





**15.4 PLANNING PROPOSAL - AMENDMENTS TO GM LEP SCHEDULE 1, MARULAN TRUCKSTOP, 14-16 GEORGE STREET, MARULAN****Author:** David Kiernan, Senior Strategic Planner**Authoriser:** Warwick Bennett, General Manager

**Attachments:**

1. Marulan Proponents Planning Proposal Submission (separately enclosed) 
2. Marulan Indicative Redevelopment Plans (separately enclosed) 
3. Marulan Social Impact Assessment (separately enclosed) 
4. Marulan Economic Impact Assessment (separately enclosed) 

|                           |  |
|---------------------------|--|
| <b>Reference to LSPS:</b> | Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change. |
| <b>Address:</b>           | 14 - 16 George Street, Marulan   |

**RECOMMENDATION**

That:

1. The report from the Senior Strategic Planner regarding the proposed amendment to Schedule 1 – Additional Permitted Uses of the *Goulburn Mulwaree Local Environmental Plan 2009* be received.
2. Council resolve to prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* Schedule 1 - Additional Permitted Uses by including Food and Drink premises as permitted with consent in relation to Lot 2, DP 1053945 and Motel or Hotel accommodation, Pub and Bottle shop as permitted with consent in relation to Lot 3, DP 1053945.
3. Council's Planning Proposal include a requirement for a Phase 1 Contamination Assessment (and potentially a Phase 2 Contamination Report and Remediation Action Plan, if required) to be undertaken prior to the proposal being forward to the Department of Planning, Industry and Environment for a Gateway determination.
4. The Planning Proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
5. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
6. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.

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.

**INTRODUCTION**

This report considers a proponent-led planning proposal seeking to amend Schedule 1 - Additional Permitted Uses of the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) to permit a fast food restaurant on Lot 2 (indicative location marked in yellow on Figure 1) and a motel, pub and bottle shop on Lot 3 subject to consent. This planning proposal forms part of a

wider scheme to redevelop the existing Truck Stop 31 site in Marulan. The proponents planning proposal submission is available in **Attachment 1**.



*Figure 1: Marulan Truckstop Site Location Plan*

## BACKGROUND

The Marulan Truck Stop 31 planning proposal site (referred to as “the subject site”), as illustrated in Figure 1 comprises two lots with a total combined area of approximately 4 hectares, being Lot 2 and Lot 3 DP 1053945. Lot 1 does not form part of the planning proposal but is in the same ownership with indicative plans provided to Council for its redevelopment at a later stage. The subject site is located to the south west of the Marulan urban area, and is bounded by George Street, Portland Avenue and vacant lots to the north and west. The site is approximately 150 metres from the northbound (Sydney-bound) exit of the Hume Highway onto George Street and is approximately 500 metres south of the Marulan Local Centre.

An existing service station (Truck Stop 31) occupies Lot 2, which is the larger of the two lots, and currently includes a restaurant and fuel forecourt. A small residential property is currently sited on the adjacent Lot 3 and vacant land in the same ownership stands on Lot 1. The site is zoned IN1 General Industrial with a variety of other land zones surrounding the site including R1 General Residential to the north, B6 Enterprise Corridor and IN2 Light Industrial to the south and B2 Local Centre to the north east. These land uses are illustrated in Figure 2.

The site owner submitted a planning proposal to Council on 11 January 2021 seeking to amend the GM LEP by permitting a fast food restaurant on Lot 2 and motel, pub and bottle shop of Lot 3. A copy of the submitted planning proposal is presented in **Attachment 1**.

The current IN1 General Industrial zone prohibits retail premises and tourist and visitor accommodation uses, preventing the range of uses the proponent is seeking as part of the wider redevelopment of the existing service station. This proposal is being prepared in conjunction with a development application for the wider redevelopment and upgrade of the existing service station (Lot 2).

The development application for Lot 2 (DA/0299/2021) includes a range of ancillary developments including a weighbridge and truck wash facility. A copy of the indicative redevelopment plans submitted as part of this planning proposal are available in **Attachment 2**.

The majority of these uses are permissible as part of the extant service station use with the exception of the fast food restaurant. The fast food restaurant will be leased separately and as such is not considered a permissible ancillary use of the site without creating an additional permissible use through a planning proposal.

The development application and ultimately the planning proposal seeks to better utilise this site and upgrade the existing service station for highway users.

A development application is currently being progressed on part of the service station upgrade which omits Lot 3 and part of Lot 2 where the fast food restaurant is anticipated to be sited. Further development applications will be submitted for the remaining areas and uses subject to successful completion of this planning proposal.



Figure 2: Marulan Truck Stop Land Use Zoning Plan

## REPORT

The existing Truck Stop 31 service station site is currently a large, underutilised site with an expansive hardstand area. The adjacent Lot 1 is a vacant industrial lot and a residential property is sited on Lot 3 which is also zoned IN1 General Industrial. The development application currently being assessed by Council seeks consent for only part of the wider redevelopment of the site to provide a full range of supporting uses to the service station.

The redevelopment is anticipated to be undertaken in the following stages presented in the table below:

| Stage   | Applicable Lot        | Proposed   | Approval pathway   |
|---------|-----------------------|--|--|
| Stage 1 | Lot 2                 | Redevelopment of the existing service station  | Subject to current DA (0299/2021)                        |
| Stage 2 | Part of Lot 2 & Lot 3 | Development of supporting services including a fast food drive-thru restaurant fronting George Street with an area of approximately 498m <sup>2</sup> GFA, with: <ul style="list-style-type: none"> <li>Two drive thru ordering lanes and waiting bay lane, and</li> </ul> | <b>Subject to Planning Proposal</b><br><br>Subsequent DA |
|         | Part of Lot 2         |  |  |

| Stage          | Applicable Lot | Proposed   | Approval pathway                                |
|----------------|----------------|--|---|
|                |                | <ul style="list-style-type: none"> <li>Car parking for 33 vehicles.</li> </ul>   | required after completion of Planning Proposal  |
|                | Lot 3          | <ul style="list-style-type: none"> <li>A pub fronting George Street with an area of approximately 839m<sup>2</sup> GFA plus roof top seating of 281m<sup>2</sup>;</li> <li>An ancillary bottle shop as part of the pub; and</li> <li>A three level, 48 room motel with an area of approximately 3,144m<sup>2</sup> GFA to the rear of the lot which includes a swimming pool.</li> </ul> |   |
| <b>Stage 3</b> | Lot 1          | Development of vacant site for warehousing/distribution  | DA can be submitted as permissible use for zone |

This scheme would provide jobs both through construction and operation of the site, provide additional short term visitor accommodation, increase visitors to Marulan and enhance an existing and underutilised site.

These uses are not currently permissible within the existing IN1: General Industrial zone and a rezoning to an alternative zone which enables the proposed uses is not considered suitable. Alternative zones considered are the B2: Local Centre zone and B4: Mixed Use zone, both of which would enable the range of uses proposed but also permits with consent, residential use. The other alternative zone considered was the B3: Commercial Core which is specifically tailored to Goulburn CBD and would not be appropriate for Marulan.

Therefore an amendment to Schedule 1 of GM LEP is considered the most appropriate mechanism to enable the uses sought by the proponent to enable the comprehensive redevelopment of the service station and creation of supporting uses.

The draft wording for Schedule 1 is presented below:

**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.*

Addressing Constraints

The primary constraints relative to this site are Marulan sewerage capacity, contamination, residential amenity and potential economic and social impacts of the scheme on local businesses and residents.

The site is not covered by any existing flood studies, however the site stands a significant distance from water bodies, tributaries and drainage paths which makes flooding unlikely. The site is able to be connected to Marulan reticulated water supply and is not bushfire prone. The site has a number of existing vehicular access points on to George Street and Portland Avenue.

**Marulan Sewerage Capacity**

The Marulan sewerage treatment plant is at capacity and is unable to accommodate any additional sewerage which may be generated as a result of the proposed uses on site. The Marulan sewerage treatment plant upgrade is identified in the Council's Operational Plan and is scheduled for completion in 2023.

Any development application to permit construction of the proposed uses would include a condition which prevents the operation/occupation of the development until the sewerage treatment plant upgrade works have been complete.

Once the sewerage treatment upgrade has been completed the site will be connected to the reticulated sewage network and will no longer rely on on-site disposal. This is considered to serve as an improvement on the existing situation.

### **Contamination**

The site is not identified on the Council's local contaminated land register or identified as significant contaminated land, however Lot 2 is currently occupied by a service station which has been operating as such for approximately 50 years, therefore, contamination may be present due to the presence of underground fuel storage tanks etc.

*Ministerial Direction 2.6 Remediation of Contaminated Land* applies to potentially contaminating land uses listed within Table 1 of the *Managing Land Contamination – State Environmental Planning Policy No. 55 Planning Guidelines*. This list includes service stations and the Direction requires that the planning proposal authority consider whether the land is contaminated before permitting a change of use of the land.

The Council does not currently have an understanding of whether the land is or is not contaminated or the level of contamination that may be present. The information submitted with the planning proposal application omits the consideration of this Ministerial Direction and does not assist in furthering the understanding of potential onsite land contamination.

In response to the potential for site contamination and in order to meet the requirements of Ministerial Direction 2.6, further investigation of potential contamination is required before proceeding to Gateway. This report includes a resolution requiring a Phase 1 Contamination Assessment (and potentially a Phase 2 Contamination Report and Remediation Action Plan, if required) be undertaken prior to the proposal being forwarded to the Department of Planning, Industry and Environment for a Gateway determination

### **Residential Amenity**

The site is industrial zoned land which stands adjacent to existing residential properties to the north east and R1 zoned land, currently vacant to the north. This could present some potential amenity impacts such as noise and light from the proposed uses, particularly the evening uses on the amenity of existing and future residents.

This potential impact on amenity is, however, considered to be of a lesser extent than other potential land uses currently permissible on this industrial zoned site. Notwithstanding, these potential impacts can be mitigated through the development application process for the development of the motel and pub on Lot 3 and Council is able to include a range of conditions to reduce amenity impacts such as hours of operation, noise and lighting.

### **Potential Economic & Social Impacts**

Marulan is identified as an area with multiple indices of deprivation with lower than average educational levels and higher levels of disadvantage. Marulan has an existing pub and a liquor store. The location and density of bottle shops can influence the health and well-being of people in the surrounding area, particularly disadvantaged areas, such as Marulan.



As such the proponent has submitted a Social Impact Assessment which reviews the impacts of the proposed uses. The positive social impacts include:

- Provision of additional short term accommodation which seeks to address a shortage of this type of fly in, fly out accommodation highlighted in the Council's Local Strategic Planning Statement;
- Increased opportunities for local residents to interact and enhance community cohesion;
- Creation of locally accessible jobs with opportunities to shorten commutes; and
- Additional food and retail expenditure positively impacting livelihoods of residents and business.

The negative social impacts include:

- Reliance on private transport as a result of limited public transport options;
- Short term reduction in amenity during construction; and
- Low risk of an increase in crime and/or disorder.

A copy of the Social Impact Assessment is available in **Attachment 3**.

The site stands approximately 500 metres from the Marulan Local Centre and as such the proponent has submitted an Economic Impact Assessment to evaluate the proposals impacts. The economic benefits include:

- 35 jobs years directly generated by construction and 32 jobs through its operation;
- Creation of 13,000 additional room nights and \$1.56m per year in estimated revenue from the motel; and
- Estimated \$900,000 per year in additional visitor spend, largely captured by existing business in Marulan.

The economic impacts are primarily centred around potential competitive impacts on accommodation providers and café's/restaurants within the Marulan Local Centre. Whilst the proposal will likely increase local competition for these existing businesses, the increased number of visitors and greater associated levels of spend in the local area was considered to ensure no adverse impacts on the Local Centres viability or vitality. A copy of the Economic Impact Assessment is available in **Attachment 4**.

It is also worth noting that the southern part of Marulan which is located within close proximity to the highway junction is more focused on servicing highway traffic than the local centre further to the north. The Local Centre tends to more focused on providing services for the permanent residential population. Therefore these two areas effectively serve different markets but also present opportunities for cross-over trade.

### **Internal Consultation**

Council's Communications & Business Development Officer has reviewed the proposal and their comments are summarised below:

- No negative impacts identified that haven't already been addressed. Potential impacts regarding noise, light and construction will be addressed through development applications and these are likely to generate community submissions;
- Proposal would lead to an improved use of an underutilised site which stands at a key entry point to Marulan, in close proximity to the highway;

- Very supportive of the creation of construction and operation roles and the \$900,000 additional visitor spend estimated to be generated. This is considered to have a positive impact on Marulan;
- Very supportive of the proposed truck wash as part of the staged proposal (although not part of this planning proposal). Council has been very supportive for the need for a truck wash in the LGA previously as the nearest such facility is currently in Yass;
- Concurrence with the proponents consideration of social impacts on the community of Marulan; and
- Likely competitive impacts on other local businesses is noted but it is considered the proposal will attract the vast majority of its customers from the highway and this will have associated benefits for Marulan as identified in the proponents Economic Impact Assessment.

### **Conclusion and Recommendation**

In conclusion, the planning proposal will enable the redevelopment of an underused site in close proximity to the Hume Highway, create jobs locally and provide additional facilities for road users, the local community and serve to facilitate an increase in local tourism.

This report recommends that a planning proposal for additions to Schedule 1 Additional Permitted uses of the GM LEP 2009, be prepared and progressed to the Department of Planning, Industry and Environment for a Gateway Determination, subject to the prior submission of a Phase 1 Contamination Assessment. Furthermore, that Council seek to be the delegated plan making authority for this planning proposal.

### **FINANCIAL IMPLICATIONS**

There are no identified financial implications to Council in relation to this planning proposal.

### **LEGAL IMPLICATIONS**

There are no identified legal implications in relation to this planning proposal.

**15.4 PLANNING PROPOSAL - AMENDMENTS TO GM LEP SCHEDULE 1, MARULAN TRUCKSTOP, 14-16 GEORGE STREET, MARULAN**

**RESOLUTION 2021/123**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Peter Walker**

**That:**

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**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.**

**CARRIED**

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil