



Office of the Director General

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Mr Chris Berry
General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Our ref: PP_2009_GOULB_002_00 (09/04767)

Dear Mr Berry,

Re: Planning Proposal for exempt and complying development amendments and industrial zoning at South Marulan

I am writing in response to your Council's letter received on 21 December 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend Goulburn Mulwaree LEP 2009 as follows:

1. Identification of additional exempt development in heritage conservation areas and rural zones.
2. Identification of additional complying development in heritage conservation areas.
3. Changes to complying development provisions for certain unsewered rural and semi-rural areas.
4. Rezoning of Lots 111 & 112 DP 830458, 505 and 565 South Marulan Road, Marulan from RU1 Primary Production to IN1 General Industrial.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination. The Determination removes the following items from the Planning Proposal:

- The rezoning in Marulan Road, Marulan; and
- The inclusion of single dwellings, in heritage conservation areas, in the Complying Development Schedule to the LEP.

While the Department has previously endorsed a long-term strategy for the provision of employment land in the Marulan area the proposed rezoning of two isolated lots for heavy industry is not justified particularly given the fact that varied light industrial uses are already permissible under the existing zoning. The Department would be prepared to reconsider this proposal as part of an overall strategy which identified the need for additional land for heavy industry.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not provide for new single storey dwellings to be complying development in heritage conservation areas. The Department is of the view that this type of development would be more appropriately considered by Council within the context of a development application wherein heritage considerations form an integral part of the assessment process.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Julia Kaul of the Regional Office of the Department.

Yours sincerely,



Sam Haddad
Director General

26/2/2010.

Gateway Determination

Planning Proposal (Department ref: PP_2009_GOULB_002_00): *To amend the exempt and complying development controls in heritage conservation areas and rural zones.*

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Goulburn Mulwaree Local Environmental Plan 2009 to:

- a) identify additional exempt development in heritage conservation areas and rural zones;
- b) identify additional complying development in heritage conservation areas;
- c) make changes to complying development provisions for certain unsewered rural and semi-rural areas; and
- d) rezone Lots 111 & 112 DP 830458, 505 and 565 South Marulan Road, Marulan from RU1 Primary Production to IN1 General Industrial;

should proceed subject to the following conditions:

1. The matter should proceed with the following variations:
 - (a) Removal of the proposed rezoning of Lots 111 and 112 DP 830458, South Marulan Road, Marulan from the planning proposal, for the following reasons:
 - (i) The land is not required to meet the employment lands objectives of either the Sydney Canberra Corridor Strategy or the Goulburn Mulwaree Strategy 2020;
 - (ii) There is sufficient flexibility within the existing RU1 zone to permit a range of appropriate uses on this land without the need for the rezoning of the land to IN1;
 - (iii) The subject land is isolated from the existing urban area of Marulan and the proposed rezoning does not represent a logical extension to the existing urban land;
 - (iv) There is sufficient industrial land adjacent to Marulan to cater for current and future needs and as such there is no need for this land to be rezoned; and
 - (v) Council has indicated that the water capability of the land is not appropriate to support the use of the land for industrial purposes.
 - (vi) Council investigated the rezoning of this land as part of a larger area for IN2 in the preparation of its Principal LEP and decided not to pursue it after community consultation. Additional employment lands should be pursued as part of a strategic review rather than a spot rezoning.
 - (b) Removal of single storey dwellings, in heritage conservation areas, from the Complying Development Schedule to the LEP. This type of development would be more appropriately considered by Council within the context of a development application.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **14 days**; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).

3. Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument:
- Hawkesbury/Nepean and Southern Rivers Catchment Management Authorities.
 - Sydney Catchment Authority.
 - Department of Primary Industries (Agriculture and Mining).
 - NSW Rural Fire Service.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 26th day of February 2010.

SHaddad
Sam Haddad
Delegate for the Minister for Planning