



Gateway determination report – PP-2022-1940 Crookwell Road, Kingsdale

August 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-1940

Subtitle:

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

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

Acknowledgment of Country

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

Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area	2
1.5	Mapping	3
2	Need for the planning proposal	5
3	Strategic assessment	5
3.1	South East and Tablelands Regional Plan 2036	5
3.2	Draft South East and Tablelands Regional Plan 2041	6
3.3	Local strategic plans	7
3.4	Section 9.1 Ministerial Directions	7
3.5	State environmental planning policies (SEPPs)	9
4	Site-specific assessment	10
4.1	Environmental	10
4.2	Social and economic	10
4.3	Infrastructure	11
5	Consultation	11
5.1	Community	11
5.2	Agencies	11
6	Timeframe	11
7	Local plan-making authority	12
8	Assessment summary	12
9	Recommendation	12

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Appendix 1 – Draft Sooley Precinct Development Control Chapter (DCP)
Appendix 3 – Council report September 2022
Appendix 6 – Bushfire Strategic Study

Appendix 7 – Archaeological Report

Appendix 8 – Water sensitive Urban Design report

Appendix 9a – Preliminary Biodiversity Development Assessment (May 2022)

Appendix 9c – Preliminary Biodiversity Development Assessment (March 2023)

Appendix 10 – Water Cycle Management Plan

Appendix 11a – Preliminary Site Investigation

Appendix 14 – Flood Impact Risk Assessment

Appendix 15 – Traffic Impact Assessment

Appendix 16 – Urban Fringe Housing Strategy – DPE endorsement

Appendix 17 – Pre-consultation advice from Department of Primary Industries and Regional Development

1 Planning proposal

1.1 Overview

LGA	Goulburn Mulwaree
PPA	Goulburn Mulwaree Council
NAME	515 Crookwell Road, Kingsdale (24 lots)
NUMBER	PP-2022-1940
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	515 Crookwell Road, Kingsdale
DESCRIPTION	Lots 103 and 104 DP1007433
RECEIVED	29/07/2024
FILE NO.	EF24/9812; IRF24/1733
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to enable the subdivision of the land for large lot residential development consistent with Council's *Urban Fringe and Housing Strategy*. The objectives of this proposal are clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	C3 Environmental Management	R5 Large Lot Residential C2 Environmental Conservation
Minimum lot size	100ha	2ha for R5 land & Nil for C2 land
Number of dwellings	1	24

The planning proposal will also identify the site as an Urban Release Area to trigger the provisions of clause 6.2A (3) – which requires the preparation of site specific DCP.

Council will place the Draft DCP (Appendix 1) on public exhibition with the planning proposal.

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

1.4 Site description and surrounding area

The subject land comprises two lots (parts of Lot 103 & 104 DP 1007433). The lots have a total area of 165ha and this proposal seeks to rezone approximately 53ha. The remaining land will retain its C3 Environmental Management zoning. The land is located 2km north of the Goulburn urban area (Figure 1). The adjoining land to the south is subject to a planning proposal (PP-2023-414) to rezone the land for residential development. A Gateway determination for this proposal was issued in July 2024.

The area proposed to be zoned R5 is identified in Council's *Urban Fringe and Housing Strategy* for large lot residential uses.

The site is generally cleared and used for grazing. There is a dwelling and agricultural buildings in the north eastern part of the land along Crookwell Road.

The land contains riparian areas and small areas of biodiversity which are proposed to be protected through C2 zonings; and through more detailed planning controls in the DCP.

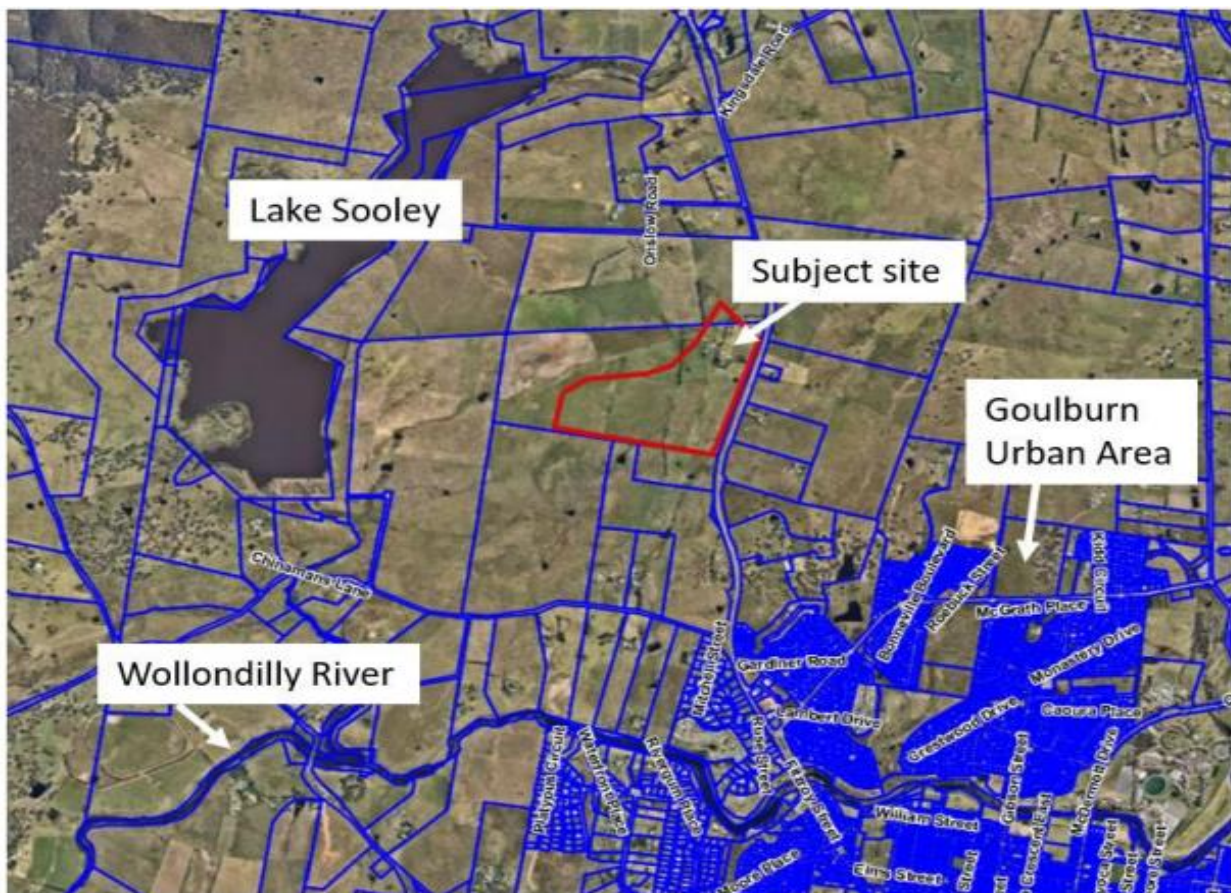


Figure 1 Location map (PP-2022-1940)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning, minimum lot size and urban release area maps, which are suitable for community consultation.



Figure 2 Current zoning map

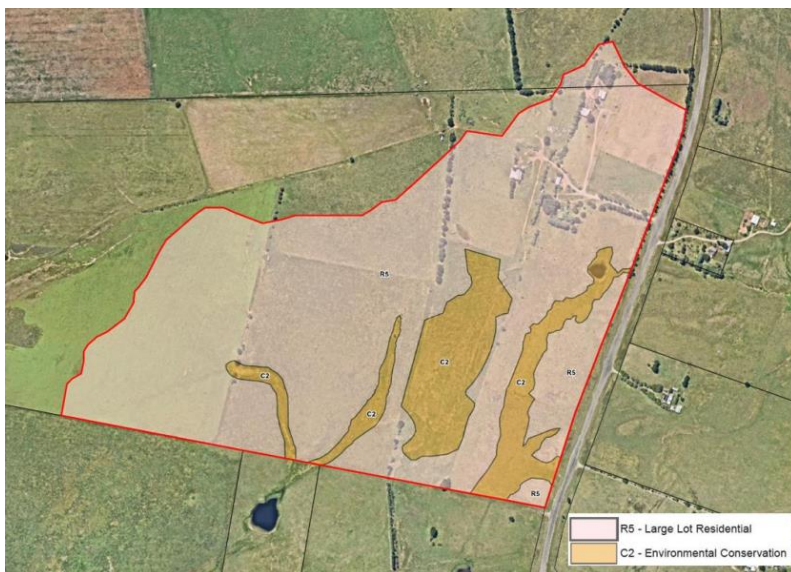


Figure 3 Proposed zoning

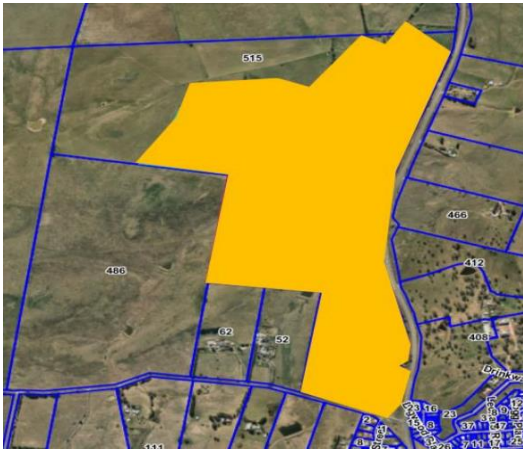


Figure 4 Proposed Urban Release Area (URA)



Figure 5 Current minimum lot size map

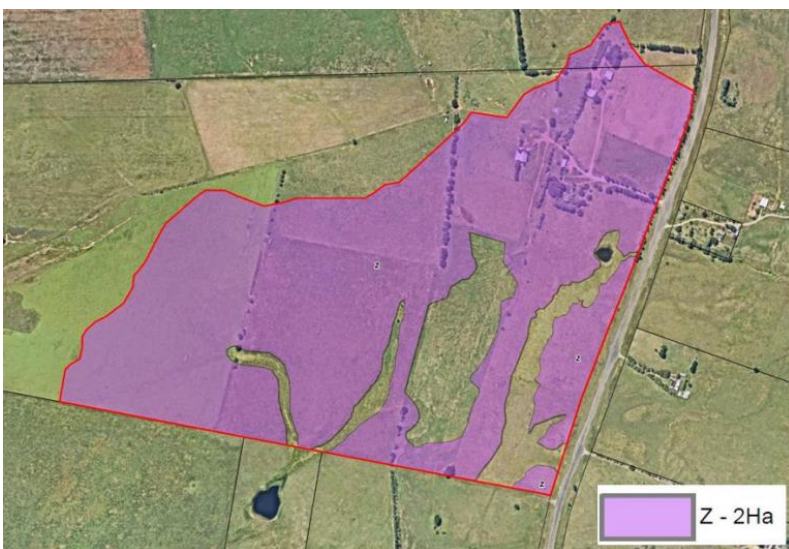


Figure 6 Proposed minimum lot size Background

2 Need for the planning proposal

The subject land is identified in Councils *Urban Fringe and Housing Strategy (UFHS)* for residential development. The planning proposal will rezone the land consistent with strategic planning for the area.

The Department endorsed Council's UFHS in 2020 but did not support the Strategy as it related to the northern part of the Sooley precinct (which includes the subject land). However, after further discussion with Council and agencies, and the consideration of additional information, the Department advised Council that it was supportive of the consideration of large lot residential on the subject land (Appendix 16)

The land is a logical extension to the urban footprint and a large lot housing outcome will provide a transition to environmental land to the north while protecting the environmental values of the unsewered land.

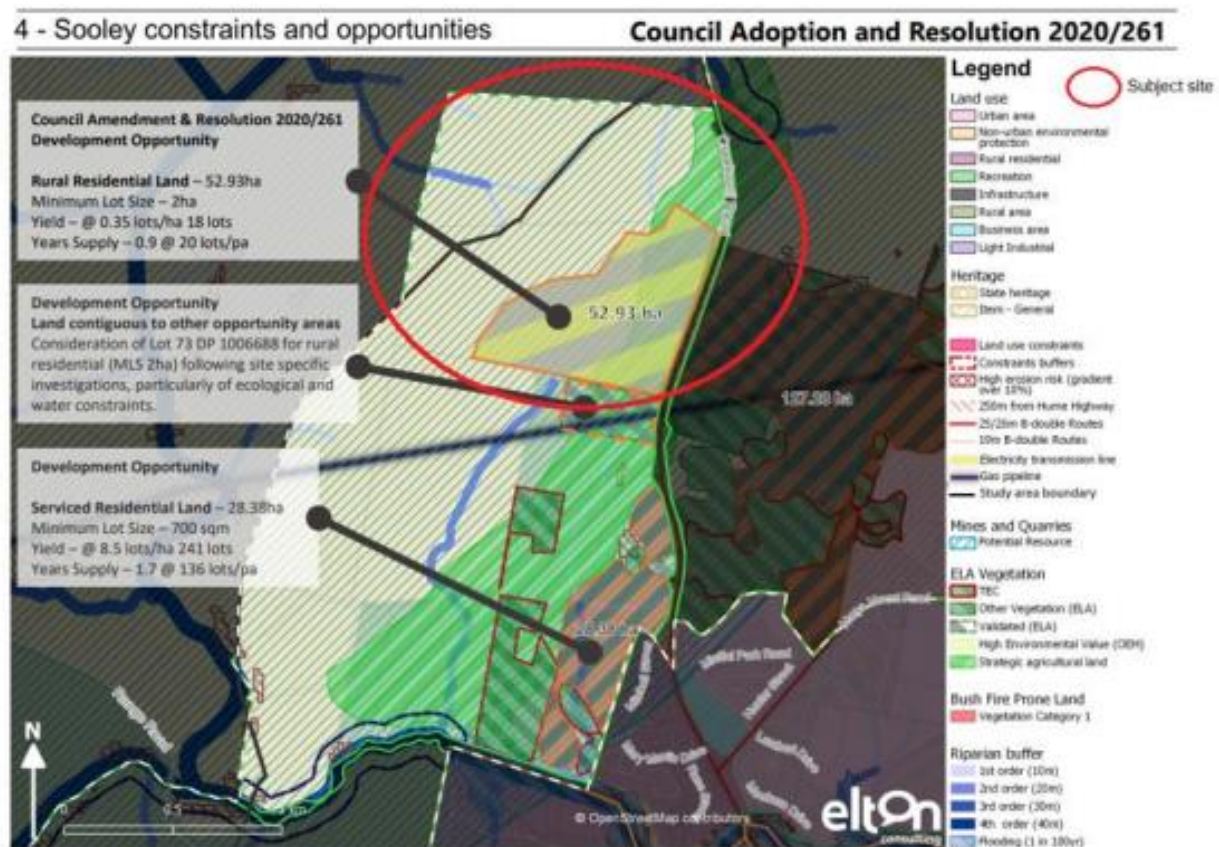


Figure 7 Extract from Urban and Fringe Housing Strategy

3 Strategic assessment

3.1 South East and Tablelands Regional Plan 2036

The proposal is generally consistent with the South East and Tablelands Regional Plan. The following table provides an assessment of the planning proposal against relevant Directions.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 8 – Protect Important Agricultural Land	Investigations in support of the planning proposal have considered whether Biophysical Strategic Agricultural Land (BSAL) will be impacted by the proposal. These investigations have found that the land is not BSAL. The proposal is not inconsistent with this Direction as it will locate development outside of significant agricultural areas. The Department sought advice from NSW Agriculture on the proposal as part of the Gateway assessment process. NSW Agriculture did not object to the proposal at this stage (Appendix 17).
Direction 14 – Protect important environmental assets	The planning proposal is supported by a preliminary Biodiversity Development Assessment Report (BDAR) (Appendix 9a & 9c). The proposal will protect and support areas of environmental significance by zoning these areas as C2 and through LEP and DCP planning controls.
Direction 16 – Protect the coast and increase resilience to natural hazards	The subject land is located within an area of medium bushfire risk and is also flood affected. Studies provided in support of the proposal have indicated that the land can accommodate large lot residential development (Appendices 6, 8, 9a, 9c, 10, 11a, 14). The planning proposal is consistent with this Direction as it will locate development away from known hazards and will ensure that future development is located outside of flood areas.
Direction 23 – Protect the region's heritage	The subject land does contain areas of Aboriginal Cultural heritage. The proponent has submitted an Aboriginal Cultural Heritage Assessment Report (Appendix 7) which identifies Aboriginal heritage areas and Potential Archaeological deposits (PADs). The proposal has been developed to avoid impacts on important Aboriginal heritage sites. The Sooley Precinct DCP will include controls relating to the protection of Aboriginal Heritage.
Direction 28 – Manage rural lifestyles	This Direction aims to manage rural residential development and ensure it occurs in appropriate locations. This planning proposal zones land for rural residential development. This use is identified in the UFHS and was endorsed by the Department. This land is located on the urban fringe and provides a transition to more rural areas.

3.2 Draft South East and Tablelands Regional Plan 2041

The planning proposal has not assessed consistency with the draft South East and Tablelands Regional Plan. It is recommended Council update the planning proposal to include an assessment of the draft Regional Plan prior to public exhibition.

The proposal is considered to be generally consistent with the draft South East and Tablelands Regional Plan as it will protect environmental values and provide housing for the community. Specifically, the proposal supports the following objectives:

- Objective 5: Protect important environmental assets
- Objective 17: Plan for a supply of housing in appropriate locations
- Objective 21: Provide efficient access to infrastructure and services

3.3 Local strategic plans

Council has identified that the proposal is consistent with the following plans and strategies:

- Goulburn Mulwaree Community Strategic Plan 2042
- Goulburn Mulwaree Urban and Fringe and Housing Strategy
- Goulburn Mulwaree Local Strategic Planning Statement (August 2020)

3.4 Section 9.1 Ministerial Directions

The planning proposal is generally consistent (or justifiably inconsistent) with relevant section 9.1 Directions.

Table 7 provides an assessment of the proposal against Directions of particular relevance.

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Inconsistency justified	<p>The aim of this direction is to protect and conserve environmentally sensitive areas. This direction notes that a planning proposal must not reduce the conservation standards applying to environmental land. This proposal will reduce the minimum lot size so the proposal is inconsistent with this direction.</p> <p>A proposal may be inconsistent with this direction if it is justified by a study or endorsed strategic planning.</p> <p>Studies submitted in support of the proposal identify that significant native vegetation will be protected through zoning and development controls (Appendices 9a and 9c).</p> <p>A Vegetation Management Plan will be required by Council through the DCP.</p> <p>The inconsistency with this direction is considered to be of minor significance as the most significant vegetation will be preserved. Consultation will be required with DEECCW to further assess impacts on biodiversity.</p>
3.2 Heritage Conservation	Yes	<p>The subject site has been identified as an area of potential Aboriginal significance in the Goulburn Mulwaree DCP. This proposal will zone areas of Aboriginal cultural heritage C2 to protect the sites from the impacts of residential development. Further protection will be included in the DCP.</p>
3.3 Sydney Drinking Water Catchment	Yes	<p>Studies provided in support of the proposal indicate that future development of the land is capable of achieving a neutral or beneficial effect on water quality (Appendix 8). Council undertook pre-Gateway consultation with Water NSW who did not object to the proposal.</p>
4.1 Flooding	To be determined – will need to be confirmed in consultation	<p>This direction states that a proposal must not rezone land within a flood planning area from rural to residential; and must not permit development in a floodway or increase the density of development in flood affected areas.</p> <p>The subject land is not subject to riverine flooding but is subject to overland flooding along existing drainage channels. The extent of the overland flood</p>

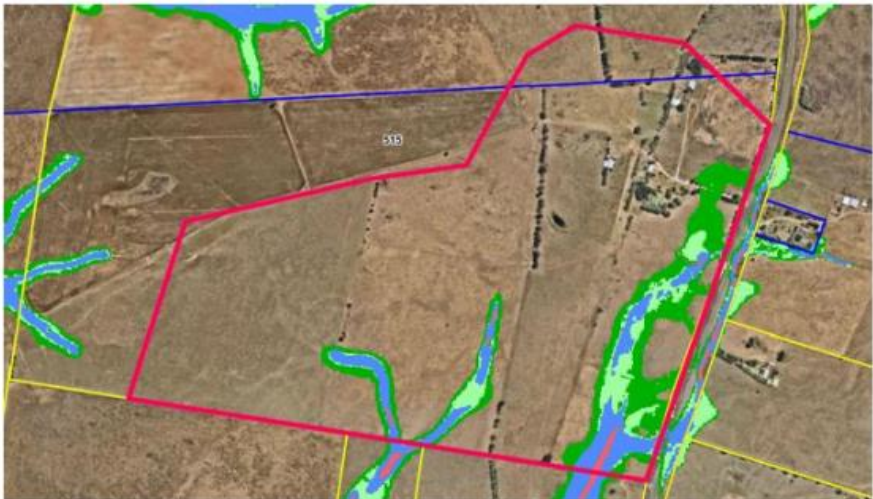
Directions	Consistent	Reasons for Consistency or Inconsistency										
	with DCCEEW	<p>area is approximately 10.5 hectares, relative to the land area of approximately 52.93 hectares subject of the Planning Proposal. There is sufficient residual area within the site to locate future residential and ancillary development and therefore not subject future occupants or assets to any flood risk.</p> <p>The proposal has been informed by flood planning information and policies. Flood prone land (up to the 1% AEP plus 0.5 metres) will be zoned C2 and will not be developed for housing. The aim is to ensure that housing and ancillary development will only occur on flood-free areas.</p> <p>A Flood Risk and Impact Assessment (Appendix 14) was prepared in support of the planning proposal demonstrates that future occupants will be able to safely and effectively evacuate during a significant flood event or will be able to safely shelter in place for short periods of time.</p> <p>Council will need to consult with DCCEEW on flooding if a Gateway determination is issued.</p> <div><table><tr><th>Category</th><th>Summary</th></tr><tr><td>FPCC1</td><td>FPCC1 identifies the most significantly constrained areas, with high hazard or significant flood flows present. Intensification of use in FPCC1 is generally very limited except where uses are compatible with flood function and hazard.</td></tr><tr><td>FPCC2</td><td>FPCC2 areas are the next least suitable for intensification of land use or development because of the effects of flooding on the land, and the consequences to any development and its users.</td></tr><tr><td>FPCC3</td><td>FPCC3 areas are suitable for most types of development. This is the area of the floodplain where more traditional flood-related development constraints, based on minimum floor and minimum fill levels, will apply.</td></tr><tr><td>FPCC4</td><td>FPCC4 is the area inundated by the PMF (extent of flood prone land) but outside FPCC1-3. Few flood-related development constraints would be applicable in this area for most development types. Constraints may apply to key community facilities and developments where there are significant consequences to the community if failed evacuations occur.</td></tr></table></div>	Category	Summary	FPCC1	FPCC1 identifies the most significantly constrained areas, with high hazard or significant flood flows present. Intensification of use in FPCC1 is generally very limited except where uses are compatible with flood function and hazard.	FPCC2	FPCC2 areas are the next least suitable for intensification of land use or development because of the effects of flooding on the land, and the consequences to any development and its users.	FPCC3	FPCC3 areas are suitable for most types of development. This is the area of the floodplain where more traditional flood-related development constraints, based on minimum floor and minimum fill levels, will apply.	FPCC4	FPCC4 is the area inundated by the PMF (extent of flood prone land) but outside FPCC1-3. Few flood-related development constraints would be applicable in this area for most development types. Constraints may apply to key community facilities and developments where there are significant consequences to the community if failed evacuations occur.
Category	Summary											
FPCC1	FPCC1 identifies the most significantly constrained areas, with high hazard or significant flood flows present. Intensification of use in FPCC1 is generally very limited except where uses are compatible with flood function and hazard.											
FPCC2	FPCC2 areas are the next least suitable for intensification of land use or development because of the effects of flooding on the land, and the consequences to any development and its users.											
FPCC3	FPCC3 areas are suitable for most types of development. This is the area of the floodplain where more traditional flood-related development constraints, based on minimum floor and minimum fill levels, will apply.											
FPCC4	FPCC4 is the area inundated by the PMF (extent of flood prone land) but outside FPCC1-3. Few flood-related development constraints would be applicable in this area for most development types. Constraints may apply to key community facilities and developments where there are significant consequences to the community if failed evacuations occur.											

Figure 8 Extent of Overland flooding

Figure 8 Extent of Overland flooding

Directions	Consistent	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	To be determined following consultation with NSW Rural Fire Service	The subject land is identified as a medium bushfire risk area (Appendix 6). The land adjoins the urban areas of Goulburn. Large lot residential lots will rely on on-site provision of water. This Direction requires consultation with the NSW Rural Fire Service after a Gateway determination has been issued.
6.1 Residential Zones	Yes	The aims of this direction are to support housing in the right location and make efficient use of infrastructure. This planning proposal will provide additional housing to meet demand. Large lot residential development has been strategically identified for the site and will provide a transition from residential development to the south and environmental land to the north of the site.
9.2 Rural Lands	Inconsistency justified	<p>This direction aims to protect the agricultural production value of rural or conservation land and minimise land use conflict. The direction requires that a planning proposal that affects rural or conservation land – including a proposal that will reduce the minimum lot size – must be consistent with strategic planning for the area and must consider BSAL areas, and various other considerations.</p> <p>This proposal has considered all the criteria required and the land has been identified as suitable for large lot housing through council's strategic planning and studies.</p> <p>The Department of Primary Industries and Regional Development has undertaken a preliminary review of the planning proposal and does not object to the proposal (Appendix 17). Further consultation with DPIRD will be required if the proposal proceeds.</p> <p>Therefore, the inconsistency with this direction is considered to be justified to be of minor significance as the Department advised that it was supportive of the consideration of large lot residential on the subject land.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with applicable SEPPs.

Table 8 provides an assessment of the proposal against SEPPs of particular relevance.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation SEPP	Part 6.5 Sydney Drinking Water Catchment	Yes	The subject land is located within the Sydney Drinking Water Catchment. The modelling indicates that development of the land for residential development can have a neutral or beneficial impact on water quality (Appendix 8). Flood prone

			land up to and including the 1%AEP plus 0.5m is proposed to be zoned C2. Future lots will have sufficient area to support water storage and effluent management.
Primary Production SEPP	The aims of the SEPP are, inter alia, to reduce land use conflict and sterilisation of rural land; protect state significant agricultural land	Yes	Part of the land is identified as BSAL on draft mapping however the land is considered to have little agricultural value and verification of BSAL on nearby land has found that the land is not BSAL. DPIRD has not objected to the proposal at the preliminary stage. The aims of the SEPP were considered through the Urban and Fringe Housing Strategy which found the land suitable for large lot residential development.
Resilience and Hazards SEPP	Chapter 4 – Remediation of Land.	Yes	Council required the proponent to prepare a Detailed Site Investigation (Appendices 11a – 11e). These investigations found that the site poses a minimal risk to human and environmental health. Soil analysis indicates that contaminants are within acceptable limits for residential land. The DCP will require contamination is considered for future DAs.

4 Site-specific assessment

4.1 Environmental

The subject land does contain environmentally significant native vegetation and potential habitat for the Southern Myotis Bat, a vulnerable species. Council has advised that areas with biodiversity value will be retained and protected through a combination of zoning, a vegetation management plan, covenants, and development controls.

The land is subject to overland flooding and the intention is that flood affected areas will be zoned C2 and will not be developed for housing. Areas of environmental and heritage significance will also fall within the C2 zoned areas.

4.2 Social and economic

The development of the subject land for housing (24 lots) will assist in meeting demand for rural residential housing in the area. The area will be mapped as an urban release area which requires that a site specific development control plan be prepared to promote the orderly and efficient staging of development.

4.3 Infrastructure

The Traffic Impact Assessment (Appendix 15) indicates that Crookwell Road can accommodate additional demand arising from the development of this land. Urban Release Area provisions will include a masterplan to ensure efficient staging and road infrastructure.

Future large lots will rely on on-site wastewater management and water storage.

Other services such as telecommunication and electricity will be available.

5 Consultation

5.1 Community

Council has not identified a specific consultation period, noting that this will be determined through the Gateway determination process.

An exhibition period of at least 20 working days is considered appropriate.

5.2 Agencies

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

Council has undertaken pre-Gateway consultation with Water NSW and Transport for NSW. Neither agency has objected to the proposal at this stage.

The Department sought advice from NSW Department of Primary Industries and Regional Development as part of the Gateway assessment process. DPIRD did not object to the proposal at this stage.

More formal consultation with the following agencies will be required – and they should be given 30 working days to comment:

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

6 Timeframe

Council proposes a 9 month time frame to complete the LEP. It is recommended that a period of 12 months be provided to ensure that the community and agencies have sufficient time to comment on the proposal.

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

The Department recommends an LEP completion date of 26 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is of local significance and consistent with strategic planning for the area, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- It is consistent with NSW Government and Council strategic planning for the area
- It will provide housing – including housing diversity in the form of large lot residential.
- The land is considered to be suitable for large lot residential development – with areas of environmental values or constraints to be zoned to prevent future development.
- The proposal will provide a transition between residential development and environmental land.

9 Recommendation

It is recommended the delegate of the Secretary:


- Agree that any inconsistency with section 9.1 Directions 3.1 Conservation Zones and 9.2 Rural Lands are justified in accordance with the terms of the Directions; and
- Note that the consistency with section 9.1 Directions 4.1 Flooding and 4.3 Planning for bushfire protection is unresolved and will be determined following consultation with DCCEE and NSW Rural Fire Service.

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

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

1. The planning proposal is updated to include an assessment of consistency with the draft South East and Tablelands Regional Plan 2041.
2. Prior to community consultation, consultation is required with the following public authorities:
 - NSW Rural Fire Service
3. Consultation is required with the following public authorities:
 - Department of Climate Change, Energy, the Environment and Water (Biodiversity, Flooding and Heritage)
 - Department of Primary Industries and Regional Development – Agriculture
 - NSW State Emergency Services
 - Water NSW
 - Sydney Water
 - Transport for NSW
 - Pejar Local Aboriginal Land Council
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

5. Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority and that an LEP completion date of 26 August 2025 be included on the Gateway.
6. The timeframe for the LEP to be completed is on or before 26 August 2025.



23/8/24

Graham Towers

Manager, Southern, Western and Macarthur Region



26/8/2024

Chantelle Chow

A/Director, Southern, Western and Macarthur Region

Assessment officer

Louise Myler

Planning Officer – Southern, Western and Macarthur Region

4247 1822