

Marulan and Kingsdale Localities

Proposal Title : **Marulan and Kingsdale Localities**

Proposal Summary : **The planning proposal seeks to provide additional small rural lot and rural 'lifestyle' opportunities in the Medway Road, Marulan and Kingsdale localities. It proposes to do this by amending the Goulburn Mulwaree Local Environmental Plan 2009 by:**

- Reducing the minimum lot size of 152 Medway Road, Marulan from 100ha to 10ha;
- Reducing the area of the mapped biodiversity area on the Terrestrial Biodiversity Map following an Ecological Review of the Medway Road, Marulan site; and
- Reducing the minimum lot size for certain lands within the Kingsdale locality from 100ha to 10ha.

PP Number : **PP_2012_GOULB_002_00**

Dop File No : **12/17968**

Proposal Details

Date Planning Proposal Received : **09-Nov-2012**

LGA covered : **Goulburn Mulwaree**

Region : **Southern**

RPA : **Goulburn Mulwaree Council**

State Electorate : **GOULBURN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **152 Medway Road**

Suburb : **Marulan**

City : **Goulburn Mulwaree**

Postcode : **2579**

Land Parcel : **Lot 203 DP 870194**

Street : **512 Crookwell Road**

Suburb : **Kingsdale**

City : **Goulburn Mulwaree**

Postcode : **2580**

Land Parcel : **Lot 102 DP 1007433, Lot 12 DP 29252**

Street : **28 Kingsdale Road**

Suburb : **Kingsdale**

City : **Goulburn Mulwaree**

Postcode : **2580**

Land Parcel : **Lot 1, DP 1051281**

Street : **80 Kingsdale Road**

Suburb : **Kingsdale**

City : **Goulburn Mulwaree**

Postcode : **2580**

Land Parcel : **Lot 2, DP 1051281**

Street : **110 Kingsdale Road**

Suburb : **Kingsdale**

City : **Goulburn Mulwaree**

Postcode : **2580**

Land Parcel : **Lot 3 DP 1051281**

Marulan and Kingsdale Localities

Street :	130 Kingsdale Road			
Suburb :	Kingsdale	City :	Goulburn Mulwaree	Postcode : 2580
Land Parcel :	Lot 4 DP1051281			
Street :	129 Kingsdale Road			
Suburb :	Kingsdale	City :	Goulburn Mulwaree	Postcode : 2580
Land Parcel :	Lot 5 DP 1051281			
Street :	111 Kingsdale Road			
Suburb :	Kingsdale	City :	Goulburn Mulwaree	Postcode : 2580
Land Parcel :	Lot 6 DP 1051281			
Street :	79 Kingsdale Road			
Suburb :	Kingsdale	City :	Goulburn Mulwaree	Postcode : 2580
Land Parcel :	Lot 7 DP 1051281			
Street :	67 Kingsdale Road			
Suburb :	Kingsdale	City :	Goulburn Mulwaree	Postcode : 2580
Land Parcel :	Lot 8 DP 1051281			
Street :	706 Crookwell Road			
Suburb :	Kingsdale	City :	Goulburn Mulwaree	Postcode : 2580
Land Parcel :	Lot 92 DP 1070820			

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	No

Marulan and Kingsdale Localities

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 52

No. of Dwellings : 52
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

This planning proposal seeks to provide approximately 640 hectares of small (10ha) rural production and 'lifestyle' lots for a number of locations in the Medway Road, Marulan and Kingsdale area. It seeks to do this by reducing the minimum lot size for dwellings in these localities from 100ha to 10ha. The Planning Proposal also seeks to remove an area identified on the Goulburn Mulwaree LEP Terrestrial Biodiversity Map in the Location of Medway Road, Marulan, which has been identified, following an environmental study, as being of poor condition.

The planning proposal has arisen as a result of landowner submissions on the Goulburn Mulwaree Council's Rural Lands Planning Proposal. This Planning Proposal, which was finalised in July 2012 as Goulburn Mulwaree LEP (Amendment No.2), was based on a review of rural lot sizes (10-40ha) across the local government area. It has provided approximately 21,000 ha of rural land available for small rural and 'lifestyle' lots (2ha to 40ha in size) adjoining Goulburn City, Marulan and other well serviced towns and villages.

Council resolved to defer considering the landowner requests for rural residential development to a subsequent (ie this) planning proposal to avoid delaying finalisation of the Rural Lands Planning Proposal.

External Supporting
Notes :

This planning proposal seeks to provide approximately 640 hectares of small (10ha) rural production and 'lifestyle' lots in the Medway Road, Marulan and Kingsdale localities. The planning proposal also seeks to remove an area identified on the Goulburn Mulwaree LEP Terrestrial Biodiversity Map in the Location of Medway Road, Marulan, which has been identified, following an environmental study, as being of poor condition.

The planning proposal has arisen as a result of landowner submissions on Goulburn Mulwaree Council's Rural Lands Planning Proposal. This Planning Proposal, which was finalised in July 2012 as Goulburn Mulwaree LEP (Amendment No.2), was based on a review of rural lot sizes (10-40ha) across the local government area and to identify suitable locations for new small rural and 'lifestyle' lots.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The intended outcomes of the planning proposal (PP)are:

- To reduce the minimum lot size of 152 Medway Road, Marulan from 100ha to 10ha;
- To reduce the boundary of the biodiversity area on the Biodiversity Map; and
- To reduce the minimum lot size for certain sites within the Kingsdale locality from 100ha to 10ha.

The stated intended outcomes of the PP do not provide a clear statement of what is planned to be achieved by the PP as required by the Department's 'a guide to preparing planning proposals (2012). Nor are they written in such a way that it can be easily understood by the general community. Council's statement of intended outcomes explains how the change is to be achieved. This, however, is the purpose of the explanation of the provisions.

The proponents application and a review of Council's reports indicate that the intended outcome of the PP is to provide a diversity of smaller, more sustainable rural enterprises and 'lifestyle choice' opportunities in the Marulan and Kingsdale (which adjoins Goulburn to the north west) localities within 90 minute commute to Sydney and Canberra.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The stated explanation of the provisions is clear:**

To amend the Goulburn Mulwaree Local Environmental Plan 2009 by:

For Marulan locality:

- 1. Amendment of Lot Size Map from 100ha to 10ha (proposed maps provided at Appendix 1 of PP); and**
- 2. Amendment of the Terrestrial Biodiversity Map (Map provided at Appendix 2) to remove land identified as "biodiversity".**

For Kingsdale locality:

- 3. Amendment of Lot Size Map from 100ha to 10ha (Map provided at Attachment 3).**

The formatting of the LEP Maps provided in the PP are not consistent with the grid pattern and numbering of notified maps on the NSW Legislation website and need to be updated prior to exhibition. Nevertheless, the statement of explanation of provisions meets the requirements of the Department's 'A guide to preparing planning proposals'.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

Drinking Water Catchments Regional Environmental Plan No. 1

e) List any other matters that need to be considered :

The Drinking Water Catchments Regional Environmental Plan No.1 has been replaced by the SEPP (Sydney Drinking Water Catchment) 2011.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Council has identified that the PP is consistent with s117 Direction 2.1 – Environmental Protection Zones and SEPP (Sydney Drinking Water Catchments) 2011/s117 Direction 5.2 – Sydney Drinking Water Catchments.

It has, however, identified that the PP is inconsistent with its local 'Goulburn Mulwaree Strategy 2020', the 'Sydney Canberra Corridor Regional Strategy', 's117 Direction 5.1 – Implementation of Regional Strategies', 's117 Direction 1.2 Rural Zones', and 's117 Direction 1.5 - Rural Lands'.

Council has provided the following justification for the inconsistencies:

'GOULBURN MULWAREE STRATEGY 2020':

The 'Goulburn Mulwaree Strategy 2020' was prepared in 2006 to provide a basis for the preparation of the Goulburn Mulwaree LEP 2009. The Strategy was endorsed by the Director General in December 2008. The Strategy does not specifically identify the Medway Road, Marulan or Kingsdale localities, nor any other specific locations, for rural residential development.

The Goulburn 2020 Strategy also recommends directing new residential development on land adjoining the village of Marulan west of the Hume Highway rather than on the eastern side of the Highway.

The 'Goulburn 2020 Strategy', does, however, indicate general support for new rural and agricultural industry and lifestyles, including provisions for Large Lot Residential living, which should be focused around the existing City and Village zones.

Council has, as part of the Rural Lands Planning Proposal (Amendment No.2) undertaken a broad strategic review of rural lot sizes across the LGA. This review considered a number of planning criteria including land and water capability, environmental constraints and proximity to existing settlements and services. It identified a number of locations where smaller lot sizes would be appropriate – namely at Parksbourne, Baw Baw, Tirrannville, Brisbane Grove, Goulburn, Run-O-Waters, Gundary, Bungonia and Middle Arm.

Goulburn Mulwaree LEP 2009 (Amendment No.2) was notified on 13 July 2012. It has provided approximately 20,000 ha of land across the LGA for new rural residential development. Once subdivided, this land could potentially supply approx 200 lots ranging from 2 ha to 40ha in size. This includes potentially 40 new lots at Marulan and 10 new lots at Kingsdale. The current PP arose from submissions to Amendment No.2 and would add a further 280ha of land available for rural residential (potentially 27 lots) in the Medway Road, Marulan area and 360ha (potentially 23 lots) in the Kingsdale locality.

It is agreed that the current PP is generally consistent with Council's review of rural lot sizes across the LGA which justifies variation from the local strategy.

RECOMMENDATION: Inconsistencies with Goulburn Mulwaree Strategy 2020 are justified by Council's strategic review of lot sizes for Amendment No.2.

S117 DIRECTION 5.1 IMPLEMENTATION OF REGIONAL STRATEGIES

Council has identified that the PP has a number of potential inconsistencies with the Sydney Canberra Corridor Regional Strategy and Direction 5.1. In particular the Regional Strategy requires that:

- Local environmental plans are to limit inappropriate adjoining development and access points off the Hume Highway (p.31).**
- Opportunities for additional housing at Marulan will be addressed through Goulburn Mulwaree Council's 2020 Strategy and local environmental plan (p.33).**
- Rural residential development should only be undertaken on the basis of an agreed**

local government wide settlement strategy (p.21).

A PP may only be inconsistent with the Direction if the relevant planning authority can satisfy the Director General that the extent of the inconsistency is:

- (a) of minor significance; or
- (b) the PP achieves the overall intent of the regional strategy.

Following advice provided by the Department, Council has assessed the PP against the Regional Strategy Sustainability Criteria to justify any inconsistencies. The Department's letter to Council, dated June 2012, is provided as part of the PP.

The assessment is provided at Attachment 2 and Appendix 7 of the PP, respectively and is summarised as follows:

Medway Road, Marulan site:

1. Infrastructure provision - The site is located on the edge of Marulan adjacent the highway service centre and existing jobs, services and facilities. The proposed 10ha lots are large enough for on-site sewerage disposal and satisfy non reticulated water supply and power requirements. The likely infrastructure required is the future upgrading of existing access to the site from Dorothy Brewer Drive and the highway.

2. Access - The site has controlled access to the Hume Highway and to Marulan via Dorothy Brewer Drive. The PP is not expected to have a negative impact upon the performance of the Highway.

3. Housing Diversity - The 10ha rural lot size (providing potentially 27 new rural residential lots) will provide opportunities for housing choice for Marulan and provide opportunities for commuting to Goulburn, Wollongong, Canberra and Sydney.

4. Employment lands - The PP will not create any new commercial or industrial land. The 10ha rural lot size will provide opportunities for small rural production enterprises around Marulan close to transport and services.

5. Avoidance of risk - Land use conflicts are low and the site is not recognised as physically constrained. There are no bushfire or flooding issues.

6. Natural resources - The tank water/dams for each of the potential 27 lots is unlikely to place unacceptable demand on water/environmental flows. The proposal will not impact on prime agricultural land, mining or extractive industries or forestry lands.

7. Environmental protection - The site is predominantly cleared farm land adjacent to the highway with remnant vegetation that has been identified by an ecological review, undertaken on behalf of the applicant in October 2012 by Enviro Ecology, as being of poor quality.

8 Quality and equity in services - The proposed rural lots are located adjacent to Marulan and the Hume Highway enabling future residents to access employment, retail, health and other services available in Marulan.

Kingsdale sites:

1. Infrastructure provision – The proposed 10ha lot size (providing potentially 23 new rural residential lots) does not require connection to reticulated water services, rather rainwater tanks and on site effluent management would be utilised. The landowner has the option to connect to a power supply. The applicant will be required to demonstrate road access at the subdivision staged.

2. Access – The site is located 5km north west from the Goulburn City Centre via

Crookwell Road and borders the urban release area of Marys Mount. The site has access to a public bus loop to Goulburn CBD as well as pedestrian/bike along Marys Mount Road and the Wollondilly River. Goulburn has a rail service that provides links to Sydney and Canberra via City Rail and Country Link.

3. Housing Diversity – The PP will provide potentially 23 new rural residential lots in the Kingsdale locality within close proximity to the existing town centre of Goulburn.

4. Employment lands – The PP will not create any new commercial or industrial land. The 10ha rural lot size will, however, provide opportunities for small rural production enterprises around Marulan close to transport and services.

5. Avoidance of risk – The site is not located within a flood plain. The site is easily buffered from bushfire prone lands as a result of its limited vegetation cover. The site is relatively flat with slopes ranging between 3-10%. There is minimal risk of land use conflict, due to the adjoining rural residential land uses.

6. Natural resources – Proposed new dwellings will not connect to Council's water infrastructure network and will be required to treat waste water on-site. Septic tanks have the potential to impact on the water quality of the Kingsdale Limestone Area and Sooley Dam Catchment/Sydney Drinking Water Catchment, through groundwater contamination. The proposed 10ha minimum lot size will, however, provide adequate area for on-site effluent disposal.

The subject site has been identified to have moderate agricultural value for cropping. The proposed 10ha minimum lot size will enable the land to be utilised for small rural production enterprises.

Although the site is a potential resource of base metals, gold, limestone, the potential for extractive industry is limited due to the adjoining residential development at Marys Mount.

7. Environmental protection – The site is currently zoned E3 Environmental Management Zone. Goulburn Mulwaree Biodiversity Strategy 2007 does not, however, identify any significant vegetation, communities, critical habitat, threatened species, population, ecological communities and their habitats.

Development will be required to demonstrate a neutral or beneficial effect on water quality in accordance with the SEPP Sydney Drinking Water Catchment and Council's DCP. The site has been identified to have the potential to contain Aboriginal cultural heritage. Council's DCP also contains provisions to protect Aboriginal Heritage during the development application stage.

8 Quality and equity in services – The site is 5km from the Goulburn City centre and has access to health, education and other services.

RECOMMENDATION: The Director General can be satisfied that any inconsistencies of the PP with Direction 5.1 and the Sydney Canberra Corridor Regional Strategy is justified through the assessment against the strategy's 'sustainability criteria'.

S117 DIRECTION 1.2 - RURAL ZONES

The objective of the Direction is to protect the agricultural production value of rural land. The Direction applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed rural zone.

Council has identified that the PP is inconsistent with the Direction because it proposes to increase the permissible density of land at the Kingsdale site Zoned RU2 Rural Landscape Zone, from a minimal lot size of 100ha to 10ha.

Council has justified the inconsistency with the Direction on the basis that the PP:

- is of a relatively minor significance, and
- has addressed the sustainability criteria contained within the Sydney Canberra Corridor Regional Strategy.

RECOMMENDATION: The Director General can be satisfied that any inconsistency with Direction 1.2 is justified by Council's review of rural lot sizes undertaken as part of the Rural Lands Planning Proposal and through Council's addressing of the sustainability criteria under the Sydney Canberra Corridor Regional Strategy.

S117 DIRECTION 1.5 - RURAL LANDS

Council has identified that the PP is inconsistent with this Direction. The Direction applies to the PP because it proposes to change the existing minimum lot size on land within a rural or environment protection zone.

The PP must be consistent with the 8 rural lands planning principles and 5 rural subdivision principles of State Environmental Planning Policy - Rural Lands.

The Council has identified that the PP is consistent with those principles. It also contends that:

- the proposed changes are relatively minor; and
- The introduction of rural lot averaging provisions under the Goulburn Mulwaree LEP 2009, as part of Amendment 2 and proposed Amendment 4 are intended to prevent further fragmentation of prime agricultural land and ensure that consideration of physical constraints and characteristics are considered in subdivisions proposals.

While it is not considered that the creation of approximately 50 rural residential lots is of minor significance it is considered that Council's existing and proposed lot averaging provisions will help minimise further fragmentation of rural land, help manage environmental impacts and reduce land use conflict.

RECOMMENDATION: The Director General can be satisfied that the inconsistency with Direction 1.5 has been addressed through Council's review of rural lot sizes prepared as part of its Rural Lands Planning Proposal and its justification against the sustainability criteria of the Regional Strategy as discussed previously.

SECTION 117 DIRECTION 2.1 - ENVIRONMENTAL PROTECTION ZONES

Council has identified that the PP is consistent with the Direction. The Direction requires that a PP must:

- (a) Include provisions that facilitate the protection and conservation of environmentally sensitive areas; and
- (b) If it applies to an environmental protection zone, must not reduce the environmental protection standards that apply to the land.

Council notes that (b) does not apply because the change proposed to the Kingsdale sites, which are currently zoned E3 Environmental Management Zone under the Goulburn Mulwaree LEP 2009, and changes to the minimum lot size for dwellings have been addressed under s117 Direction 1.5. The Medway Road site is currently zoned RU2 Rural Landscape Zone, and so (b) also does not apply.

As identified in Council's assessment of the Sustainability Criteria, the Kingsdale sites are cleared agricultural land. With the exception, of the north western boundary, there are no areas of significant biodiversity occurring within the site. The site, however, contains important agricultural land is located within the Sooley Dam and broader Sydney Drinking Water Catchments.

The PP will protect these environmentally sensitive areas by:

- retaining the E3 Environmental Management Zone.
- setting a 10ha minimum lot size for dwellings which will provide an adequate allotment size for onsite waste water management.

The Medway Road site is identified to contain high conservation biodiversity on the Terrestrial Biodiversity Map in the Goulburn Mulwaree LEP. The environmental values of the site were reviewed by Enviro Ecology on behalf of the applicant.

The review identifies that the biodiversity areas for the site are not supported by ground truthing and that, with the exception of Tableland Grassy Box –Gum Woodland located along the south western boundary, the biodiversity on the site is very degraded.

The PP therefore proposes to amend the Biodiversity Map to remove the area that has been identified as not containing significant biodiversity. There is, however, a potential inconsistency in the PP because it states on pp 6-9 that environmentally sensitive areas of the Medway site would be protected by rezoning these lands to an E2 Environmental Conservation Zone which apparently is not part of the PP.

RECOMMENDATION: The Director General can be satisfied that Council's rural lot size investigations prepared for its Rural Lands Planning Proposal and the 'Ecological Review for Medway' justify the inconsistencies with Direction 2.1. However, it is also recommended that Council be requested to clarify whether the vegetated land at Medway is to be zoned E2 or amend the PP prior to exhibition. If this is the case then Council should also be clear about management of this area of vegetation for other reasons including aesthetic and local habitat values.

SECTION 117 DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

The Department also considers that, based on information provided in the PP, that this Direction may also apply. Consultation is required with NSW Rural Fire Service and Council must take into consideration any comments received prior to placing the PP on exhibition.

RECOMMENDATION: The Director General can be satisfied that the PP is consistent with Direction 4.4 when the Council has consulted with the NSW Rural Fire Service and taken into account its comments.

S117 DIRECTION 5.2 SYDNEY DRINKING WATER CATCHMENTS

SEPP (Sydney Drinking Water Catchment) 2011 and the Direction require that a PP must protect water quality within the Sydney Drinking Water Catchment. To ensure this is achieved consultation is required with the Sydney Catchment Authority (SCA).

Council has advised that the planning proposal is of a minor nature and is expected to have a neutral effect on water quality. Council has included provisions to protect water quality, including retaining the current RU2 Rural Landscape and E3 Environmental Management Zones for the Medway Road and Kingsdale sites, respectively and setting a 10ha minimum lot size for dwellings which would permit a sufficient size allotment to enable onsite treatment of waste water. Council's DCP also requires that developments demonstrate a neutral or beneficial effect on water quality consistent with the SEPP. Council has also advised that no Strategic Land and Water Assessments are currently available for the proposed sites.

The PP is, however, potentially inconsistent with the Direction because Council has not formally consulted with the SCA. It does, however, propose to consult with the SCA after it has received a Gateway Determination.

RECOMMENDATION: The Director General can be satisfied that the PP is consistent with Direction 5.2 after the Council has consulted with the SCA which can occur as part of the general consultation process.

SECTION 117 DIRECTION 2.3 - HERITAGE CONSERVATION

Information contained within the PP would indicate that this Direction may apply. However, Goulburn Mulwaree LEP 2009 contains model heritage provisions and is backed up by the DCP which will enable these issues to be dealt with at the development application stage. The PP is considered to be consistent with Direction 2.3.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Draft LEP Maps have been provided as part of the PP. These have been prepared in accordance with the Department's 'Standard Technical Requirements for LEP Maps Version 1.2'**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day period is recommended by Council.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The PP meets the requirements of the Department's Guideline to preparation of a PP and adequately justifies inconsistencies with applicable environmental planning policies and strategies.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Goulburn Mulwaree LEP was notified in 2009. It is proposed to be reviewed in 2014.**

Assessment Criteria

Need for planning proposal : **The planning proposal (PP) has arisen as a result of landowner submissions to Council's Rural Lands Planning Proposal (Amendment 2) seeking inclusion in proposed new rural residential development areas. Council resolved to consider the landowner requests to allow small rural lot opportunities in the Medway Road, Marulan and Kingsdale locations, but deferred consideration to a subsequent (ie this) PP to avoid delaying finalisation of Amendment No.2.**

The PP will allow the landowner requests to be dealt with.

Consistency with strategic planning framework : **The PP is not consistent with the Goulburn Mulwaree 2020 Strategy and the Sydney Canberra Corridor Regional Strategy. Council has, however, satisfactorily justified any inconsistency through:**

- its review of rural lot sizes prepared to support its Rural Lands Planning Proposal and Amendment 2, which was finalised in July 2012; and**
- addressing the Sustainability Criteria under the Sydney Canberra Corridor Regional Strategy.**

Environmental social economic impacts : **Any environmental impacts associated with the PP will be minimised through retaining the current E3 Environmental Management and RU2 Rural Landscape Zones for the Kingsdale and Medway Road, Marulan sites, respectively.**

The ecological review of the Medway Road, Marulan, site commissioned by the applicant,

concluded that the area of terrestrial biodiversity identified on the Goulburn Mulwaree LEP Terrestrial Biodiversity Map is in a poor condition. It recommended that this area be removed from the Terrestrial Biodiversity Map.

There is a potential inconsistency in the PP because it states on pp 6-9 that this area would be protected by rezoning these lands to an E2 Environmental Conservation Zone. It is recommended that Council be requested to clarify this inconsistency prior to exhibition.

Council intends to consult with the Office of Environment and Heritage if it receives a gateway determination. This will be important to obtain the OEH's views on the findings of the ecological review.

The PP identifies that there are no areas containing high conservation biodiversity on the Kingsdale sites.

The proposed 10ha minimum lot size will provide adequate allotment size for onsite wastewater management to minimise impact on the Sydney Drinking Water Catchment. Council intends to consult with the Sydney Catchment Authority to ensure that water quality protection principles of the SEPP (Sydney Drinking Water Catchments) 2011 are addressed.

Council's DCP provides provisions requiring bushfire hazard, Aboriginal heritage and water quality to be addressed as part of a development application. The NSW Rural Fire Service's views will be sought and considered prior to exhibition of the PP as required by s117 Direction 4.4.

The PP is likely to provide positive social and economic impacts through the supply of additional small rural production and 'lifestyle' lots in close proximity to Marulan and Goulburn as well as within commuting distance to Wollongong, Sydney and Canberra.

Council has identified that the Medway Road, Marulan site has existing controlled access to the Hume Highway via Dorothy Brewer Drive and is unlikely to generate any traffic issues.

Authorisation to Exercise Delegation:

Council has requested that it be granted authorisation to exercise the Director General's plan making delegations under section 59(2),(3)&(4) in accordance with Planning Circular (PS 12-006) 'Delegations and independent reviews of plan-making decisions'. Although the PP is inconsistent with the Sydney Corridor Regional Strategy, it is recommended that Council's request is supported because the:

- inconsistency has been adequately justified.
- the PP is likely to have a relatively minor environmental impact.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Sydney Catchment Authority Hawkesbury - Nepean Catchment Management Authority Southern Rivers Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Agriculture Transport for NSW - Roads and Maritime Services		

Marulan and Kingsdale Localities

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed? **Yes**

If no, provide reasons : **Council has adequately justified any inconsistencies of the PP with applicable environmental planning policies and strategies. The PP will provide additional small rural production and rural lifestyle opportunities within the Marulan and Kingsdale localities.**

Council has provided a Project Timeline as follows. The timeframes are based on Council being given authorisation to exercise plan making delegations under Section 23 of the Act.

Gateway determination - December 2012

Agency consultation - December 2012 - February 2013

Public Exhibition - March - April 2013

Consideration of submissions - May 2013

Submission of LEP to DP&I - July 2013

Plan made - August 2013

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are proposed.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **An upgrade of the existing access to the site from Dorothy Brewer Drive and the Hume Highway may be required in future. The upgrade is not, however, proposed to require state infrastructure funding. Rather it is proposed to fund the upgrade via a development agreement at the development implementation stage. Roads and Maritime Services will be consulted on the PP.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal_V4.pdf	Proposal	Yes
Appendix 1- Medway Road, MLS Maps.pdf	Map	Yes
Appendix 2- Medway, Biodiversity Map.pdf	Map	Yes
Appendix 3- Kingsdale, MLS Map.pdf	Map	Yes
Appendix 4- Medway Road, DG Correspondence.pdf	Proposal	Yes
Appendix 5- Medway Road, Sustainability Criteria.pdf	Study	Yes
Appendix 6- Medway Road, Planning Proposal.pdf	Proposal	Yes
Appendix 7- Kingsdale, Sustainability Criteria.pdf	Study	Yes
Appendix 8- Council Report, 3 April 2012.pdf	Proposal	Yes
Appendix 9- Council Report, 1 May 2012.pdf	Proposal	Yes
Appendix 10- Council Report, 3 July 2012.pdf	Proposal	Yes
Appendix 11- DoPI Advice, 13 June 2012.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**

1.5 Rural Lands
2.1 Environment Protection Zones
5.1 Implementation of Regional Strategies
5.2 Sydney Drinking Water Catchments

Additional Information :

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

- reduce the minimum lot size at Kingsdale and Medway Road, Marulan from 100ha to 10ha; and
 - remove land identified on the Terrestrial Biodiversity Map at Medway Road, Marulan site;
- be allowed to progress subject to the following conditions:

1. 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 must be made publicly available for 28 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 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning October 2012).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage (regarding biodiversity and Heritage issues)
- Sydney Catchment Authority (SCA) (regarding water quality and catchment issues)
- Hawkesbury Nepean and Southern Rivers Catchment Management Authorities (regarding water quality and catchment issues)
- NSW Department of Primary Industries - Agriculture
- Transport for NSW - Roads and Maritime Services (regarding Hume Highway access and traffic issues)
- NSW Rural Fire Service (regarding planning for bushfire issues)

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 it 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.

3. No public hearing is required to be held into the matter under section 56 (2) (e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. Written authorisation to exercise delegation under sections 59(2),(3)&(4) be granted to Council in accordance with Planning Circular (PS 12-006) 'Delegations and independent reviews of plan making decisions'. This delegation prevails only in the absence of an unresolved objection from a public authority.

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

6. Council is to correct its accompanying Maps to be consistent with the grid pattern and numbering of the Maps on the NSW Legislation website prior to exhibition.

7. Council is to confirm with the Southern Regional office whether an E2 Environmental Conservation Zone is to be applied to the Medway Road, Marulan land and to provide an amended planning proposal if necessary. Council should also indicate how this land will be managed for its local habitat value and aesthetic values.

S117 DIRECTIONS

8. The Director General can be satisfied that the inconsistency with the Sydney Canberra Corridor Regional Strategy (SCCRS) and Directions 5.1 Implementation of Regional Strategies, 1.2 Rural Zones and 1.5 Rural Lands have been adequately justified through Council's assessment of the planning proposal against the SCCRS Sustainability Criteria and by Council's review of rural lot size study undertaken as part of its Rural Lands Planning Proposal (Amendment No. 2 notified on 13 July 2012).

9. The Director General can be satisfied that the planning proposal is consistent with Direction 5.2 Sydney Drinking Water Catchments once the Council has consulted with the Sydney Catchment Authority. It is appropriate for this consultation to occur as part of the overall consultation process.

10. The Director General can be satisfied that the planning proposal is consistent with Direction 4.4 Planning for Bushfire Protection when the Council has consulted with the NSW Rural Fire Service and taken into account any comments made prior to community consultation. A copy of the correspondence and any actions Council takes in response should be forwarded to the Regional Director of the Southern Region.

11. The Director General can be satisfied that the planning proposal is consistent with all other relevant Directions.

12. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form and any issues raised by the SCA and NSW Rural Fire Service are adequately addressed.

Supporting Reasons :

The planning proposal deals with landowner submissions received during the exhibition of Council's Rural Lands Planning Proposal (RLPP). These matters were deferred to a subsequent (ie this) planning proposal to avoid delaying the finalisation of the RLPP. The Goulburn Mulwaree LEP 2009 (Amendment No. 2) was notified in July 2012 and provided approximately 21,000 ha of land available for rural small lot and 'lifestyle' opportunities in suitable locations surrounding Goulburn, Marulan and other well serviced towns and villages. The current planning proposal will further add to rural small lot and 'lifestyle' opportunities in the Marulan and Kingsdale localities. The planning proposal will add to housing choice and support the local economies of Marulan and Kingsdale.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

13th December 2012