of site specific investigations/studies identified in this report following a Gateway Determination, which in this case may significantly impact development yields. The Planning*

Proposal is to be updated prior to public exhibition following the outcome of various site specific assessments, in particular the Biodiversity Assessment Method and Biodiversity Assessment Report.

5. *The Department of Planning, Industry and Environment be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.*
6. *The Council fees for the processing of this Planning Proposal be applied at the rates applicable when the Planning Proposal was originally submitted in the 17/18 financial year.*

As identified in the *Urban and Fringe Housing Strategy* and Council reports dated 6 March, 2018 (this report deferred consideration of the Planning Proposal pending adoption of the Housing Strategy) and 15 September, 2020, the site is identified as having potential biodiversity constraints which will necessitate further assessment before determining overall capacity for urban residential development, zone boundaries and lots sizes. A copy of the relevant Council Reports is provided in **Attachment 1**.

The proponent has previously submitted a Flora and Fauna Study (**Attachment 3**) for the site which does not meet the standardised criteria for a Biodiversity Assessment Method under the *Biodiversity Conservation Act 2016*. The proponent is seeking a Gateway Determination prior to proceeding with a further biodiversity assessment. Council has supported this position as it is considered that by initially identifying the site as a whole for residential, a Biodiversity Assessment Method will also be undertaken over the whole site. This approach will provide a basis for further refinement of zoning, zone boundaries and minimum allotment sizes and therefore clarify actual residential capacity and yields.

Accordingly, Council is requesting that the NSW Department of Planning, Industry and Environment provide a gateway determination for this Planning Proposal (refer to the attached Planning Proposal document).

As noted in Part 5 of the Council resolution, Council is seeking delegation from the NSW Department of Planning, Industry and Environment to make – and determine not to make – the proposed LEP under section 3.36 of the *NSW Environmental Planning and Assessment Act, 1979*. The Council resolution only seeks delegation for the Council itself and does not specify that the delegation will extend to a specific officer (such as the General Manager or Director).

Should you have any questions, please do not hesitate to contact me on 02 4823 4408, or alternatively email Kate.Wooll@goulburn.nsw.gov.au.

Yours faithfully



Kate Wooll
Business Manager Strategic Planning