

16.2 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO 407 & 457 CROOKWELL ROAD KINGSDALE

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Aaron Johansson, Chief Executive Officer

Attachments:

1. Planning Proposal Form
2. Concept Subdivision Design
3. Urban and Fringe Housing Strategy Sooley Precinct

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
Address:	Lot 70, 73 & 77 DP 1006688, 407 & 457 Crookwell Road Kingsdale

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. Council prepare a Planning Proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to rezone Lot 70, 73 & 77 DP 1006688 from RU6 Transition to R5 Large Lot Residential, R2 Low Density Residential, part C2 Environmental Conservation and RE1 Public Recreation, and to amend the minimum lot size from 10 hectares to 700m² (for the proposed R2 zone), and 4,000m² and 2 hectares (for the proposed R5 zone), with the C2 and RE1 zone having no minimum lot size.
3. Council amend the Goulburn Mulwaree Local Environmental Plan 2009 to include Lot 70, 73 & 77 DP 1006688, 407 & 457 Crookwell Road Kingsdale as an Urban Release Area (URA).
4. The development proponent is required to submit to Council, the following additional information, prior to the Planning Proposal being submitted to the Department of Planning and Environment for a gateway determination:
 - a. An updated Detailed Site Investigation (DSI) that further considers and evaluates the likelihood of contamination on the land, and makes conclusions and recommendations as to whether or not the site is capable of accommodating future residential uses.
 - b. An amended Water Cycle Management Study to address the requirement for unserviced future Large Lot Residential zoned land as applicable.
 - c. An amended Traffic and Parking Assessment report to address the requirements of Transport for NSW.
 - d. An amended Strategic Bushfire Study to address the impacts of potential road alterations to reflect an updated concept plan for road/access and staging and limitation of reticulated water servicing to south of the High Pressure Gas Pipeline.
 - e. A revised concept layout and staging plan that addresses the concerns raised by Transport for NSW, relating to limiting new access points to Crookwell Road and providing internal road connections between this Planning Proposal and the Planning Proposal to the north (515 Crookwell Road, Kingsdale). The revised concept layout shall also incorporate revisions required because of the need to achieve compliance with Ministerial Directions relating to bushfire protection and water quality.

5. The Planning Proposal is to be forwarded to the NSW Department of Planning and Environment for a gateway determination, with further community and government consultation undertaken in accordance with the directions of the gateway determination.
6. Council requests that the NSW Department of Planning and Environment make Council the delegated plan making authority for this Planning Proposal.
7. Council prepares a Precinct specific Chapter to the Goulburn Mulwaree Development Control Plan 2009 for the Sooley Precinct and place it on public exhibition with the Planning Proposal for a minimum of 28 days.
8. Council amends the Goulburn Mulwaree Development Control Plan (DCP) 2009 to include Urban Release Area (URA) provisions for the Sooley Precinct that address the relevant requirements of Part 6 of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

INTRODUCTION

This report considers a Planning Proposal for No's 407 & 457 Crookwell Road, Kingsdale, submitted to Council via the Planning Portal on the 2 March 2023. The Planning Portal reference is PP-2023-414 and Council's reference is REZ/0001/2223.

The Planning Proposal is seeking an amendment of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* as follows:

- Rezoning part of the land identified within the Goulburn and Marulan *Urban Fringe Housing Strategy* (the Strategy) within the Sooley Precinct (the southern portion), from RU6 Transition to part R5 Large Lot Residential and R2 Low Density Residential; and
- Amendment to the Minimum Lot Size maps, from 10 hectares to part 3,500m² and 2 ha (for the proposed R5 zone) and 700m² (for the proposed R2 zone).

A copy of the submitted Planning Proposal document is in **Attachment 1**.

The subject site comprises three lots (Lots 70, 73 & 77 DP 1006688) with a total area of 52.9 hectares and is located on the corner of Chinaman's Lane and Crookwell Road, immediately north of the urban fringe. The land contains an established dwelling house and ancillary development at the Crookwell Road frontage. Most of the land is used for the grazing of livestock and contains ancillary buildings to cater for the agricultural use of the land. A copy of the aerial image of the site is shown below in **Figure 1**.

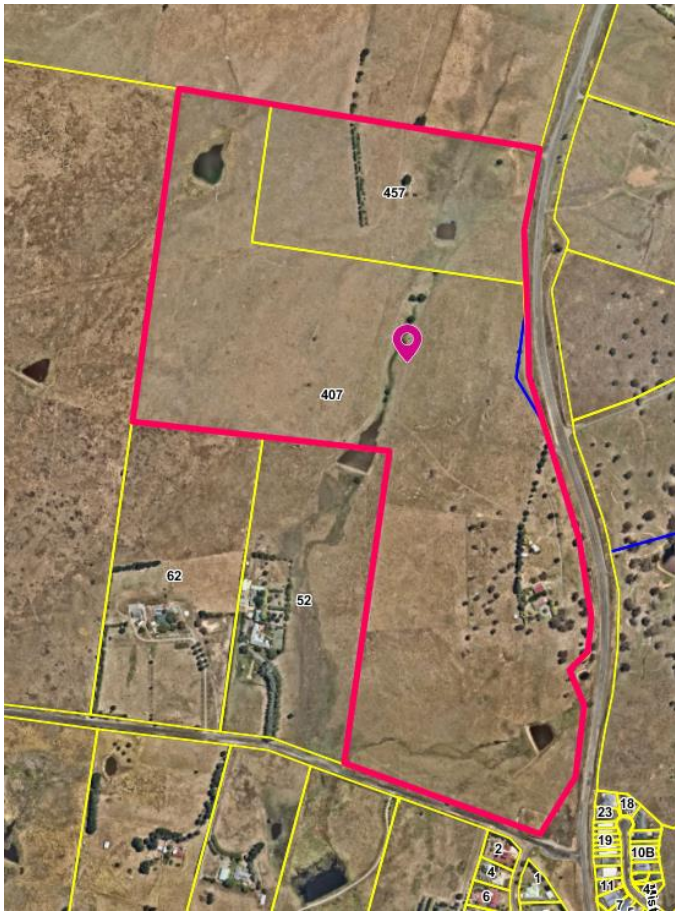


Figure 1. Aerial Image of subject site (Near map Australia Pty Ltd, 2023)

The proposal includes a concept subdivision layout comprising of 275 lots, consisting of 270 serviced lots designated for potential low density residential (5 for large lot residential), and 5 un-serviced lots designated for potential large lot residential purposes.

It is noted that the Planning Proposal includes the whole of 407 Crookwell Road, however the opportunity areas identified for urban development in the *Urban and Fringe Housing Strategy* (the Strategy) includes only part of this land for future growth, with urban area concentrated towards the corner of Chinaman's Lane and Crookwell Road. Investigations have been submitted to address the capability of the land in the area proposed to be rezoned. Further consideration in relation to this is provided later in this report.

A series of internal roads are proposed to access the future residential development, that will connect to a new intersection on Chinaman's Lane and an upgraded intersection on Crookwell Road. The concept subdivision plan is included in **Attachment 2**.

REPORT

Urban and Fringe Housing Strategy

The Strategy identifies the subject site within Precinct 4 - Sooley, as shown in **Attachment 3**. The part of the land identified in the Strategy is the whole of 457 Crookwell Road (Lot 73 DP 1006688) being 9.668 ha in size, and a 28.38-ha portion of 407 Crookwell Road. The Planning Proposal is consistent with the opportunity areas identified in the Strategy, with the exception that the whole of 407 Crookwell Road is included, which is in the order of 43.04 hectares in size.

The limited opportunity area identified for 407 Crookwell Road avoids the location of Biophysical Strategic Agricultural Land (BSAL) within the land. However, given Council's later resolution to include land to the north (i.e. 515 Crookwell Road) as an opportunity area for future large lot residential development within the Strategy, it is considered appropriate to include the entirety of 407

Crookwell Road in the Planning Proposal. Council's resolution to include 515 Crookwell Road as an opportunity area has fragmented the band of BSAL land and reduces its value as an agricultural resource. Retaining the BSAL land (approximately 24 ha) would mean that future large lot residential land within 515 Crookwell Road will be isolated with no continuity or relationship to urban fringe. Allowing the entirety of 407 Crookwell Road to be developed will facilitate a contiguous development with the land to the north and will promote orderly and well planned future development via integration of infrastructure, such as roads/access, open space and drainage that is located adjacent to the urban fringe.

The site is currently unsewered and is not serviced by Council's water or sewer mains. A portion of No. 407 Crookwell Road is identified in the Strategy, for serviced low density residential development towards Chinaman's Lane, with urban lots having a minimum lot sizes of 700 m². The Planning Proposal is consistent with this recommendation. For the balance of the land (outside the Strategy mapped area), the extent of serviced low density residential land and large lot residential land is considered appropriate for the following reasons:

- The location of future low density residential land is clustered and is located amongst proposed public recreation spaces and drainage courses, encouraging their utilisation and ownership.
- The location of future large lot residential land is clustered and located along the western and northern boundaries of the land, alongside rural and conservation zoned land. This alleviates potential for land use conflict as this provides a transition and buffer between low density residential zoned land and the adjoining zoned land, and future large lot residential land to the north.
- The concept plan demonstrates that perimeter roads and public spaces embellished with landscaping are to be provided along all proposed roads (including perimeter roads) on the land, which further assists with buffering to alleviate potential amenity impacts to existing rural land and associated residences to the west and south. Crookwell Road and the topography of the land to the east, along with landscape embellishments along the eastern boundary alleviates potential land use conflict to future residential lots fronting Crookwell Road.
- The large lot residential lots incorporating the larger 2 ha minimum lot size contain the high pressure gas pipeline easement to their rear boundary (24.385m wide). This will serve as a buffer to the adjoining future low density residential lots (i.e. Lots 250-265) where physical development will not be permitted. For future lot 183 where the easement is not immediately located adjoining the boundary, this can be alleviated through future development controls incorporated in the Development Control Plan, to prevent physical development.
- Utilising the entirety of 407 Crookwell Road means there is opportunity to create a future subdivision proposal that is well connected (to the northern part of the precinct), contiguous and reduces pressure and disturbance to Crookwell Road due to multiple access points.

All future large lot residential lots are proposed to be serviced by Council's reticulated water system. This is also the case for reticulated sewer, except for the northernmost concept lots (Lots 1001-1005). It is considered appropriate that future large lot residential lots are not provided with reticulated water north of the High Pressure Gas Pipeline). This will ensure improved water quality outcomes within the Drinking Water Catchment, to achieve a neutral or beneficial impact on water quality (where on-site effluent management systems are provided). It will also ensure that land in the future is not further fragmented following provision of services. Additionally, the extension of these services may be seen or misconstrued as a forerunner to further urban expansion beyond that identified in the Strategy.

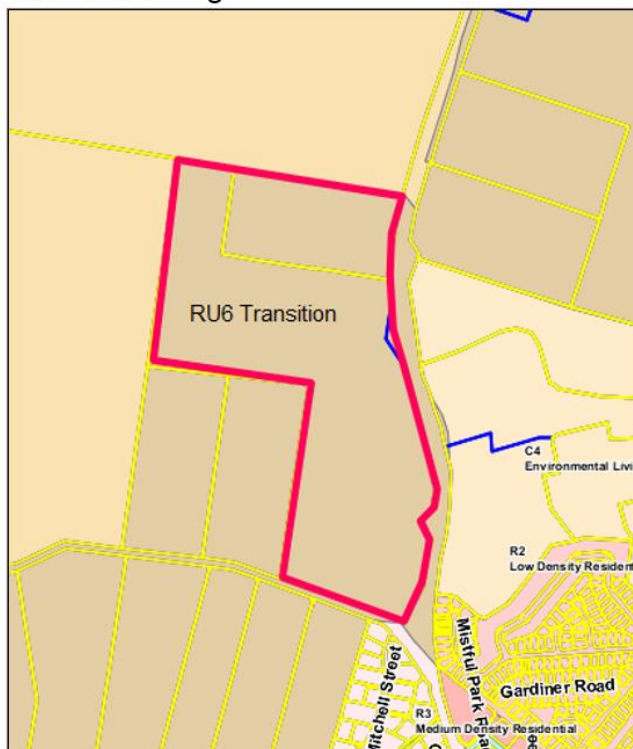
It is appropriate that proposed lots 1006-1010 incorporate a minimum lot size of 4,000m², to provide an appropriate transition and buffer between adjoining future low density residential land and existing conservation zoned land to the west. The provision of a perimeter road and 4000m² lots for a small

section of the western boundary is considered to be a reasonable transition, with the High Pressure Gas Pipeline forming the transition to 2ha lots to the north. If feasible these 4000m² lots may be provided with water and sewer services as they are limited in number and immediately contiguous to R2 Low Density Residential.

The above will facilitate the requirement to submit a revised Water Cycle Management Study report.

The existing and proposed zoning maps and minimum lot size maps are shown below in **Figure 2**.

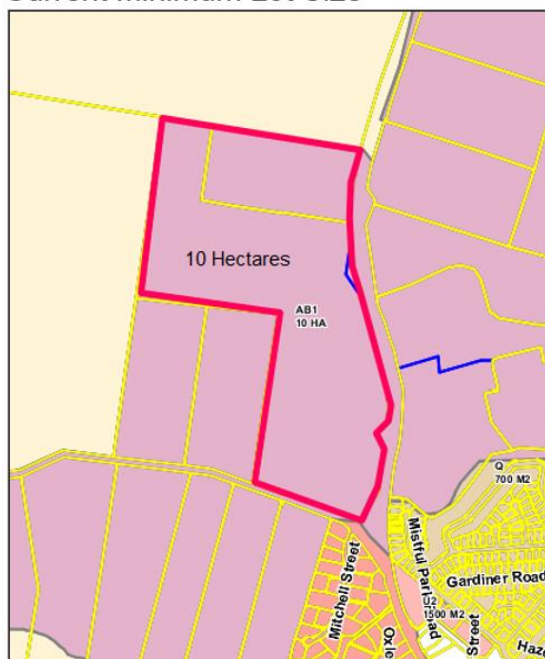
Current Zoning



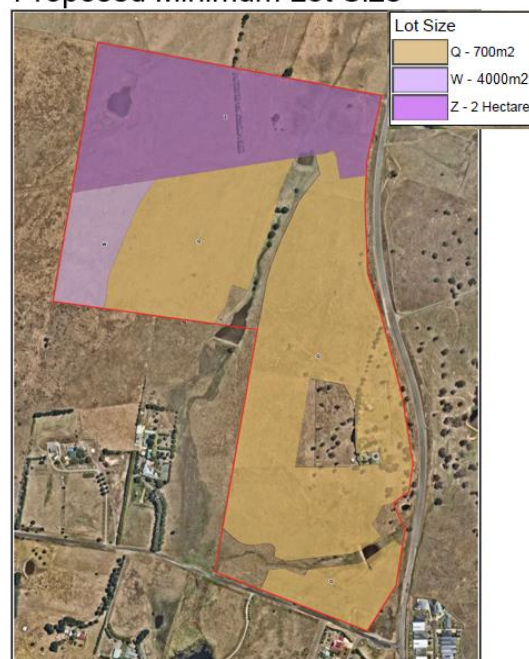
Proposed Zoning



Current Minimum Lot Size



Proposed Minimum Lot Size



Proposed new MLS 4,000m² shown as 'W'

Figure 2. Current (on left) and proposed (on right) zoning map (top) and minimum lot size map (bottom)

Constraints

Aboriginal Heritage

The land is identified as containing potential Aboriginal cultural heritage. An Aboriginal Cultural Heritage Assessment Report has been submitted that investigates the presence of potential Aboriginal heritage. This is in alignment with the actions contained within South-East Tablelands Regional Plan.

The Report identifies one (1) Aboriginal heritage site located within the site. The report recommends the site be protected and conserved.

Considering the areas where the Aboriginal heritage site was located, further investigation is not warranted. The identified cultural site will coincide with a future public reserve which will ensure that limited development or disturbance will occur. If the plans indicate potential disturbance to the identified Aboriginal sites or PADs, by virtue of an altered concept design at Development Application (DA) stage, the proponent will be required to undertake further analysis, including obtaining an Aboriginal Heritage Impact Permit (AHIP) if there is potential to impact the Aboriginal heritage site.

The considerations made above are consistent with the Ministerial Directions in relation to Heritage Conservation. There are statutory provisions in place that will enable the conservation of the Aboriginal heritage identified at the site.

European Heritage

The Planning Proposal will have negligible impacts on European Heritage. The closest Heritage listed item 'Dwelling Teneriffe' is located approximately 1 kilometre to the east of the site. It is not considered that there will be any impacts on the heritage significance of this item because of future built development on the site.

Contamination

The site is not included in Council's contaminated land register nor listed as significantly contaminated by the NSW EPA. However, it is recognised that the land has potential for contamination due to its former and current agricultural uses, which are listed in Table 1 of the *NSW Contaminated Land Planning Guidelines*. Therefore, Council is required to demonstrate whether the land is contaminated and can be remediated to a suitable standard for residential development in accordance with the Ministerial Directions for plan making.

The proponent has submitted a Preliminary Site Investigation and seven (7) potential *Areas of Environmental Concern* (AEC) have been identified. The report recommends a Detailed Site Investigation (DSI) to be carried out to determine if the site is suitable for future use as residential. However, the submitted DSI has not undertaken the necessary investigations to ascertain the extent, degree, and nature of contamination on the land as no sampling has been carried out, analysed and compared against predetermined thresholds. Ultimately the suitability of the land for future residential uses is required to be evaluated and determined.

Prior to council submitting the Planning Proposal to the NSW Department of Planning and Environment (DPE) for a gateway determination, the proponent will be required to undertake and submit to Council, an updated DSI, to facilitate pre-gateway consultation between Council and Water NSW, and to determine the land's suitability for future residential development.

Access and Traffic

Council undertook early consultation with Transport for NSW (TfNSW), who have raised concerns in relation to:

- The number of new intersections proposed at Crookwell Road. As Council is considering a Planning Proposal on adjoining property to the north (i.e. 515 Crookwell Road), TfNSW are considering the potential cumulative impacts. That Planning Proposal includes two (2) new intersections on Crookwell Road. TfNSW considers that the number of new intersections to Crookwell Road must be minimised. This is achieved through the provision of connections between the subdivisions.
- The impact of future development to Crookwell Road, in terms of staging, timing and how orderly development will occur. There is a preference for the inclusion of an Urban Release Area (URA) clause to be included in the Development Control Plan (DCP), that addresses the requirements of clause 6.2A of the *Goulburn Local Environmental Plan (LEP) 2009*. This will include facilitating the requirement above, as well as consideration of the timing of subdivision development to ensure it is orderly, and that the necessary road upgrades are undertaken.
- Further consideration is to be made in relation to improving public transport provision and consideration of efficient movement of vehicles and freight, which will assist in addressing the aims and requirements of Ministerial Direction 5.1.
- The proponents are to provide concept plans (two-dimensional geometric layout) of the proposed works required within the Crookwell Road reserve (e.g., extent of upgrade work required, determine whether or not any road acquisitions are required, and the timing of staging of development). This initial outlay of work will determine the capability of future development upfront.

The traffic impact assessment and concept plan will require updating to reflect the revised proposal.

Bushfire

The site is wholly classified as category 3 bushfire prone land. The Ministerial Directions in relation to bush fire prone land aim to protect life, property, and the environment from bush fire hazards, and encourages sound management of bushfire prone areas. The Planning Proposal must:

- Have regard to *Planning for Bushfire Protection 2019*;
- Introduce controls that avoid placing inappropriate developments in hazardous areas; and
- Ensure that bushfire hazard reduction is not prohibited in the Asset Protection Zone (APZ).

The proponent has submitted a Strategic Bushfire Study that investigates the sites' capability for future residential uses from a bush fire risk perspective. The Study has been undertaken in accordance with NSW Rural Fire Services *Planning for Bushfire Protection 2019*.

The strategy identifies that:

- The land's vegetation type is grassland and the site slope is an average of 10-15 degrees. There are limited parts of the land that are subject to a site slope exceeding 15 degrees.
- The future lots can accommodate suitable Asset Protection Zones (APZ) and ensuring that the Bushfire Attack Level (BAL) 29 is not exceeded for each proposed lot.
- The existing road along the eastern boundary of the land and the proposed two access roads will enable the safe evacuation of fire fighting vehicles to an all-weather standard whilst also providing internal perimeter roads.
- Reticulated/mains water will be made available to all future residential lots and can meet the requirements of relevant Australian Standards in relation to hydrant locations and pressure.

Considering the TfNSW concerns raised above, alterations will be required to the concept road layout, and this will impact the Planning Proposal to the north of this site. Alterations may impact on the requirements of *Planning for Bushfire Protection 2019*, particularly in the provision for perimeter roads. Ultimately the design will be required to satisfy the requirements of both State agencies.

As the concept road layout will require updating, and all future 2 ha large lot residential lots are required to be unserviced, an updated Strategic Bushfire Study will also be required.

Section 3.17 of the *Goulburn Mulwaree Council Development Control Plan (DCP) 2009* includes provision for development within bushfire prone land to be carried out in accordance with *Planning for Bushfire Protection 2019*. The development proponent will be required to demonstrate how the proposal will meet each relevant requirement.

Considering Ministerial Direction 4.3, it is considered that the each of the requirements can be met. Council will consult with and seek any feedback from the NSW Rural Fire Service (RFS) as part of the gateway determination, and prior to public exhibition.

Flooding

A minor part of the south-west corner of the land is subject to riverine flooding (within a probable maximum flood event only), and the riparian areas of the site are subject to overland flooding, as shown in **Figure 3** below.

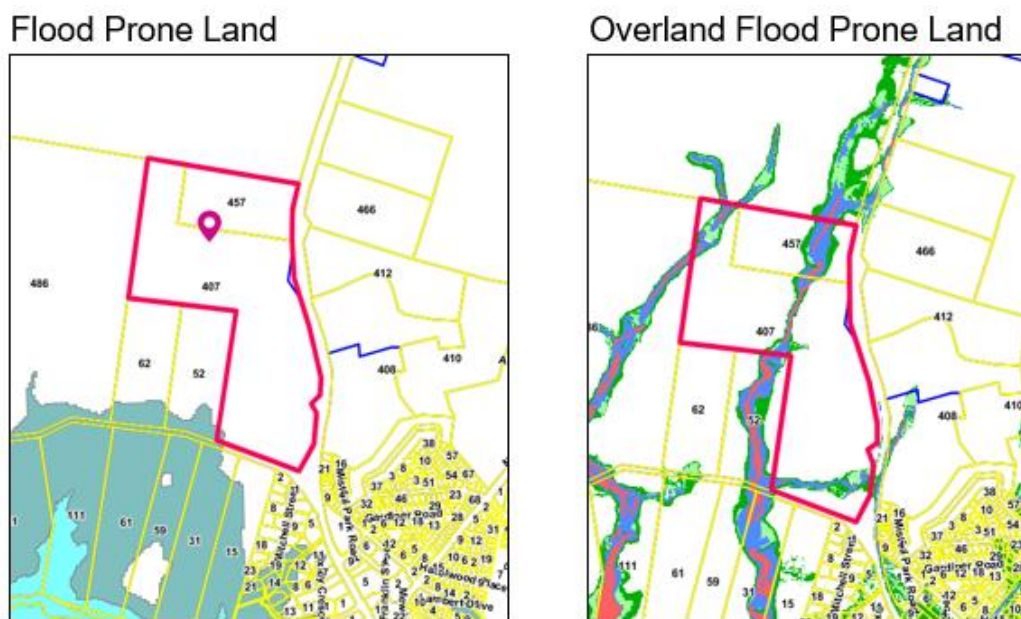


Figure 3. Extent of Riverine (left) and overland (right) flooding

In accordance with the Australian Disaster Resilience Guideline, the overland flood map represents flood affected land by the incorporation of Flood Planning Constraint Categories or FPCC. This categorises the land from most constrained (red) to least constrained (dark green).

Ministerial Direction 4.1 requires that Planning Proposals that impact flood prone land are consistent with NSW Flooding Manuals and Guidelines, and an adopted Council Flood Study. The objectives of this Ministerial direction are to ensure that consideration has been given to potential flood impacts.

In this case it is considered necessary that the parts of the land that are impacted by overland flooding are subject to restrictions to prohibit most development. The most appropriate way to manage this is to impose a C2 Environmental Conservation zoning. See **Figure 4** below.



Figure 4. Proposed extent of C2 Environmental Conservation zone

The C2 Environmental Conservation zone extent encompasses all the FPCC categories and occurs beyond where the proposed public recreation zone is proposed, as these areas will ultimately become private land. The C2 Environmental Conservation zone prohibits most development types such as dwelling houses, and permits with development consent, a select amount of land uses such as farm buildings and extensive agriculture. This will encourage the retention of the overland flooding area as an undeveloped area, ensuring no further impacts on flood behaviour, and therefore reduce the level of risk from flooding to future property occupants.

The C2 Environmental Management zone and RE1 Public Recreation zone will not require the incorporation of a minimum lot size given:

- its location on a water course with associated flooding;
- the more prohibitive range of land uses; and
- the difficulty to demonstrate compliance with zone objectives for further subdivision within this area.

It is envisaged that R2 Low Density Residential and R5 Large Lot Residential zoned lots will incorporate relevant portions of the C2 zoned area (but not the RE1 zoned portion).

Biodiversity

The land has potential to contain significant native flora and fauna due to the rural nature of the land and historic vegetation communities. A Preliminary Biodiversity Development Assessment Report (BDAR) has been submitted that investigates the site's potential for the occurrence of native flora and fauna. The report has been reviewed by Council's Environment and Biodiversity Assessment Officer and a site inspection has been undertaken. The findings and recommendations of the report are supported.

Minimal clearing of biodiversity significant vegetation is proposed and the retention of significant remnant flora and fauna is proposed via its incorporation into future public spaces or into larger lots to encourage their conservation. The Planning Proposal demonstrates that potential impacts to the highest areas of biodiversity value will be avoided.

Water Quality, Water Supply and Sewer Capacity

The land is located within the Sydney Drinking Water Catchment. Ministerial Direction No. 3.3 contains the objective that water quality must be protected. The other principle to be applied is that development must have a neutral or beneficial impact on water quality. Future land use within the catchment is to be matched to land and water capability.

The development proponent has submitted a Water Cycle Management Study (WCMS) that considers on-site waste-water capability and stormwater quality management, for the proposed concept design. The report concludes that a neutral or beneficial impact on water quality is achievable for the 275- lot residential subdivision.

The implementation of the C2 Environmental Conservation Zone within the overland flooding areas will ensure that effluent management areas are located outside areas of inundation, therefore enabling the protection of water quality.

As required by the Ministerial directions, Water NSW will be consulted, and advice sought prior to the Planning Proposal being submitted to the Department of Planning and Environment for a gateway determination.

Each proposed lot is to be serviced by reticulated water and sewer except for Lots 1001-1005 which the report indicates will not be serviced by reticulated sewer and therefore will require on-site effluent management systems for future development. As mentioned above it is also recommended that reticulated water not be extended beyond the High Pressure Gas Pipeline and into the 2ha lots as proposed. It is considered appropriate that all future 2ha large lot residential lots are unserved by sewer and water. The WCMS will require updating to reflect this requirement, prior to pre-gateway consultation with Water NSW.

Analysis undertaken by Council's Utilities Department indicates that there is sufficient capacity for the proposed lots to be serviced by sewer and water, subject to some augmentation work as part of a future subdivision development proposal.

High Pressure Gas Pipeline

A High-Pressure Gas Pipeline bisects the subject land in an east - west direction. East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA) who own and operate the pipeline, have been consulted about the Planning Proposal. No objection is offered to the Planning Proposal because future land uses are not classified as sensitive (i.e., a use which may increase the impacts of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure). The Department of Planning and Environment are currently considering a Policy to protect fuel pipelines. It aims to strengthen measures already in place under *State Environmental Planning Policy (Transport and Infrastructure) 2021*. An Explanation of Intended Effect has been prepared and details the proposed changes.

A proposed change that impacts Planning Proposals is the inclusion of a Ministerial Direction that will apply to sites that are:

- Wholly or partially within the Potential safety risk consideration distance of 200 metres.
- Proposing sensitive land uses involving vulnerable persons, such as childcare centres.
- Proposing sensitive land uses that result in a significant population increase for residential or employment related uses (e.g., multi dwelling housing).

Should the proposed Ministerial Direction apply, the Council will be required to seek from the proponent, a site-specific Quantitative Risk Assessment carried out by a qualified risk specialist. The Assessment is required to assess an exhaustive extent of hazards and risk associated with the operation of a high-pressure gas pipeline and consider operational requirements.

Biophysical Strategic Agricultural Land

The land is identified as Biophysical Strategic Agricultural Land (BSAL), moderately low soil fertility. The extent of this area is limited to the central part of the land, in a north-south direction. The area of this land is approximately 24 hectares and is therefore limited as an agricultural resource. The land is currently used for livestock grazing and based on historical aerial photography, appears to have been used for this purpose for at least the last 15 years. Livestock grazing is also the surrounding dominant agricultural land use. The *Strategy* excluded most of the land in the location that contains the Biophysical Strategic Agricultural Land, however this was prior to Council further resolving to include land located immediately north (i.e. No. 515 Crookwell Road) as an opportunity area for future large lot residential rezoning (further limiting the agricultural potential and viability of the land). There is little benefit in retaining this land for future agricultural purposes as it is a limited resource, and its potential to exacerbate potential land use conflict. For this reason, it is considered appropriate to include this part of the land in the Planning Proposal

Development Control Plan (DCP)

This is the second Planning Proposal to occur within the Sooley Precinct identified in the *Urban and Fringe Housing Strategy* for predominantly low-density residential rezoning. It will contain some large lot residential rezoning and will exhaust the Precinct's large lot residential potential (in addition to that within the Planning Proposal for 515 Crookwell Road). The remaining part of the Sooley Precinct's opportunity area for a future Planning Proposal will be a small portion of land south of Chinaman's Lane and west of Mitchell Street for low density residential rezoning.

It is expected that the remainder of the Sooley Precinct will be re-zoned to residential over the next 14 years.

To enable future subdivision and residential development to be planned and coordinated and ensure development is orderly, a precinct specific Development Control Plan (DCP) is proposed to be drafted and exhibited concurrently with the Planning Proposal. This will include an Urban Release Area (URA) clause, pursuant to clause 6.2A of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*:

6.2A Development control plan

(3) *The development control plan must provide for all of the following—*

(a) *a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*

(b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*

- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) a network of active and passive recreation areas,*
- (e) stormwater and water quality management controls,*
- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) detailed urban design controls for significant development sites,*
- (h) measures to encourage higher density living around transport, open space and service nodes,*
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

These provisions will ensure that the number of new intersections required on Crookwell Road can be minimised, by requiring road connections between subdivision proposals, as well as master planning to ensure that future development is orderly, cost-effective, and logical.

This will be in addition to development controls that will be imposed to ensure that future built development is sited to ensure a suitable level of amenity is provided to future occupants, the occupants of existing adjoining development, and that future development complements the desired future character of the area.

The development controls will include matters that have been raised in specialist reports, such as identification of the gas pipeline buffer and inappropriate land uses, protection of significant flora/fauna, water quality considerations, flooding and drainage paths, access and connectivity between the sites included in the Sooley Precinct, and protection of Aboriginal heritage. Other matters such as development controls to protect the rural land context will also be included along with visual treatment/landscaping of the site from Crookwell Road.

Conclusion and Recommendation

The Planning Proposal is consistent with the *Urban and Fringe Housing Strategy* in that the land is:

- Included within the identified Sooley Precinct and the land does not drain to Sooley Dam;
- Proposed to be rezoned to Large Lot Residential and Low Density Residential; and
- Proposed to incorporate a minimum lot size of **4,000m²** and 2 hectares for the Large Lot Residential land, and 700m² for the Low Density Residential land.

Following the consideration of all submitted technical information, the Planning Proposal has demonstrated that:

- Traffic generation is not considered unreasonable, subject to the proponent demonstrating to Council and Transport for NSW how Crookwell Road will be able to accommodate additional traffic from a future subdivision proposal.
- Future lot access can be facilitated in a safe manner via proposed new roads/intersections.
- Impacts to Aboriginal Heritage will be avoided.
- Future development impacts from overland flooding can be adequately managed.
- Future subdivision and dwelling proposals can demonstrate compliance with *Planning for Bushfire Protection 2019* (and for potential future alterations to road layouts, if proposed).

- Future subdivision and dwelling proposals can demonstrate a neutral or beneficial impact on water quality.

There is sufficient information and justification to proceed with the preparation of a Planning Proposal and a gateway determination from the Department of Planning and Environment, subject to the development proponent submitting, for Council's consideration, the following information prior to the gateway referral:

An updated Detailed Site Investigation (DSI) to investigate the extent, degree and nature of contamination and ascertain the suitability of the site for future residential purposes.

An amended Water Cycle Management Study to address Council's requirements for future large lot residential lots to be unserviced.

An amended Traffic and Parking Assessment report to address the requirements of Transport for NSW.

An amended Strategic Bushfire Study to address the impacts of potential road alterations required as a result of requirements from Transport for NSW.

A revised concept layout and staging plan that addresses the concerns raised by Transport for NSW, relating to limiting new access points to Crookwell Road and providing internal road connections between this Planning Proposal and the Planning Proposal to the north (515 Crookwell Road, Kingsdale). The revised concept layout shall also incorporate revisions required because of the need to achieve compliance with Ministerial Directions relating to bushfire protection and water quality.

The above information is required to be submitted to Council prior to the Planning Proposal being submitted for a gateway determination, unless any substantive issues arise following the submission of this information a further Council Report will not be required until after the exhibition process.

Due consideration is required to be given to the land's extent of contamination, prior to determining whether the Planning Proposal is suitable to proceed. Water NSW will require information regarding the Detailed Site Investigation, as well as an amended Water Cycle Management Study to address un-serviced large lot residential lots, before it can provide conclusive pre-gateway advice.

This in turn will address the Ministerial Directions and inform the matters such as setting the extent of a C2 Environmental Conservation zoning, to improve water quality.

Consideration is also required to be given to the aims of Ministerial Direction 5.1 in relation to efficient public transport provision and movement of traffic. This will also inform Ministerial Direction 4.3 in relation to Bushfire Protection and the safe location of access in emergency events.

This report recommends that a Planning Proposal to amend the zoning and minimum lot size in the Goulburn Mulwaree Local Environmental Plan (LEP) for Lot 70, 73 & 77 DP 1006688, 407 & 457 Crookwell Road Kingsdale, from RU6 Transition to R5 Large Lot Residential, R2 Low Density Residential, and partly RE1 Public Recreation and C2 Environmental Conservation, and the minimum lot size from 10 hectares to 4,000m² and 2 hectares for the large lot residential land, and 700m² for the low density residential land, be prepared and progressed to the Department of Planning and Environment for a gateway determination, subject to the preparation and submission of an updated Detailed Site Investigation that analyses the extent, degree and nature of contamination and ascertains the suitability of the site for future residential purposes, an amended Water Cycle Management Study to address the requirement for un-serviced future large lot residential land, an amended Traffic and Parking Assessment report to address the requirements of Transport for NSW, an amended Strategic Bushfire Study to address the impacts of potential road alterations required as a result of requirements from Transport for NSW, and an updated concept

and staging plan to demonstrate how each applicable authority's requirements have been addressed.

This report also recommends that Council amends the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* to include Lot 70, 73 & 77 DP 1006688, 407 & 457 Crookwell Road Kingsdale as an Urban Release Area (URA), and that Council amends the *Goulburn Mulwaree Development Control Plan (DCP) 2009* to include Urban Release Area (URA) provisions for the Sooley Precinct that address the requirements of clause 6.2A of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*.

FINANCIAL IMPLICATIONS

The application of the urban release area provisions in Part 6 of the GM LEP 2009 is considered to be appropriate to provide for and ensure the orderly and economic development and extension of public infrastructure.

LEGAL IMPLICATIONS

There are no known legal implications of this Planning Proposal.