

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**

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 SCCRCS 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.

Panel RecommendationRecommendation Date : **20-Dec-2012**Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **Planning proposal (Department Ref: PP_2012_GOULB_002_00): to reduce the minimum lot size for certain land at Marulan and Kingsdale and amend the Terrestrial Biodiversity Map.**

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to reduce the minimum lot size for land at 152 Medway Road, Marulan and land at Kingsdale from 100ha to 10ha and remove land identified on the Terrestrial Biodiversity Map at Marulan should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the 'intended outcome' of the planning proposal to include a statement of what is planned to be achieved by the planning proposal.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a locality map, land zoning map and current and proposed lot size and terrestrial biodiversity maps, which clearly identify the subject site. Council should amend the maps to ensure the grid pattern and numbering is consistent with the Goulburn Mulwaree LEP 2009 maps on the NSW Legislation website.
3. Council is to clarify whether land at Medway Road, Marulan is proposed to be rezoned to E2 Environmental Conservation and indicate how the local habitat and aesthetic values of this land will be managed. Prior to undertaking public exhibition, Council is to amend the planning proposal to be clear on whether the proposal will rezone land at Marulan.
4. Prior to undertaking public exhibition, Council is to consult with Roads and Maritime Service (RMS) regarding access to/from the subject lands onto the Hume Highway and traffic issues associated with the planning proposal. Council is to cost and apportion the works identified as required by RMS, including identifying who will pay for the works. This additional information should form part of the documents placed on public exhibition with the planning proposal.
5. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
6. Council is to consult with the Sydney Catchment Authority as per the requirements of Section 117 Direction 5.2 Sydney Drinking Water Catchment and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
7. 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 LEPs (Department of Planning and Infrastructure 2012).
8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Sydney Catchment Authority
 - Hawkesbury Nepean Catchment Management Authority

Marulan and Kingsdale Localities

- Southern Rivers Catchment Management Authority
- NSW Department of Primary Industries – Agriculture
- Transport for NSW – Roads and Maritime Services
- 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.

9. A public hearing is not required to be held into the matter by any person or body 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).

10. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

M. Selman A/ EPO

Printed Name:

NEIL SELMAN

Date:

24/12/2012