



Office of the Director General

Mr Chris Berry
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Our ref: PP_2012_GOULB_002_00 (12/17968)
Your ref:

Dear Mr Berry,

Planning proposal to amend Goulburn Mulwaree Local Environmental Plan 2009

I am writing in response to your Council's request for 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 Local Environmental Plan (LEP) 2009 to reduce the minimum lot size for certain land at Marulan and Kingsdale from 100ha to 10ha and remove land identified on the Terrestrial Biodiversity Map at Marulan.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones and 5.1 Implementation of Regional Strategies are of minor significance or have been adequately justified against the sustainability criteria in the Sydney Canberra Corridor Regional Strategy. No further approval is required in relation to these Directions.

It is noted that part 3 'justification' within the planning proposal makes reference to the rezoning of land at Medway Road, Marulan to E2 Environmental Conservation. Council is to clarify with the Department of Planning and Infrastructure whether the planning proposal also seeks to rezone land at Marulan for environmental purposes.

It is noted that Council has requested authorisation to exercise plan making delegations under s59(2), (3) and (4) of the EP&A Act. Council is advised that it has not been granted authorisation to exercise delegation because further work is to be undertaken regarding traffic issues associated with the planning proposal, including addressing access to/from the subject land onto the Hume Highway. Consequently, the Gateway determination conditions Council to consult with the Roads and Maritime Services (RMS) regarding the above matters and to cost and apportion any works identified as required by RMS.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 George Curtis of the regional office of the department on 02 4224 9450.

Yours sincerely,

SHaddad

Sam Haddad
Director General

10/1/2013.

Gateway Determination

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
- 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.

Dated

10th

day of

January

2013

Sam Haddad
Director General
Delegate of the Minister for Planning and Infrastructure