
Item 1 Planning Proposal - Marulan South Road Rezoning and Exempt & Complying Development (Enclosure)

Reporting Officer

Manager Strategic Planning – John Massey

Purpose of Report

To report on a planning proposal to rezone 505 and 565 (Lots 111 and 112) Marulan South Road, Marulan to “General Industrial” and expand exempt and complying development requirements.

Report

At the 21 July 2009 Council Meeting, Council gave in principle support to the Marulan South rezoning proposal subject to preparing and endorsing a formal planning proposal for the Minister’s approval. As part of that planning proposal a second item has been included concerning the expansion of the current Exempt and Complying Development provisions to further streamline the planning approvals process. The draft Planning Proposal is included in the Enclosure.

Summary of Draft Planning Proposal

1. Planning Outcomes

- 1.1. To amend *Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No. 1)* by rezoning Lots 111 and 112, Marulan South Road, Marulan from “Primary Production” to “General Industrial”.
- 1.2. To further streamline assessment processes for development that complies with specified development standards.

2. Explanation of provisions

- 2.1. Zoning amendments:
 - Zoning maps, sheets LZN 013 and 017 amended to reflect a “General Industrial” zone over Lots 111 and 112.
- 2.2. *Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No. 1)* provision amendments:
 - Clause 1.9(2) amended by adding reference to *SEPP (Exempt and Complying Development Codes) 2008*, Clause 1.19 (5) (a), (c) and (e); and
 - Schedule 2, Exempt Development amendment by:
 - § Adding communication dishes in Heritage Conservation Areas, farm stay accommodation in “Primary Production”, “Rural Landscape” and “Environmental Management” zones, minor building alterations in heritage conservation areas and

rainwater tanks in Village, Transition and Environmental Management zones.

- Schedule 3, Complying Development amendment by:
 - § Adding single and two storey dwellings in unsewered “Primary Production”, “Rural Landscape”, “Village”, “Transition” and “Environmental Management” zones and single storey dwellings in Heritage Conservation Areas.

3. Justification

3.1. Marulan South Road proposal

- § This part of the proposal was supported by a report prepared by Laterals Planning, and
- § Lots 111 and 112 are characterised by surrounding industrial type developments.

3.2. Exempt and Complying Development proposal

- § The additional Exempt and Complying Developments are in accordance with the stated aims of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

4. Relationship to strategic planning framework

4.1. Marulan South Road proposal

- § This part of the proposal is consistent with the *Sydney-Canberra Corridor Strategy* and *Goulburn Mulwaree Strategy 2020*. However the proposal is not consistent with the following State Environmental Planning Policies and Ministerial Directions:
 - *Drinking Water Catchments Regional Environmental Plan No. 1*
 - Rural zones
 - Rural lands
 - Integrated land use and transport
 - Sydney Drinking Water Catchments

It is considered that all inconsistencies are of minor significance.

4.2. Exempt and Complying Development Proposal

- § This part of the proposal is consistent with the *Sydney-Canberra Corridor Strategy* and the *Goulburn Mulwaree Strategy 2020*. However the proposal is not consistent with the following State Environmental Planning Policies and Ministerial Directions:
 - *SEPP (Exempt and Complying Development Codes) 2008*
 - *Drinking Water Catchments Regional Environmental Plan*
 - Sydney Drinking Water Catchments

To overcome these inconsistencies exemptions to the standards will be sought from Department of Planning.

5. Environmental, Social and Economic Impact

5.1. Marulan South Road Proposal

§ Council's Biodiversity Strategy has not recorded any known critical habitat or threatened species, populations or ecological communities, or their habitats on Lots 111 and 112. However modelling for the Strategy shows a potential for such critical habitat etc. Future Development Applications will be required to undertake a more detailed investigation.

§ Lots 111 and 112 having been identified as being partly affected by land with a high conservation value, bush fire prone land, environmentally sensitive land and land ranging from high capability to low capability for light industrial development. Development standards are in place which will mitigate impacts on the identified environmental constraints.

§ Social and economic benefits include:

- Additional employment land
- Support for the adjoining minerals and extractive resource area and other existing industrial complexes.

§ Social and economic costs include:

- No public transport
- Potential impacts on identified natural resources and risks associated with bush fires and the waiving of the requirement for a development application in the drinking water catchment.

§ No Heritage Items or Heritage Conservation Areas have been identified on Lots 111 and 112.

§ The lots have a potential for Aboriginal Cultural Places and Development Assessment criteria is in place for future development applications.

5.2. Exempt and Complying Development proposal

§ Critical habitat or threatened species, populations or ecological communities, or their habitats, environmental effects and Aboriginal Cultural Heritage will be examined as part of the selection process at the subdivision Development Application stage for the identification of the dwelling building envelope.

6. State and Commonwealth Interests

§ Public infrastructure availability, though limited is considered sufficient for the general industrial development proposed for Lots 111 and 112.

§ State and Commonwealth consultation will be part of the 'gateway' determination notice.

7. Community Consultation

The planning proposal is considered 'low impact' and a 14 day public exhibition period has been recommended to the Department.

Planning & Community Services Report to Ordinary Meeting of Council to be held on 15 December 2009

Budget Implications

The planning proposal has been prepared in house using a consultants report with respect to Lots 111 and 112, South Marulan.

The Exempt and Complying Development proposal has been initiated by Council.

Policy Considerations

The planning proposal if gazetted will amend Council's Local Environmental Plan 2009.

Recommendation

That the Marulan South Road, Marulan and Exempt and Complying Development Planning Proposal be endorsed and forwarded to the Minister for determination under s56 Environmental Planning and Assessment Act 1979.

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.

Councillor	For the Motion	Against the Motion
Cr Banfield	<input type="checkbox"/>	<input type="checkbox"/>
Cr Dillon	<input type="checkbox"/>	<input type="checkbox"/>
Cr Sturgiss	<input type="checkbox"/>	<input type="checkbox"/>
Cr James	<input type="checkbox"/>	<input type="checkbox"/>
Cr Kirk	<input type="checkbox"/>	<input type="checkbox"/>
Cr O'Neill	<input type="checkbox"/>	<input type="checkbox"/>
Cr Penning	<input type="checkbox"/>	<input type="checkbox"/>
Cr Peterson	<input type="checkbox"/>	<input type="checkbox"/>
Cr Kettle	<input type="checkbox"/>	<input type="checkbox"/>

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**Resolved 09/
Banfield**

Cr Kettle/Cr

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Councillor	For the Motion	Against the Motion
Cr Banfield		
Cr Dillon		
Cr Sturgiss		
Cr James		
Cr Kirk		
Cr O'Neill		
Cr Penning		
Cr Peterson (Absent)		
Cr Kettle		