



Planning,
Industry &
Environment

IRF21/2981

Gateway determination report – PP-2021-4107

Planning Proposal for Additional Permitted Uses at 14
& 16 George Street Marulan (Marulan Truckstop 31)
and 159 Rifle Range Road, Goulburn

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Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	3
2	Need for the planning proposal	3
3	Strategic assessment	4
3.1	Regional Plan	4
3.2	The Tablelands Regional Community Strategic Plan 2016-2036	5
3.3	Local Plans and Strategies	6
3.4	Section 9.1 Ministerial Directions	6
3.5	State environmental planning policies (SEPPs)	9
4	Site-specific assessment	10
4.1	Environmental.....	10
4.2	Social and economic.....	10
4.3	Infrastructure	11
5	Consultation.....	11
5.1	Community	11
5.2	Agencies.....	11
6	Timeframe	11
7	Local plan-making authority	12
8	Assessment summary	12
9	Recommendation.....	12

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Goulburn Mulwaree
PPA	Goulburn Mulwaree Council
NAME	Planning Proposal for Additional Permitted Uses at 14 & 16 George Street Marulan (Marulan Truckstop 31) and 159 Rifle Range Road, Goulburn (1 home/32 jobs)
NUMBER	PP-2021-4107
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	14 & 16 George Street Marulan and 159 Rifle Range Road, Goulburn
DESCRIPTION	Lots 2 & 3, DP 1053945 and Lot 1, DP 706477
RECEIVED	24/06/2021
FILE NO.	IRF21/2981 (EF21/9458)
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal which are to:

- Enable the permissibility of a motel, pub and ancillary bottle shop on land at 16 George Street, Marulan and a fast food restaurant on adjacent land at 14 George Street, Marulan.
- Enable the subdivision of land and provide for the erection of a dwelling house at 159 Rifle Range Road, Goulburn.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The Marulan Truckstop 31 which comprises land at 14 (Lot 2) and 16 George Street Marulan (Lot 3) is currently zoned IN1 General Industrial. Tourist and visitor accommodation and retail premises are currently prohibited in the Zone.

Land at 159 Rife Range Road, Goulburn is currently split zoned E2 Environmental Conservation Zone (north of the Hume Highway) with a 100ha minimum lot size and RU6 Transition Zone (south of the Highway) with a 20ha MLS. The area of land zoned E2 is approximately 76ha which does not meet the 100ha MLS required to subdivide the land.

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 to introduce the following additional permitted uses into Schedule 1 of the LEP:

5. Use of certain land at 14 George Street, Marulan

- (1) This clause applies to land at 14 George Street, Marulan, being Lot 2, DP 1053945.*
- (2) Development for the purposes of 'food and drink premises' is permitted with development consent.*

6. Use of certain land at 16 George Street, Marulan

- (1) This clause applies to land at 16 George Street, Marulan, being Lot 3, DP 1053945.*
- (2) Development for the purposes of motel or hotel accommodation, pub and bottle-shop is permitted with development consent.*

7. Use of certain land at 159 Rifle Range Road

- (1) This clause applies to land at Rifle Range Road, Goulburn, being Part Lot 1, DP 706477, as shown on the Additional Permitted Uses Map.*
- (2) Development for the purposes of a dwelling house is permitted with consent with a minimum lot size of 70ha.*

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. Parliamentary Counsel may propose different mechanisms to achieve the objectives of the plan when drafting the instrument.

1.4 Site description and surrounding area

The planning proposal comprises two distinct proposals over three lots on the following two sites:

- Marulan Truckstop 31, George Street, Marulan covering lots 2 & 3, DP 1053945.
- 159 Rifle Range Road, Goulburn, covering Lot 1, DP 706477.

Marulan Truckstop 31

The Marulan Truckstop is a 4ha site which adjoins the Marulan urban area to the north and east, industrial and light industrial uses to the west and south and enterprise corridor/Hume Highway further (150m) to the south. An existing service station is located on Lot 2 while a small residential property is located on Lot 3. A site map showing surrounding uses is provided at Figure 2 of the planning proposal document.

159 Rifle Range Road, Goulburn

The site at 159 Rifle Range Road, Goulburn has an area of 119 hectares and is located approximately 3km to the east of the Goulburn Urban Area. The site is severed by the Hume

Highway. It adjoins parkland to the north and rural land to the south. The northern 76ha parcel is currently used for grazing, predominantly horses. The parcel does not contain a dwelling and is zoned E2 Environmental Conservation. The southern 43ha parcel is grazing land is zoned RU6 Transition Zone and contains a dwelling. A site map showing adjoining land uses is provided in Figure 3 the planning proposal document.

1.5 Mapping

Proposed Additional Permitted Uses Maps are provided in appendices 30a-30c of the planning proposal and are suitable for community consultation. The planning proposal does not amend any other LEP Maps.

2 Need for the planning proposal

Marulan Truckstop 31

The planning proposal states that the proposal for Marulan Truckstop 31 is the result of an application submitted by the developer and landowner. Council considered the application on 6 April 2021 and resolved to prepare a planning proposal for the site.

The planning proposal is needed to facilitate a wider redevelopment and upgrade of the existing service station on lot 2 and adjoining lot 3 to include retail premises and tourist and visitor accommodation uses that are prohibited in the applicable IN1 General Industrial Zone. Although highway service centres, which include restaurants, cafes and takeaway food and drink premises as ancillary development, are permissible in the IN1 Zone as well as the SEPP (Infrastructure) 2007, the proponent wants to establish the fast food, drive-through restaurant element of the proposal on a separate title to the existing service station site on lot 2. The proposal therefore seeks an additional permitted use for food and drink premises to enable these uses within a separate Torrens title. An additional permitted use for tourist and visitor accommodation is also needed to facilitate a proposed motel on Lot 3.

The planning proposal considers other zoning options for the site including a B2 Local Centre Zone, B4 Mixed Use Zone and B3 Commercial Core Zone, but these zones are unsuitable as they could create land use conflict (the zones allow residential uses) and may have a negative impact on the existing Marulan commercial centre. Council's view that an additional permitted uses for the site, rather than an alternative zoning, are supported for the reasons provided in the planning proposal.

It is considered a planning proposal is the appropriate mechanism to facilitate the required amendment of the Goulburn Mulwaree LEP 2009 to include the proposed additional permitted uses.

The site will need to be transitioned to an equivalent employment zone proposed under the Department's Employment Zone Reforms such as the proposed E3 Productivity Support or E4 General Industrial Zone. The Department proposes to insert the new employment zones into comprehensive LEPs via amending SEPPs by mid-2022. It is recommended Council consult with the Department's Employment Zones Team during LEP drafting stage to identify a suitable employment zone.

159 Rifle Range Road, Goulburn

The planning proposal for 159 Rifle Range Road, Goulburn is the result of an action in the Goulburn Urban and Fringe Housing Strategy to address anomalies in split zones created by the

Hume Highway. The planning proposal is needed to permit a dwelling on the northern portion of the lot zoned E2 Environmental Conservation Zone and to allow subdivision below the 100ha minimum lot size requirement.

Council considered the option of amending the applicable lot size map to create a new lot size category. This would require amending 43 lot size maps. Council does not prefer this option as it is considered unnecessary to address only one site. It is recommended that Council consult with Parliamentary Counsel's Office on the preferred mechanism during the LEP drafting stage.

Council also considered rezoning the site to an E3 Environmental Management or E4 Environmental Living Zone but considers these zones would reduce the environmental protection standards as they would introduce additional permissible land uses such as tourist and visitor accommodation uses.

It is considered a planning proposal is the appropriate mechanism to facilitate the required amendment of the Goulburn Mulwaree LEP 2009, whether an APU or via an amendment of the relevant lot size map.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

Table 2 Regional Plan assessment

Regional Plan Objectives	Justification
<p>Goal 1: A connected and prosperous economy</p> <ul style="list-style-type: none"> Direction 4: Leverage growth opportunities from Western Sydney Direction 9: Grow tourism in the Region Direction 11: Enhance strategic transport links to support economic growth. Direction 12: Promote business activities in urban centres 	<ul style="list-style-type: none"> The proposal is consistent with Goal 1 and Directions 4, 9, 11 and 12 of the Regional Plan because it will facilitate the redevelopment of the Marulan Truckstop which will create local jobs, support freight and other businesses and tourists using the Hume Highway by providing facilities to stay overnight, relax and refuel. The proposal will also support/complement business activity in the Marulan urban centre.

<p>Goal 2: A diverse environment interconnected by biodiversity corridors</p> <ul style="list-style-type: none"> Direction 14: Protect important environmental assets Direction 16: Protect the coast and increase resilience to natural hazards 	<ul style="list-style-type: none"> The proposal is consistent with Goal 2 and Direction 14 of the Regional Plan because it does not seek to alter the current E2 Environmental Conservation Zone or Terrestrial Biodiversity Map that applies to the northern portion of the Rifle Range Road site. The planning proposal identifies there are cleared areas of exotic pasture grass available to site the proposed dwelling. The proposal is consistent with Goal 2 and Direction 16 of the Regional Plan because the Marulan Truckstop site is not located within or in proximity to a bushfire prone area or a flood prone area. The Rifle Range Road site is mapped as bushfire prone, however, there is sufficient area available to meet required asset protection zones and other bushfire protection measures. Part of the site is flood affected, but there are flood free areas of the site where the proposed dwelling and waste-water facilities can be located.
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3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The planning proposal is consistent with The Tablelands Regional Community Strategic Plan. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 Regional Community Strategic Plan assessment

Community Strategic Plan Priorities	Justification
<p>Economy: Strategy EC1 – Capitalise on the region's proximity to Canberra and its position as a convenient location to attract industry and investment.</p> <p>Economy: Strategy EC2 – Jointly develop appropriate tourism opportunities and promote the region as a destination.</p>	<p>As previously discussed in section 3.1 of this report, the proposal will facilitate redevelopment of the Marulan Truckstop which will provide motel accommodation and provide ancillary services to support freight drivers and tourists travelling on the Hume Highway.</p>
<p>Environment: Strategy EN4 – Maintain a balance between growth, development and environment protection through sensible planning.</p>	<p>As previously discussed in section 3.1 of this report, the proposal will facilitate the development of a dwelling on the northern portion of the Rifle Range site and protect the environmental values of the land.</p>
<p>Civic Leadership: Strategy CL1 – Effect resourceful and respectful leadership and attentive representation of the community.</p>	<p>The proposal responds to a landowner submission lodged with Council during the exhibition of the draft Goulburn Urban and Fringe Housing Strategy which was supported as an action provided in the final strategy to resolve anomalies in split zones created by the Hume Highway.</p>

3.3 Local Plans and Strategies

The proposal states it is consistent with the following local plans and endorsed strategies as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
<p>Local Strategic Planning Statement:</p> <ul style="list-style-type: none"> Planning priority 1: Infrastructure Planning priority 2: City, Town and Village Centres Planning priority 4: Housing Planning priority 6: Industry and Economy Planning priority 10: Natural environment 	<p>The proposal is consistent with planning priorities 1, 2, 4, 6 and 10 of Council's LSPS because it will support infrastructure (Marulan Truck Stop/Hume Highway); support/complement the adjoining Marulan urban and industrial area; provide jobs and support the local and regional economy. The proposal will protect high environmental value land at 159 Rifle Range Road.</p>
Goulburn Mulwaree Urban and Fringe Housing Strategy	<p>The Marulan Truckstop is identified as precinct 1 Marulan Town Centre. The proposal will reinforce the historic character and function of Marulan as a highway service town, providing roadside services by facilitating the redevelopment and expansion of the site and also support the growth of adjoining residential areas by providing compatible/complementary land uses including motel, pub/restaurant.</p> <p>As previously mentioned in section 3.1 of this report, the resolution of split zone anomalies created by highway severance such as the Rifle Range Road site is identified in the Urban and Fringe Housing Strategy.</p>

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 – Business and Industrial Zones	Consistent	The proposal seeks to retain the current IN1 General Industrial Zone for the Marulan Truckstop 31 and the proposed additional permitted uses will facilitate employment growth on the site.
Direction 1.2 Rural Zones	Consistent	The proposal does not seek to rezone the southern portion of the Rifle Range Road site, which is currently zoned RU6 Transition, nor does it seek to increase the permissible density of the rural zoned land.

Direction 1.5 – Rural Lands	Not consistent	The proposal seeks to facilitate a residential subdivision of rural and environmental zoned lot and so may facilitate fragmentation of rural/environmental land. The lot is, however, already severed by the Highway. Any inconsistency with the Direction is justified by Council's Urban and Fringe Housing Strategy which identifies the current split zone anomaly to be addressed.
Direction 2.1 – Environmental Protection Zones	Consistent	The planning proposal does not seek to alter the E2 Environmental Conservation Zone nor Terrestrial Biodiversity mapping that applies to the northern portion of the Rifle Range site. The E2 zoning will ensure the critically endangered Box-Gum Woodland ecological community located along riparian areas of the site is protected. The proposal indicates there are cleared areas of exotic pasture grass that can provide a suitable dwelling site.
Direction 2.3 – Heritage Conservation	Consistent	Neither the Marulan Truckstop 31 nor the Rifle Range Road sites contain any recorded Aboriginal or non-Aboriginal heritage items. There is a locally listed item (The All Saints Rectory) located 230m to the north east of the Marulan Truckstop, however, the proposal is unlikely to impact this item. There are two recorded Aboriginal sites within 50 metres of the Rifle Range Road site but, given the minor nature of the proposal, any impact of future residential development on these sites is unlikely. The Goulburn LEP and DCP contain provisions that require comprehensive heritage assessment to be undertaken for any development applications that may be facilitated by the planning proposal.
Direction 2.6 – Remediation of Contaminated Land	Consistent	Council has considered Preliminary and Detailed Site Investigation reports for the Marulan Truckstop site which were prepared by the proponent. Council is satisfied the land is suitable for the proposed uses identified in the planning proposal (which do not include residential, education, recreation or childcare) without remediation on the provision that the recommendations presented in the Detailed Site Investigation Report are implemented through the development application stage. Council is satisfied the Rifle Range Road site is unlikely to be contaminated.
Direction 3.4 – Integrating Land Use and Transport	Consistent	Although there is limited public transport servicing Marulan, there is good pedestrian access to the Marulan Truckstop site which is located 800m (10-minute walk) to the Marulan urban area and train station.

Direction 3.6 – Shooting Ranges	Inconsistent	The Goulburn Rifle Range Danger Area (which is identified in Appendix 21 to the Planning Proposal) marginally crosses over onto a small section of the northern portion of the lot. The inconsistency with the Direction is, however, considered to be of minor significance due to the marginal encroachment and adequate area to site the proposed dwelling. Council intends to place a restriction on the title of the lot in relation to the shooting range if the lot is subdivided.
Direction 4.3 - Flood Prone Land	Consistent	Council is satisfied the Marulan Truckstop proposal would not facilitate development on flood prone land. The Rifle Range Road site has a drainage channel running from the south west to the north west through the site which may be subject to flooding. Council, however, considers there are suitable areas available on the northern portion of the lot to site the proposed dwelling and waste water treatment system away from potential flooding areas.
Direction 4.4 - Planning for Bushfire Protection	Inconsistent	The Marulan Truckstop 31 site is not in, or in proximity, to land mapped as bushfire prone. The Rifle Range Road site is mapped as medium bushfire risk. Council, however, considers there are suitable areas available to locate the proposed dwelling to meet the requirements of Planning for Bushfire Protection 2019. Council is required to consult with the NSW Rural Fire Service prior to public exhibition to demonstrate compliance with the Direction.
Direction 5.2 - Sydney Drinking Water Catchment	Consistent	Council consulted WaterNSW on the proposal which raised a potential concern over the effect of potential land contamination at the Marulan Truckstop site on water quality. WaterNSW asked to be further consulted during the exhibition phase, particularly on the Detailed Site Investigation which had not been completed during the initial consultations. Council has advised development at the Marulan Truckstop site arising from the planning proposal will be required to be connected to sewer and this approach is supported by WaterNSW. WaterNSW did not raise objection to the Rifle Range Road proposal.
Direction 5.10 - Implementation of Regional Plans	Consistent	The proposal is consistent with relevant goals and directions of the South East and Tablelands Regional Plan as discussed previously in section 3.1 of this report.
Direction 6.1 - Approval and Referral Requirements	Consistent	The proposal does not seek to introduce any additional approval or referral requirements beyond those already in place.

Direction 6.3 - Site Specific Provisions	Inconsistent	<p>As discussed in section 2 of this report, Council has considered other options to using additional permitted use clauses for the Marulan Truckstop site including adding the proposed additional land uses to the existing IN1 General Industrial Zone and choosing alternative zones. These options are not, however, considered suitable as they could introduce inappropriate land uses and conflict. The proposed additional permitted uses are considered an appropriate use of Schedule 1.</p> <p>Council considered the option of amending the applicable lot size map for the Rifle Range Road site as an alternative to a Schedule 1 additional permitted use. This would require amending the entire lot size map series (43 maps) to include the proposed 70ha minimum lot size standard which may be difficult to justify. It is recommended Council consult with Parliamentary Counsel's Office on the preferred mechanism during LEP drafting stage. It is considered any inconsistency with the Direction is of minor significance and justified by Council.</p>
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3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality.	Consistent	Council and WaterNSW consider any proposed development arising from the planning proposal can meet water quality requirements under the SEPP subject to the Marulan Truckstop site connecting to sewer.
SEPP No. 55 Remediation of Land	The SEPP aims to promote the remediation of contaminated land.	Consistent	As previously discussed, Council is satisfied the Marulan Truckstop site is suitable for the proposed developments provided the recommendations from the Detailed Site Investigation are implemented at the development application stage.
SEPP (Infrastructure) 2007	The SEPP aims to facilitate delivery of infrastructure across NSW.	Consistent	The Marulan Truckstop proposal will provide additional transport servicing infrastructure for Hume Highway road users. Council will need to consider the SEPP when it assesses development proposals for the Marulan Truckstop.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	The Marulan Truckstop is a developed site and the proposal is unlikely to impact on biodiversity. The northern portion of the Rifle Range Road site contains critically endangered Box Gum Woodland ecological community which is unlikely to be impacted by the proposed dwelling.
Water quality/contamination	It is considered that development arising from the planning proposal is unlikely to impact on water quality, subject to the Marulan Truckstop being connected to sewer and the recommendations of the Detailed Site Investigation being implemented at the development application stage.
Amenity (noise and light)	The Marulan Truckstop proposal has the potential to impact an adjoining residential property via noise and light spillage from the proposed hotel/motel and pub. The Goulburn Mulwaree DCP includes provisions which seek to reduce acoustic and light impact from service stations which will be required to be addressed by future development applications.

4.2 Social and economic

The planning proposal is accompanied by Economic and Social Impact Assessments that were prepared by the proponent.

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
<u>Social impacts:</u> Public safety	As previously discussed in this report, a small part of the Rifle Range Road site is affected by the Goulburn Rifle Range Danger Area. The Danger Area, however, can be avoided through appropriate siting of any proposed dwelling.
Traffic	The proposed redevelopment of the Marulan Truckstop has the potential to increase traffic along George Street. Council, however, considers traffic impacts can be mitigated at the development application stage. It is recommended Council consult with Transport for NSW on the planning proposal to identify any traffic/transport issues relating to the Hume Highway.

Community health and safety/crime/antisocial behaviour/impact of licensed premises	The social impact assessment undertaken by the proponent identifies that the proposed redevelopment of the Marulan Truckstop, including proposed bottle shop and pub, is not likely to impact on community health and safety or increase levels of crime in the Marulan population. This development is more likely to have positive social benefits including providing social integration/additional services for the community, truck drivers and tourists, as well as providing local employment opportunities.
<u>Economic impacts:</u>	The economic impact assessment prepared by the proponent indicates the Marulan Truckstop proposal will have largely positive economic impacts including \$23million investment in the redevelopment of the site creating approximately 53 jobs during the construction phase and creation of approximately 32 jobs and \$6.2million in gross value added to the local economy associated with the operation of the proposed motel and pub/hotel. The Rifle Range Road proposal is likely to have a positive social and economic impact for the landowner as it will facilitate the development of a dwelling on the northern portion of the lot.

4.3 Infrastructure

The Marulan Truckstop 31 has access from sealed roads and access to electricity and water infrastructure. The proposed development has capacity to connect to the sewer network.

An additional internal road from Rifle Range Road will be required to provide access to the proposed dwelling on the northern portion of the site. The dwelling will require its own on-site water storage and waste-water system.

5 Consultation

5.1 Community

Council proposes to undertake community consultation during September 2021.

The exhibition period proposed is considered appropriate and a 28-day consultation period forms the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal, namely WaterNSW and NSW Rural Fire Service.

It is recommended the following additional agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW
- DPIE - Biodiversity and Conservation

6 Timeframe

Council proposes a five month time frame to complete the LEP.

The Department recommends a time frame of 12 months to allow for any unforeseen delays.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is of local planning significance and consistent with endorsed local and regional strategic planning, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will facilitate the redevelopment of Marulan Truckstop 31 which will provide significant benefits to the local and regional economy, provide additional services, support Highway users and tourism and create jobs.
- It will resolve the zoning anomaly at 159 Rifle Range Road which is severed by the Hume Highway and facilitate permissibility of a dwelling.
- It is consistent with the South East and Tablelands Regional Plan, the Goulburn Mulwaree Urban and Fringe Housing Strategy and LSPS.

Based on the assessment outlined in this report, the proposal must be updated before consultation to incorporate requirements provided by the NSW Rural Fire Service.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.5 Rural Lands, 3.6 Shooting Ranges and 6.3 Site Specific Provisions are minor or justified; and
- Note that the consistency with section 9.1 Directions 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
 - WaterNSW
 - NSW Rural Fire Service
 - Transport for NSW
 - DPIE – Biodiversity and Conservation
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



21/07/2021

Graham Towers

Manager, Southern Region

A handwritten signature in dark ink, appearing to read 'Sarah Lees', is positioned over a faint, light-colored circular stamp.

22/07/2021

Sarah Lees
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