



Gateway determination report – PP-2023-414 Crookwell Road, Kingsdale

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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	6
3.1	South East and Tablelands Regional Plan 2036	6
3.2	Local strategic plans	7
3.3	Section 9.1 Ministerial Directions.....	7
3.4	State environmental planning policies (SEPPs)	10
4	Site-specific assessment	11
4.1	Environmental.....	11
4.2	Social and economic.....	11
4.3	Infrastructure	11
5	Consultation.....	11
5.1	Community	11
5.2	Agencies.....	12
6	Timeframe.....	12
7	Local plan-making authority	12
8	Assessment summary	12
9	Recommendation.....	13

The following documents and studies were provided in support of the planning proposal:

Appendix 1	Draft Sooley Precinct Development Control Plan
Appendix 2a	Planning Proposal covering letter
Appendix 2b	Concept Subdivision Layout
Appendix 3a	Council report 18 th July 2023
Appendix 3b	Council resolution 18 th July 2023
Appendix 4	Concept subdivision layout 515 Crookwell Road
Appendix 5a	Bushfire Strategic Study
Appendix 5b	Bushfire Strategic Study Site Plan
Appendix 6	Aboriginal Cultural Heritage Assessment report
Appendix 7	Biophysical Strategic Agricultural Land Verification Assessment
Appendix 8a	Water Cycle Management Study
Appendix 8b	Effluent disposal- site and soil evaluation
Appendix 9a	Preliminary Biodiversity Development Assessment Report
Appendix 9b	Biodiversity Development Assessment Officer comments
Appendix 10a	Preliminary Site Investigation (PSI)
Appendix 10b	Detailed Site Investigation (DSI) 24 th November 2022
Appendix 10c	Remedial Action Plan
Appendix 10d	Supplementary report to DSI 4 th August 2023
Appendix 10e	Response to Council letter 1 st September 2023
Appendix 11	Water NSW Pre-gateway advice 10 th April 2024
Appendix 12a	Flood data – velocity and depth for 5% ARI
Appendix 12b	Flood data – velocity and depth for 1% ARI
Appendix 12c	Flood data – velocity and depth for PMF
Appendix 13a	Flood data – velocity and depth for 5% ARI (Crookwell Road)
Appendix 13b	Flood data – velocity and depth for 1% ARI (Crookwell Road)
Appendix 13c	Flood data – velocity and depth for PMF (Crookwell Road)
Appendix 14	Flood Impact Risk Assessment (FIRA)
Appendix 15	Localised Flood and Overland Flood Study
Appendix 16	Traffic Impact Assessment

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Goulburn Mulwaree
PPA	Goulburn Mulwaree Council
NAME	Crookwell Road Kingsdale (278 lots)
NUMBER	PP-2023-414
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	407 & 457 Crookwell Road, Kingsdale
DESCRIPTION	Lots 70, 73, & 77 DP 1006688
RECEIVED	24/05/2024
FILE NO.	IRF24/1309 & ERF24/6877
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 residential and large lot residential development. The objectives of this planning 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	RU6 Transition	R2 Low Density Residential R5 Large Lot Residential RE1 Public Recreation C2 Environmental Conservation

Minimum lot size	10 hectares	R2 – 700m2 R5 – 4000m2 & 2ha RE1 & C2 – Not applicable
Number of dwellings	5	278

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 a site specific DCP.

Council will place the draft DCP 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 three lots (Lot 70, 73 and 77 DP 1006688) with an area of 52.9ha. The land is located on the corner of Crookwell Road and Chinaman's Lane immediately north of the Goulburn urban area (Figure 1).

The site is generally cleared and used for grazing. There is a dwelling and agricultural buildings on the site along Crookwell Road (Figure 2).

The land contains riparian areas and small areas of biodiversity which are proposed to be protected through RE1 & C2 zonings; and through more detailed planning controls in the DCP.

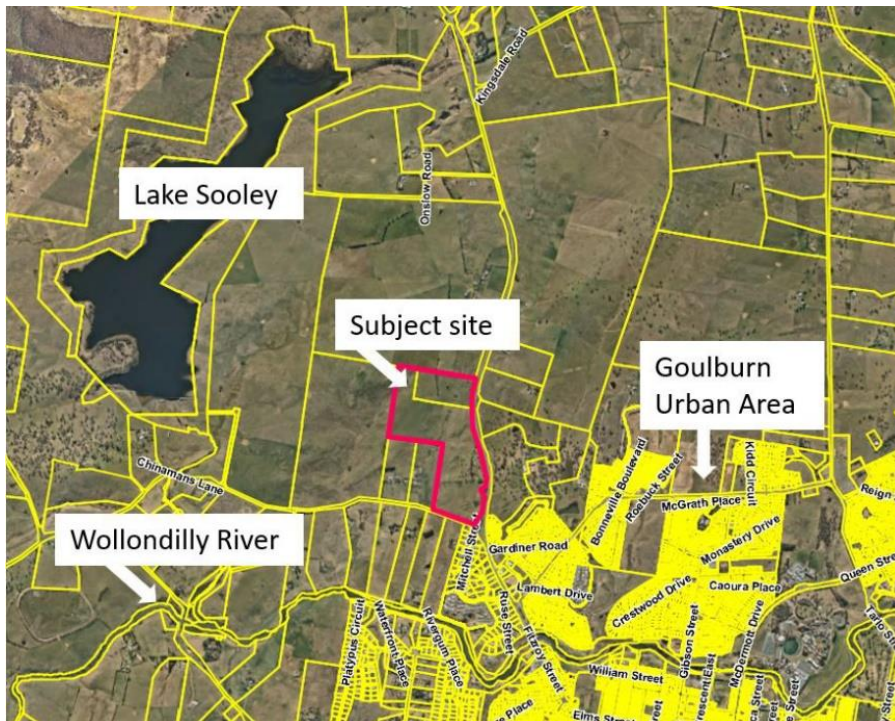


Figure 1 Location map (PP-2023-414)

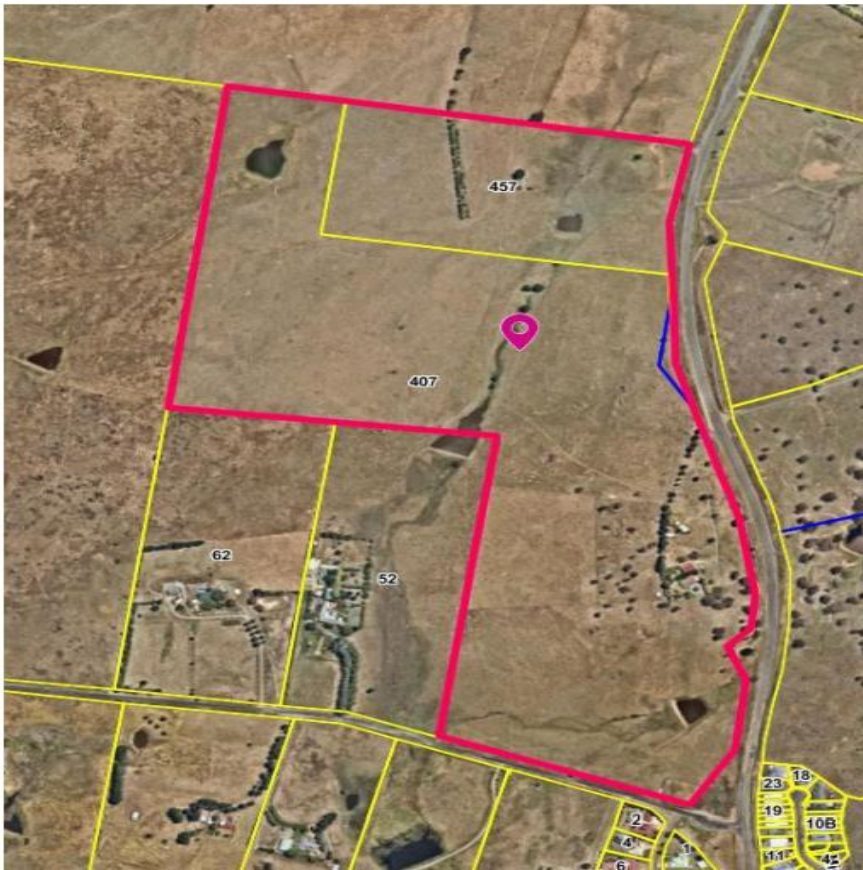


Figure 2 Subject land (Source: Nearmap)

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.

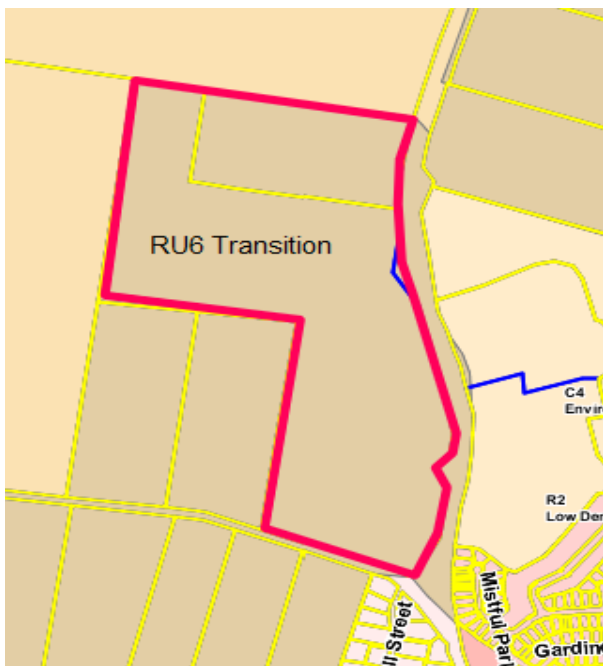


Figure 3 Current zoning map



Figure 4 Proposed zoning map

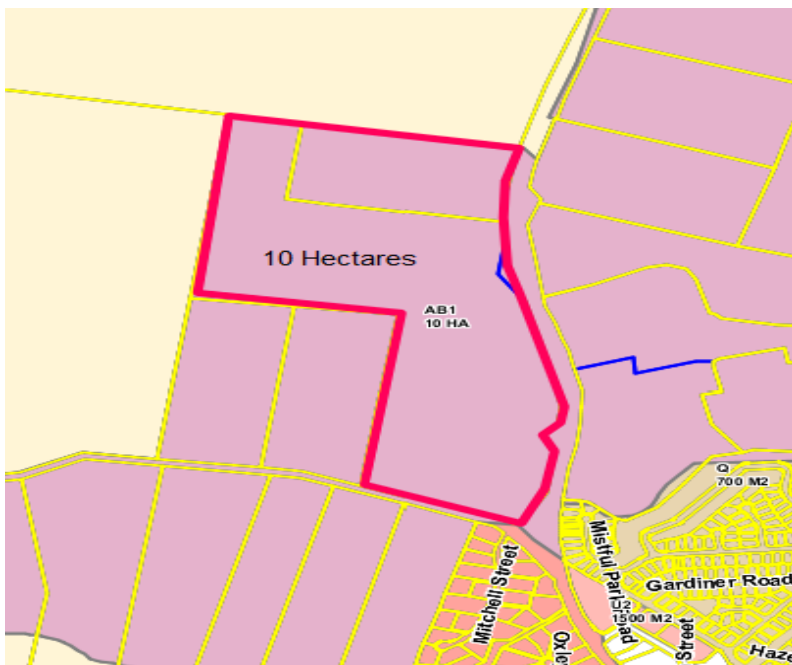


Figure 5 Current minimum lot size map

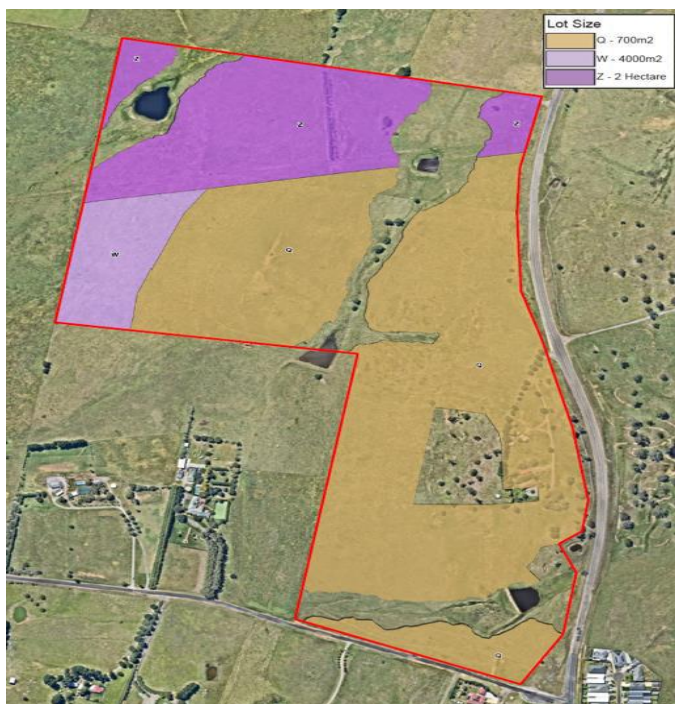


Figure 6 Proposed minimum lot size map

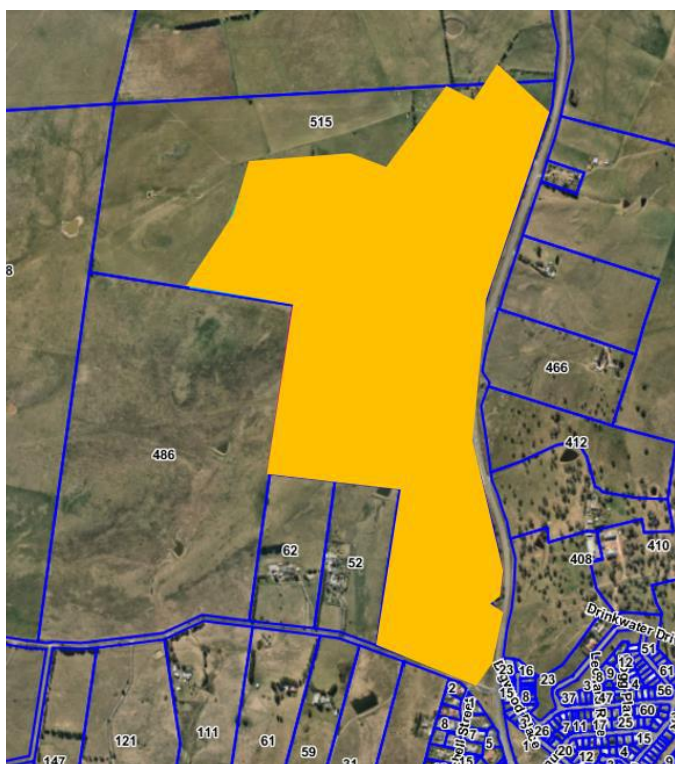


Figure 6 Proposed Urban Release Area (URA)

2 Need for the planning proposal

The majority of the subject land is identified in the Goulburn Mulwaree Housing Strategy for residential development. This planning proposal will rezone the land for housing consistent with strategic planning for the area. The land adjoins the Goulburn urban area and is a logical expansion of the urban footprint for housing supply.

4 - Sooley constraints and opportunities

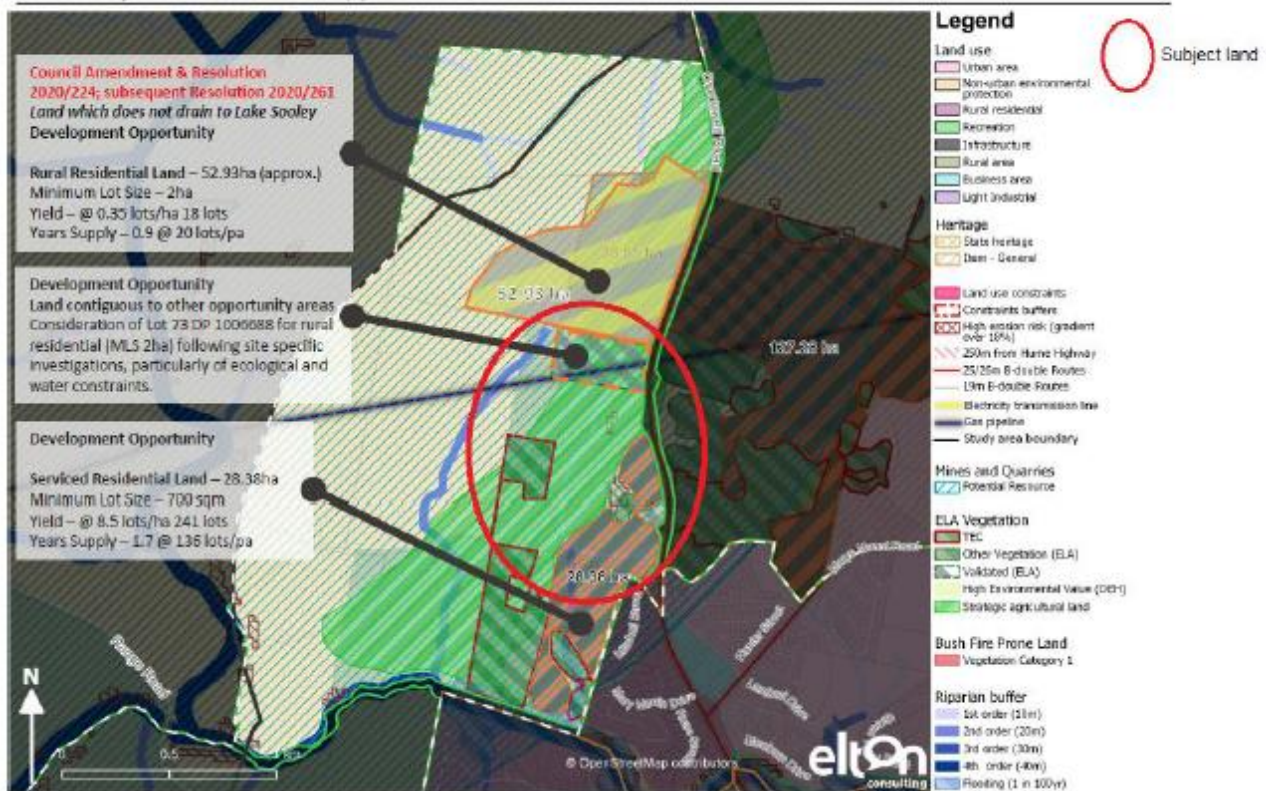


Figure 7 Extract from Urban and Fringe Housing Strategy

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.
Direction 14 – Protect important environmental assets	The planning proposal is supported by a preliminary Biodiversity Development Assessment Report (BDAR) (Appendix 9a). The proposal will protect and support areas of environmental or heritage significance by zoning these areas as RE1 or C2 and through LEP and DCP planning controls.

Regional Plan Objectives	Justification
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 low density and large lot residential development (Appendices 5a, 5b, 11, 12-15). 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 6). The proposal will protect heritage by zoning Aboriginal heritage site and Potential Archaeological Deposit (PAD) as RE1 to ensure it is not affected by residential development.
Direction 28 – Manage rural lifestyles	This Direction aims to manage rural residential development and ensure it occurs in appropriate locations. This planning proposal does zone some land for rural residential development. This land is located on the 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)

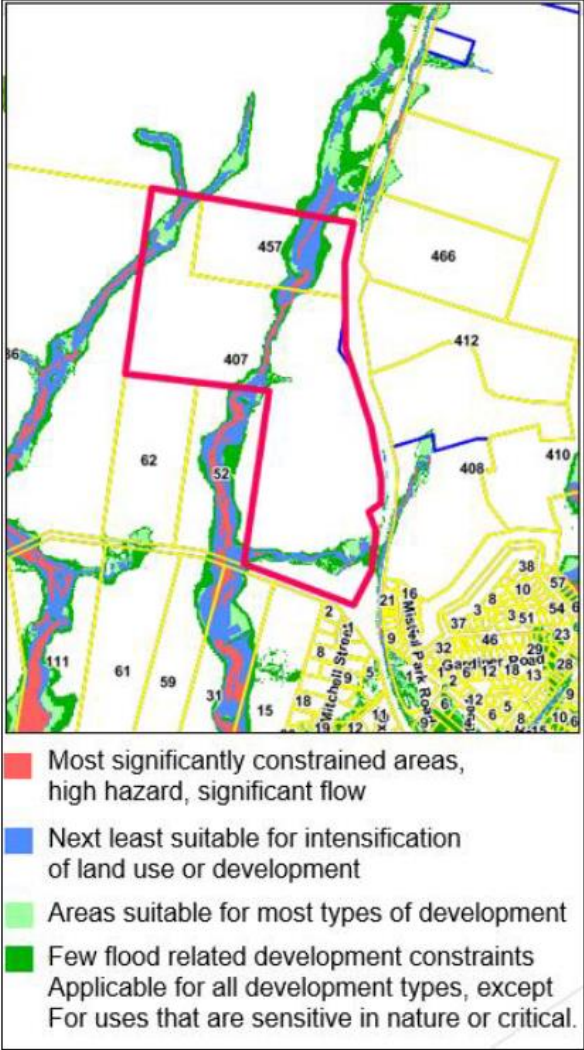
3.4 Section 9.1 Ministerial Directions.

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	Yes	<p>The aim of this direction is to protect and conserve environmentally sensitive areas. Studies submitted in support of the proposal identify that significant native vegetation will be protected through zoning and development controls (Appendix 9a). Areas of vegetation will be zoned RE1 or C2 and will not be zoned for residential development.</p> <p>A Vegetation Management Plan will be required by Council through the DCP.</p> <p>The Department of Climate Change, Energy, the Environment, and Water has undertaken a preliminary review and does not object to the proposal.</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 RE1 and C2 to protect the sites from the impacts of residential development.</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 (Appendices 8a & 8b). Council undertook pre-Gateway consultation with Water NSW who did not object to the proposal (Appendix 11).</p>
4.1 Flooding	To be determined – will need to be confirmed in consultation with DCCEEW	<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.</p> <p>The proposal has been informed by flood planning information and policies. Flood prone land (up to the PMF) will be zoned RE1 and 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.</p> <p>Council will need to consult with DCCEEW on flooding if a Gateway determination is issued.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
		 <p>Figure 8 Extent of Overland flooding</p>
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 (Appendices 5a & 5b). The land adjoins the urban areas of Goulburn and residential areas will be serviced by reticulated water. Five 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. The land will be an extension of the existing urban areas and is considered suitable for residential development.
9.1 Rural Zones	No – but justified	This direction aims to protect the agricultural production value of rural land. This proposal will rezone rural land for residential purposes and is therefore inconsistent with this direction. However, the land has been identified as suitable for housing through council's strategic

Directions	Consistent	Reasons for Consistency or Inconsistency
		planning, which has been endorsed by the Department, and studies prepared in support of the proposal. The proponent has undertaken studies which demonstrate that the land is not BSAL (Appendix 7).
9.2 Rural Lands	Yes	This direction aims to protect the agricultural production value of rural land and minimise land use conflict. The direction requires that a planning proposal that affects rural land – including a proposal that will reduce the minimum lot size on rural land – must be consistent with strategic planning for the area and must consider BSAL areas, and various other considerations. This proposal has considered all the criteria required and the land has been identified as suitable for housing through council's strategic planning and studies. The proponent has undertaken studies which demonstrate that the land is not BSAL (Appendix 7). The proposal is therefore considered to be consistent with this direction.

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 land does not drain into Sooley Dam and modelling indicates that the development of the land for residential development can have a neutral or beneficial impact on water quality. All flood prone land is proposed to be zoned RE1 and C2. Future lots within the site that will not be sewered 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 verification was undertaken which found the land is not BSAL (Appendix 7). The aims of the SEPP were considered through the Urban and Fringe Housing Strategy which found the land suitable for residential development.
Resilience and Hazards	Chapter 4 – Remediation of	Yes	Council required the proponent to prepare a Detailed Site Investigation and

SEPP	Land.	Remedial Action Plan (Appendices 10a, 10b & 10c). 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.
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4 Site-specific assessment

4.1 Environmental

The subject land does contain environmentally significant native vegetation and potential habitat. 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 all flood affected areas will be zoned RE1 or C2 and will not be developed for housing. Areas of environmental and heritage significance will fall within the RE1 and C2 zoned areas.

The Department of Climate Change, Energy, the Environment and Water has undertaken a preliminary review of the proposal and does not object to the proposal.

4.2 Social and economic

The development of the subject land for housing (278 lots) will assist in meeting demand for 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. Pedestrian and cycle options will be created to ensure the area has good connections to the town centre and other urban areas.

4.3 Infrastructure

Studies provided in support of the proposal indicate that Crookwell Road and the broader road network can accommodate additional demand generated from the development of this land. Transport for NSW has undertaken a preliminary review of the proposal and does not object to the use of the land for housing. TfNSW has provided advice on the need to minimise access points from Crookwell Road and future intersection upgrades.

The future R2 land and most of the R5 land will be serviced with reticulated water and sewer. There will be 5 future large lots to the north of the land 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 proposes a community consultation period of 20 working days.

The exhibition period proposed 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 DCCEEW, NSW SES and NSW Agriculture as part of the Gateway assessment process. These agencies 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 – 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 6 month time frame to complete the LEP. It is recommended that a period of 9 months be provided to avoid the need for extensions and to ensure that 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 a standard

The Department recommends an LEP completion date of 25 April 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 to boost supply.
- The land is considered to be suitable for residential development – with areas of environmental values or constraints to be zoned to prevent future development.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 9.1 Rural Zones is justified; and
- Note that the consistency with section 9.1 Directions 4.1 Flooding and 4.3 Planning for bushfire protection are 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 – Agriculture
 - NSW State Emergency Services
 - NSW Rural Fire Service
 - 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 25 April 2025 be included on the Gateway.
6. The timeframe for the LEP to be completed is on or before 25 April 2025.



4/7/2024

George Curtis

A/Manager, Southern, Western and Macarthur Region



25/7/2024

Chantelle Chow

A/Director, Southern, Western and Macarthur Region

Assessment officer

Louise Myler

A/Senior Planning Officer, Southern, Western and Macarthur Region

4247 1822