



IRF 23-2103

Gateway determination report – PP 2023-1584

Rezone 4273 Goulburn Road, Crookwell

August 23

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal 25 July 2023
Council Report Amend LSPS 17 February 2023
Council Report- Seek Gateway Determination

Relevant reports and plans

Upper Lachlan LSPS 2020

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Upper Lachlan Shire Council
PPA	Upper Lachlan Shire Council
NAME	4273 Goulburn Road, Crookwell.
NUMBER	PP-2023-1584
LEP TO BE AMENDED	Upper Lachlan LEP 2010
ADDRESS	4273 Goulburn Road Crookwell
DESCRIPTION	Part Lot 24 DP 1119250
RECEIVED	25/07/2023
FILE NO.	IRF23-2103
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:

- Rezone the land from RU1 Primary Production to R2 Low Density and R5 Large Lot Residential and amend the Minimum Lot size from 40 ha to 800m² and 2,000m² for Part Lot 24 DP 1119250 at 4273 Goulburn Road, Crookwell.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Upper Lachlan LEP 2010 per the changes in **Table 3**.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	R2 Low Density Residential and R5 Large Lot Residential.
Minimum lot size	40 hectares	800m2 for R2 and 2,000m2 for R5
Number of dwellings	1	170 potentially
Number of jobs	N/A	5

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

1.4 Site description and surrounding area

The subject site is 32.31 hectares in area and contains an existing dwelling. The site is mapped as important agricultural land, is currently used for grazing, and is located to the east of Crookwell. The site is adjacent to the Crookwell Golf Course and other local sport and recreation facilities. It is located on the Eastern Boundary of Crookwell. The site can be serviced by existing water and sewerage systems which would need to be augmented.

**Figure 1 Subject site (source NSW Planning Portal)**

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Upper Lachlan LEP zone and minimum lot size maps, which are suitable for community consultation.



Figure 2- Current Land Zone- RU1 Primary Production.

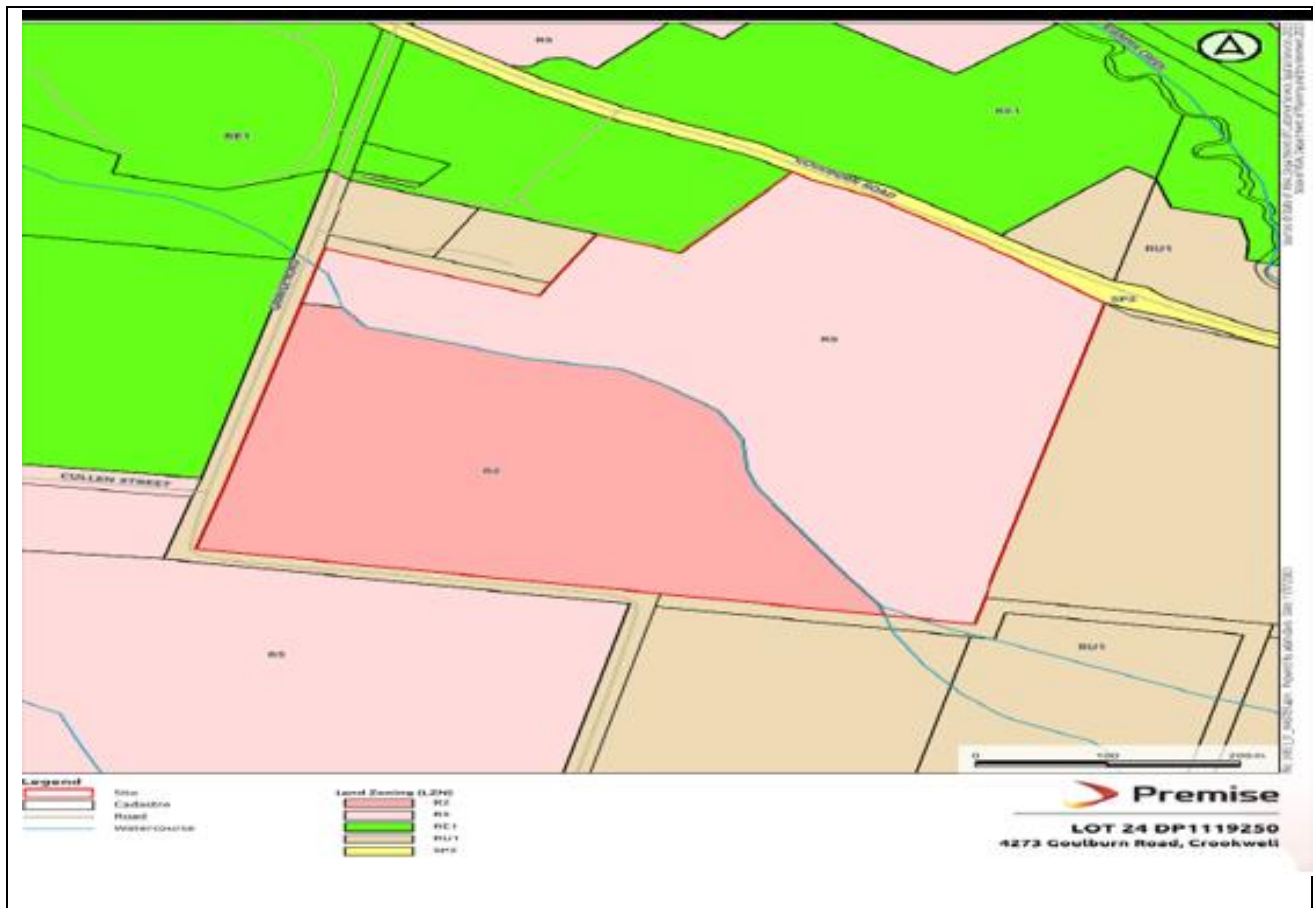


Figure 3- Proposed Land Zone - part R2 (800 m2 MLS), part R5 (2000m2 MLS)

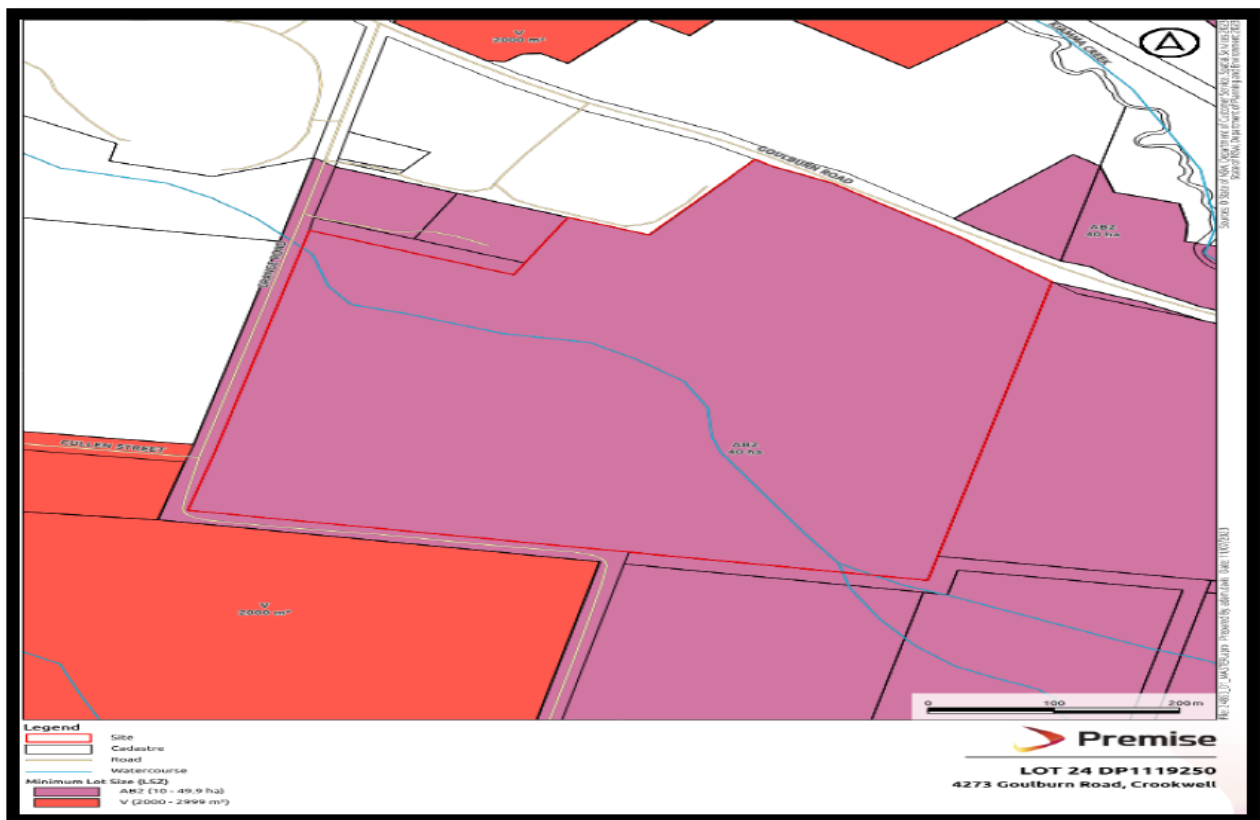


Figure 4- Current Minimum Lot Size- 40 hectares



Figure 5- Proposed Minimum Lot size - 800m2 & 2000m2.

1.6 Background

2 Need for the planning proposal

The Planning Proposal seeks to provide for an additional 170 dwellings, adjacent to the town of Crookwell and recreation areas. The site is located on the eastern road into Crookwell, which is the main service centre for the Upper Lachlan Shire. The Upper Lachlan Shire is close to the regional centre of Goulburn and Canberra.

The planning proposal is the only means of providing for the 170 proposed new dwellings. The site is well located being close to the town of Crookwell and recreation facilities.

The planning proposal is consistent with the Planning Principles and Priority 2 of the 2020 Upper Lachlan Local Strategic Planning Statement, and the updated LSPS, which was amended in 2022. It is also consistent with the Community Strategic Plan, and the South East and Tablelands Regional Plan 2036 and draft South East and Tablelands Regional Plan 2041.

3 Strategic assessment

3.1 Regional Plan

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

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Table 4 Regional Plan assessment

Regional Plan 2036 Objectives	Consistency/Inconsistency	Justification
Direction 8- Protect Important Agricultural Land	Inconsistent, planning proposal seeks to rezone agricultural land. .	Justified by the Local Strategic Plan Statement of 2020 and 2022 and the Upper Lachlan Community Plan 2016-2036.
Direction 12- Promote Business Opportunities	Consistent.	Additional residents will likely support existing businesses. The planning proposal will have a positive impact on the viability of local businesses due to an increase in the population of the town.
Direction 15 Enhance Biodiversity connections	Consistent	The planning proposal if it proceeds to a gateway includes reinstating native vegetation and landscaping on the site and along the riparian corridor that traverses the site. The site has no identified biodiversity and has been extensively grazed.
Direction 22- Build socially inclusive, safe and healthy communities	Consistent	Proposal includes connections across the site to recreation areas, with opportunity for active travel to the township.
Direction 24- Deliver greater Housing supply and choice	Consistent.	Provides for an additional 170 dwellings adjacent to the eastern boundary of Crookwell.

3.2 Local Strategic Plan 2040

The proposal is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives articulated in the LSPS and the Community Strategic Plan. It is also consistent with a Housing Strategy drafted in 2021, although this was never exhibited or adopted by Council. The Draft Housing Strategy is currently being reviewed by Council.

The Planning Proposal is consistent with the Local Strategic Planning Statement in respect to the need to increase the availability and diversity of new housing in the Upper Lachlan Shire. The sites identified in the original 2020 LSPS were amended in 2022 to include a number of new future residential areas. The Goulburn Road site is one of those locations identified as being suitable for future greenfield housing development.

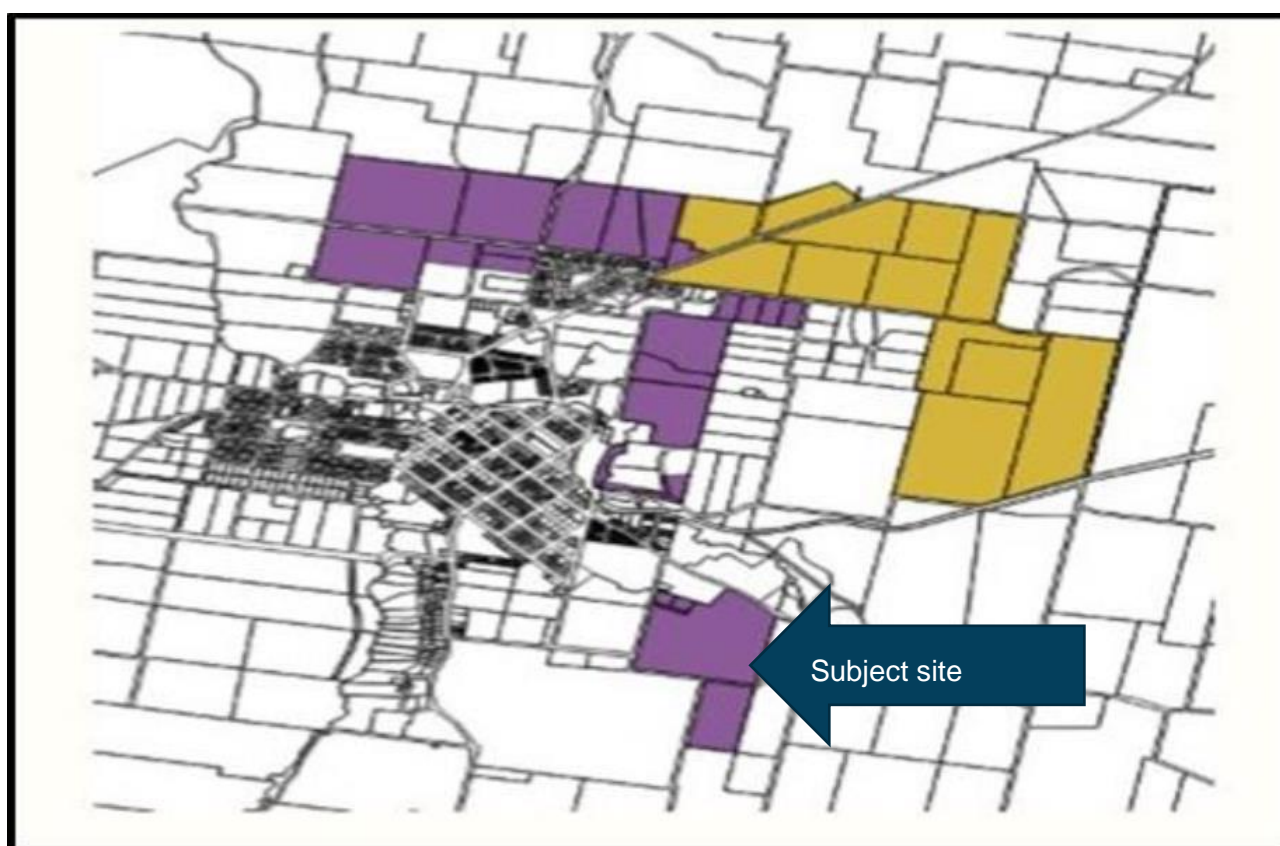


Figure 6- Sites added to the LSPS as amended in 2022 (in purple).

3.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Applies, Consistent.	Consistent with applicable Directions from regional plan – most notably Direction 24 – Deliver greater housing supply and choice.
1.3 Approval and Referral Requirements	Applies, Consistent.	Does not require additional approval or concurrence of the Minister or another Minister or Public Authority.
6.1 Residential Zones	Applies, Consistent	Provides additional dwellings close to town and has access to water and sewer connections.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
9.1 Rural Zones	Applies- Inconsistent	Justifiably inconsistent as the rezoning of rural land in this instance is supported by the LSPS 2022 (as amended) which identified the site as suitable for residential development. It is also considered that the proposal is of minor significance as the site has an area of 32 ha which is insignificant when considered against the total amount of land zoned rural.
9.2 Rural Lands	Applies- Inconsistent	Justifiably inconsistent, justified by the LSPS 2022 (as amended) which identified the site as suitable for residential development. It is also considered that the proposal is of minor significance as the site has an area of 32 ha which is insignificant when considered against the total amount of land zoned rural.

3.4 State environmental planning policies (SEPPs)

With the exception of Primary Production SEPP 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below. The inconsistency is justified by the LSPS as amended in 2022 and the South East and Tablelands Regional Plan which specifically identifies the need to increase housing available around existing towns.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation SEPP 2021	Chapter 3- Koala Habitation Chapter 6- water catchments	Consistent.	There are no known Koala habitats on the site. The site is not part of a Water Catchment area. The planning proposal if it proceeds to a gateway includes reinstating native vegetation and landscaping across the site and along the riparian corridor. A site inspection determined that there are no identified biodiversity or EECs on site as it has been extensively grazed.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Primary Production SEPP 2021	Chapter 2- Primary Production and rural development: To facilitate the economic and orderly use and development of lands for rural production; To reduce land use conflict; To identify State Significant land	No	The site is mapped as important agricultural land. The inconsistency to the SEPP is justified by the LSPS 2020 and the South East and Tablelands Regional Plan, which provide for future housing on areas adjacent to existing towns in the Upper Lachlan Shire.
Resilience and Hazards SEPP 2021	Chapter 4- Remediation of Land; Flooding	Consistent Inconsistent in respect to Hazards.	A site inspection was carried out in June 2022 – no obvious contamination was identified on the subject site. There are no known potential contaminating activities undertaken in the past on the site. Additional flood studies will be required through the Gateway.
Transport and Infrastructure SEPP 2021	Chapter 2 (b) providing flexibility in the location of infrastructure and facilities;(f) providing for consultation with relevant public authorities about certain development	Consistent	There are utilities available on the site and adjacent, and consultation with Transport for NSW and Council has commenced and will progress pending a Gateway determination. There have been discussions around the provision of roads, bikeways and footpaths on site.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Flooding, impact on existing dams on site connected to natural drainage path	While some investigations have been carried out, it is appropriate that the area identified as a riparian corridor, and which is a transition between the proposed R2 and R5 and changes in minimum lot sizes on the site should be the subject of further flood studies, to be undertaken prior to exhibition of the planning proposal. This study should also consider the impact of the existing dams on site as well as potential increases in flood impacts due to climate change.
Revegetation along drainage/riparian corridor	The planning proposal has identified that the riparian corridor will be revegetated with native species and portions of the site revegetated.

4.2 Social and economic

The following provides an assessment of the potential social and economic impacts associated with the proposal.

Social and economic impact assessment

- New dwellings adjacent to the eastern town boundary and local sport and recreation facilities will provide a more diverse housing mix.
- The potential for 170 new dwellings will encourage job growth in the building and trade sectors, along with more residents supporting local businesses and services and the local economy.
- More residents will support local retail, schools and other community facilities and provide Council with additional resources via developer contributions for improved local road and transport infrastructure.

4.3 Infrastructure

- The site has access to existing services, including water and sewerage infrastructure, electricity and the NBN.
- Council will negotiate with Transport for NSW and the proponent to ensure appropriate traffic management in and around the site and Goulburn Road.
- Crookwell also has schools, a local hospital, shops, and some recreation facilities.
- The site is well located to facilitate footpaths and bikeways into the town.
- There are existing good road connections between Crookwell, Goulburn and the ACT.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal identifies preliminary consultation has already occurred through the Scoping Study with Transport for NSW, and NSW Department of Planning and Environment, and the Department of Education.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Biodiversity and Conservation Agency of the Department of Planning and Environment
- Transport for NSW- additional clarification or issues around the subject site and State Road (Goulburn Road)

6 Timeframe

Council proposes a 18 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

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

As the planning proposal is largely consistent with local and regional strategies, 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:

- Provides for 170 new dwellings adjacent to the existing town of Crookwell, community and recreation facilities and will provide for a range of new housing while supporting local trades, businesses, community facilities and local schools.
- The planning proposal should be updated to:

Include all appendix documents in the body of the planning proposal to facilitate ease of access to this information during the community and agency consultation process.

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

- Any additional follow up consultation with Transport for NSW; and
- A Flood Impact Risk Assessment.

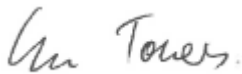
9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones, and 9.2 Rural Lands, are minor and justified.

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

1. The planning proposal is to be updated prior to community consultation to:
 - Include a Flood Impact Risk Assessment (FIRA);
2. Consultation is required with the following agencies/authorities:
 - Biodiversity and Conservation, Department of Planning and Environment on the FIRA;
 - The Local Aboriginal Lands Councils and local Knowledge holders.
 - Transport for NSW
3. The planning proposal should be made available for community consultation for a minimum of 20 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



28/8/23

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31/8/2023

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