



**Planning Proposal for Additional Permitted uses at 14 & 16
George Street, Marulan**

and

159 Rifle Range Road, Goulburn

REZ/0002/2021

(PP-2021-4197)

August 2021

(Includes Post Gateway Referrals)

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Introduction

This 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

The Marulan Truckstop site is seeking the additional permissibility of a fast food restaurant (food and drink premises) on lot 2, namely 14 George Street and motel accommodation and pub with ancillary bottle shop on Lot 3, namely 16 George Street, Marulan.

The 159 Rifle Range Road site is seeking the additional permissibility of a dwelling within an E2 Environmental Conservation Zone which includes a restriction on the minimum allotment size.

Each component of the proposal is addressed under its associated heading throughout this report.

Marulan Truckstop 31

The proposal in Marulan is proponent-led and relates to an existing service station where redevelopment with an expansion of associated services and facilities is sought.

The Marulan Truckstop site, as illustrated in **Figure 1** below, comprise two lots with a total combined area of approximately 4 hectares. The site stands in the south west of the Marulan urban area, bounded by George Street, Portland Avenue and vacant lots to the north and west. The site stands approximately 150 metres from the northbound (Sydney-bound) junction of the Hume Highway.



Figure 1: Marulan Truckstop Proposal Site

An existing service station stands on 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 adjacent lot 3.

Both lots stand within a pocket of IN1: General Industrial Zone under the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) which is surrounded by a variety of other land zones including IN2: Light Industrial, B6: Enterprise Corridor, RE1: Public Recreation and R1: General Residential, as illustrated in **Figure 2**.

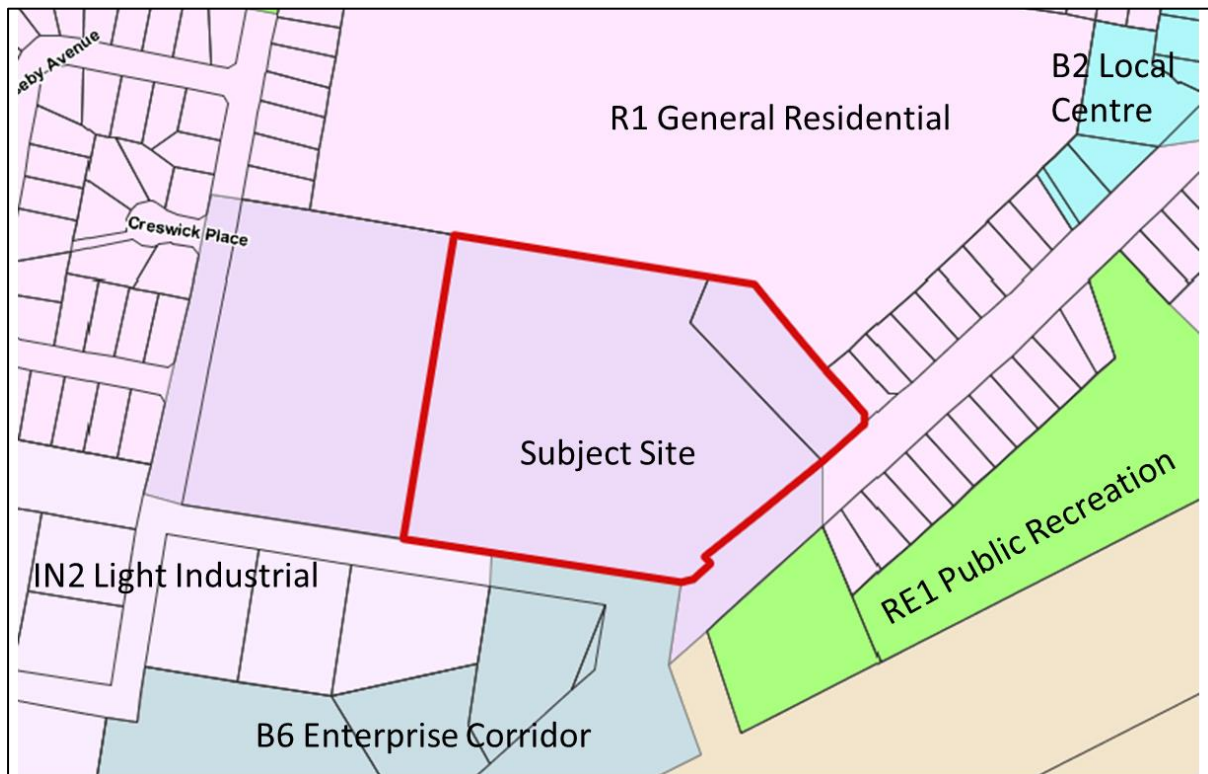


Figure 2: Marulan Truckstop Land Use Map

The Marulan Truckstop proposal is seeking Additional Permitted Uses within Schedule 1 of the GM LEP 2009 for a fast food restaurant on Lot 2 and a motel, pub and bottle shop on Lot 3.

The current IN1 General Industrial zone currently 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. The GM LEP 2009 and the Infrastructure SEPP both permit with consent highway service centres within the IN1 General Industrial Zone. The definition of highway service centres includes restaurants, cafes and take-away food and drink premises as permissible ancillary development. However, the proponent is seeking the establishment of the fast food, drive-thru restaurant element of the proposal on a separate title to the wider existing service station site on lot 2. As such the GM LEP 2009 is proposed to be amended to include the permissibility of food and drink premises to enable this use on the existing service station site and within a separate Torrens title.

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 includes a range of ancillary developments including a weighbridge and truck wash facility. 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 ancillary to the use of the site.

The proponent's indicative plans for the wider service station redevelopment are illustrated in **Appendix 1**.

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

159 Rifle Range Road

159 Rifle Range Road is a single large lot with an area of approximately 119 hectares and stands approximately 3km to the east of the Goulburn Urban Area. This lot is currently dissected into northern and southern land parcels by the Hume Highway as illustrated in **Figure 3**.

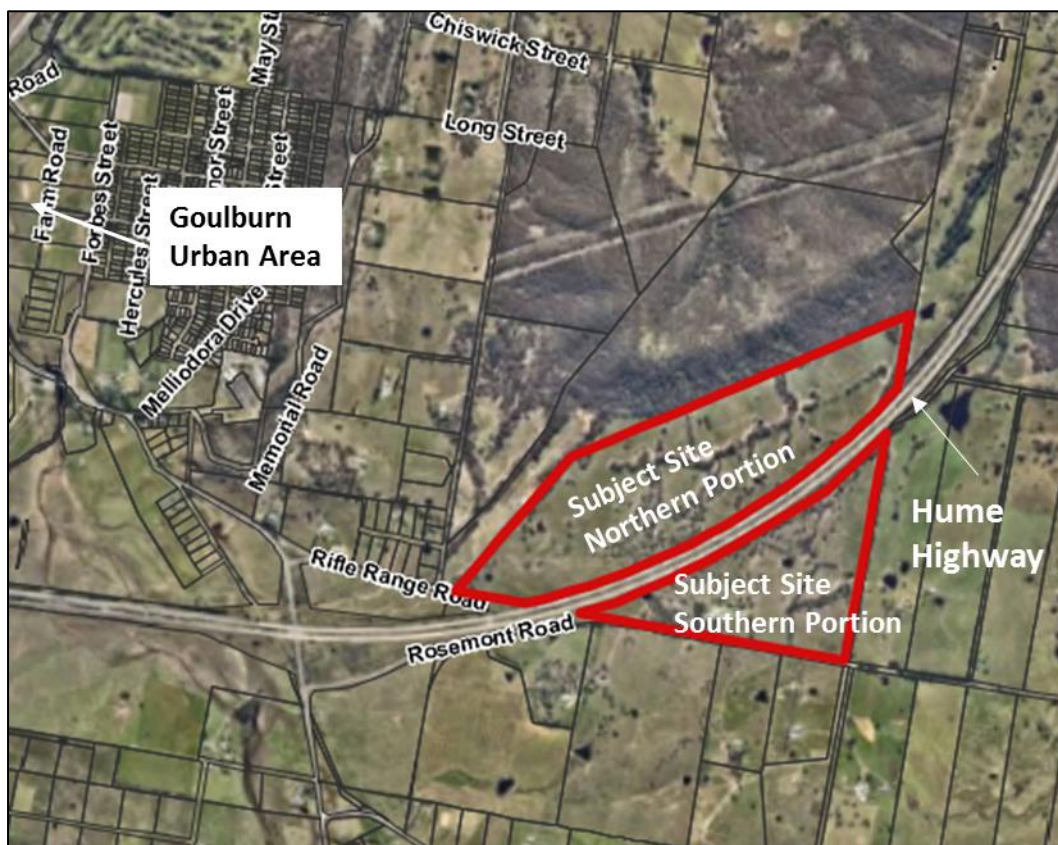


Figure 3: 159 Rifle Range Rd Proposal Site

The northern parcel stands at approximately 74.5 hectares and currently has an E2 Environmental Conservation Zone and minimum allotment size of 100 hectares and is currently used for grazing, predominately horses. The southern parcel stands at 43 hectares and is zoned RU6 Transition Zone with a minimum allotment size of 20 hectares and includes an existing dwelling house. The applicable land zoning is illustrated in **Figure 4**.

The current E2 zoning on the northern land parcel prohibits a residential land use on the site and the current minimum allotment size of 100 hectares prevents the subdivision of the lot from the land located south of the highway.

This planning proposal is Council-led and has been instigated by the adoption of the Goulburn Mulwaree Urban and Fringe Housing Strategy which seeks to address the zoning anomaly between the two land parcels either side of the Highway.

This proposal seeks to enable the subdivision of the site into two distinct lots through its inclusion within Schedule 1 of the GM LEP 2009 accompanied by a minimum lot size restriction and provision for a dwelling entitlement.

The completion of this planning proposal will rectify the current split zoning anomaly and fulfil the recommendation within the Urban and Fringe Housing Strategy.

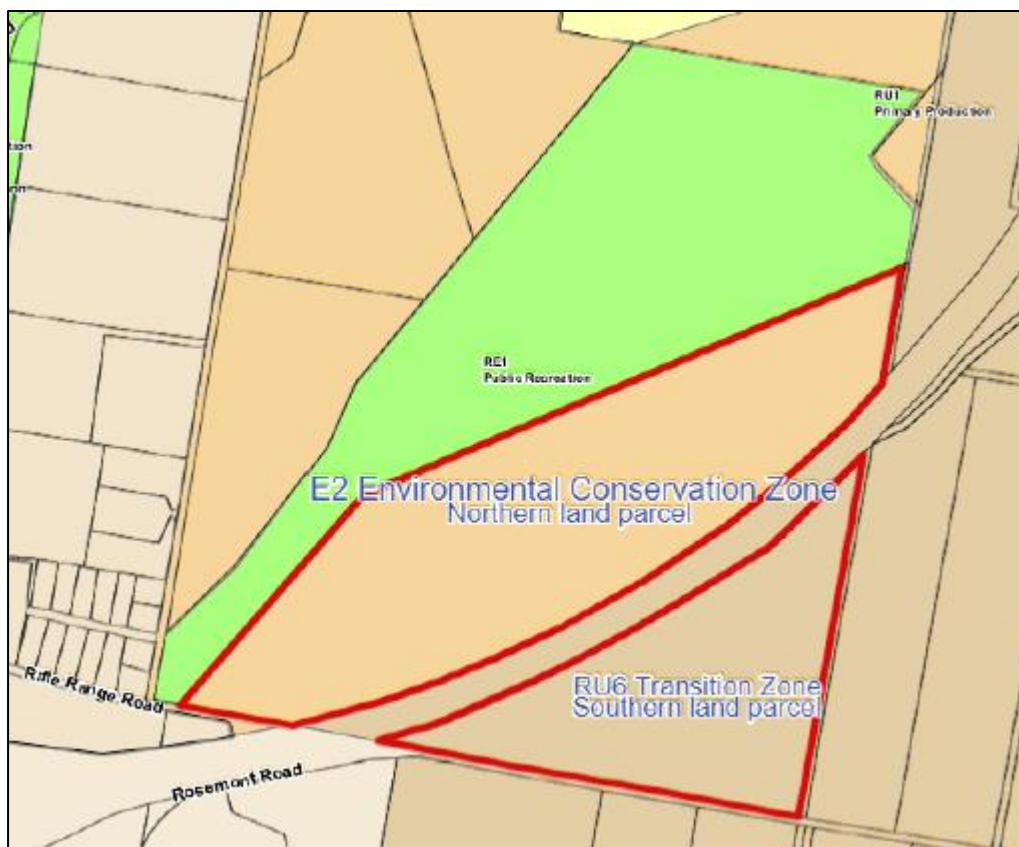


Figure 4: 159 Rifle Range Rd Land Use Map

Part 1- Objectives

1.1 Intended Outcomes

The intended outcomes of this planning proposal are twofold:

Marulan Truckstop 31

The intended outcome of the Marulan Truckstop proposal is to enable the permissibility of a motel, pub and ancillary bottle shop on land at 16 George Street and a fast food restaurant on adjacent land at 14 George Street, Marulan. This will form an essential component in the

comprehensive redevelopment of an underused Hume Highway service station to provide a significantly greater range of facilities and services to highway users.

159 Rifle Range Road

The intended outcome of the 159 Rifle Range Road proposal is to enable the subdivision of land to provide for a dwelling house. This seeks to rectify a planning anomaly created as a result of the construction of the Hume Highway and subsequent divergent zonings between the northern and southern land parcels.

Part 2- Explanation of Provisions

The objective of the planning proposal will be achieved by introducing Additional Permitted Uses into Schedule 1 of the GM LEP 2009 as follows:

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, and identified as Item 5 on the Additional Permitted Uses Map
- (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 and identified as Item 6 on the Additional Permitted Uses Map
- (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, and identified as Item 7 on the Additional Permitted Uses Map
- (2) Development for the purposes of a dwelling house is permitted with consent with a minimum lot size for subdivision of 74ha.
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied the development
 - a. Ensures vehicular access is provided via Rifle Range Road with no access to and from the Hume Highway, and
 - b. Includes appropriate measures to ensure the following LAeq levels are not exceeded:
 - i. Internal noise levels in a bedroom of 35 dB(A) at any time between 10pm and 7am
 - ii. Internal noise levels elsewhere in residential accommodation of 40dB(A) (not including a garage, kitchen, bathroom or hallway)
 - c. is sited outside of the Range Danger Area of the adjacent shooting range

Part 3- Justification- Section A- Need for Planning Proposal

3.1 Is the planning proposal a result of any strategic study or report?

Marulan Truckstop 31

This element of the planning proposal is not a result of a strategic study. It is a result of a submission of a planning proposal by the developer and landowner (DIB group) to enable the permissibility of certain land uses which are associated with and complementary to the redevelopment of the site for a service station.

Whilst the Marulan Truckstop proposal is not as a result of a strategic study it is considered to align with the strategic direction and actions of the *Goulburn Mulwaree Local Strategic Planning Statement* and *Urban and Fringe Housing Strategy*, detailed in **section 3.4** of this report.

The planning proposal is a result of a report to Council on 6 April 2021 in which a resolution was agreed to proceed with a planning proposal to add to and amend Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan 2009.

A copy of the Council report and resolution is available in **Appendix 2**.

159 Rifle Range Road

This element of the planning proposal has been identified through the *Urban and Fringe Housing Strategy*. The subject site is identified in both Precinct 9 Mt Gray East, relating to the northern land parcel and Precinct 10 Mountain Ash Road, relating to the southern land parcel. The Strategy identifies an “*opportunity to address zoning anomaly created between Environmental and RU6 zones between Mt Gray and Mountain Ash Precincts.*” It also makes the following high priority recommendation “*Amend the GMLEP to address anomalies in split zone created by Highway.*”

The proposal to include a dwelling as an additional permitted use and reduce the subject sites minimum lot size is a direct response to this recommendation.

The planning proposal is a result of a report to Council on 6 April 2021 in which a resolution was agreed to proceed with a planning proposal to add to and amend Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan 2009.

A copy of the Council report and resolution is available in **Appendix 3**.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Marulan Truckstop 31

The proposed option to add an additional permissibility through Schedule 1: Additional Permitted Uses of the GM LEP 2009 to enable the motel, pub with bottle shop and fast food restaurant is considered the best way of achieving the objective of including these use types within the wider service station redevelopment.

The alternative option considered is the rezoning of the land to a land use which permits these uses with consent. The land uses which would permit the proposed uses within their respective zonings are:

- B2 Local Centre

- B3 Commercial Core
- B4 Mixed use

Whilst these land zones permit the proposed uses, none of these zones are suitable for the site as summarised below:

- The B2 Local Centre land zone permits tourist and visitor accommodation and commercial premises thereby enabling the proposed uses of a motel, pub with bottle shop and fast food restaurant. This zone also expressly permits service station developments. However the B2 Local Centre zoning also enables the development of residential uses which is not considered a compatible land use for the existing service station use on the site. This would also serve to create two local centres within short proximity to one another, with the potential effect of detracting commercial focus away from the existing local centre.
- The B4 Mixed Use land zone does not prohibit the existing service station land use and it also permits hotel or motel accommodation and commercial uses which would meet the proposals objectives. However, like the B2 Local Centre zoning, the B4 mixed use land zone also enables the development of residential uses which is not considered a compatible land use for the existing service station use on the site.
- The B3 Commercial Core land zone enables the proposed land uses but prohibits the existing service station use present on the wider subject site. In addition, the objective of this land zone is *'to reinforce the status of Goulburn as a regional centre'* and seeks to ensure the primacy of Goulburn's CBD as the commercial heart of the local government area. The introduction of an additional B3 zone outside of the vicinity of Goulburn's CBD would fail to meet this objective.

159 Rifle Range Road

The proposal seeks to enable the subdivision of the subject site into two distinct lots through the inclusion of a clause within Schedule 1- Additional Permitted Uses of the GM LEP 2009. This clause will identify the E2 Environmental Conservation portion of the subject site (northern portion), include the permissibility, with consent, for a dwelling house and restrict the minimum lot size to 74 ha.

The alternative option considered is restricting the minimum lot size of the northern portion of the subject site to 74ha through amendments to the Minimum Lot Size Map of the GM LEP 2009 and through the rezoning of the land to an alternative Environmental land zoning which already permits a dwelling house including:

- E3 Environmental Management
- E4 Environmental Living

Both of the alternative zones would be considered a general downgrading of the environmental zoning and also add a range of additional permitted uses which are unnecessary to meet the objectives of the proposal. The E3 and E4 zones, in addition to enabling dwelling houses, both also permit with consent, comparatively intensive land uses such as community facilities, information and education facilities and tourist and visitor accommodation.

The minimum lot size restriction of 74ha applied through the conventional route of amending the Minimum Lot Size map would result in the creation of a new lot size category which would apply to this site only. This is considered unnecessary and disproportionate for the scale and niche circumstance of this planning proposal.

Therefore the proposed option to enable the subdivision of the northern portion of the subject site and the permissibility of a dwelling through the inclusion of a clause within Schedule 1-

Additional Permitted Uses of the GM LEP 2009 is considered the best way of achieving the objective and addressing the recommendations of the *Urban and Fringe Housing Strategy*.

Part 3- Justification- Section B- Relationship to Strategic Planning Framework

3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

3.3.1. South East and Tablelands Regional Plan

Marulan Truckstop 31

This element of the planning proposal is consistent with the South East and Tablelands Regional Plan. The summary below explains how the planning proposal is consistent with the related goals and directions in the plan.

Goal 1: A connected and prosperous economy

Direction 4: Leverage growth opportunities from Western Sydney

Comment: The subject site stands adjacent the Hume Highway (M31) and seeks to include permissibility's for a greater range of services and facilities to serve road users on an existing service station site. The location of the site along the northbound highway will create jobs locally but also foster job creation from other businesses and industries which can utilise the facilities of the service station and its strategic location adjacent the highway.

The existing service station (subject to redevelopment) is on lot 2 and a residential property is on lot 3 of the subject site. Both of these lots are located within land zoned IN1: General Industrial. This planning proposal does not seek to rezone this industrial land but to instead create additional permissibilities thereby not reducing the industrial development potential of the land in the future. The enhancement of lot 2 and 3 would instead encourage the development of the largely vacant adjacent lot 1 for industrial development in the form of warehousing and storage as part of the wider redevelopment ambitions of the landowner.

Direction 9: Grow Tourism in the Region

Comment: The Regional Plan highlights that Canberra Airport's international links will create a global gateway to significant visitor destinations for Canberra and the surrounding region, alongside the development of Western Sydney airport. The region will continue to be promoted as a destination for local visitors from Sydney and the Illawarra. It also highlights that tourism places pressure on transport systems and services.

The subject site stands adjacent the Hume Highway, ideally placed between Canberra and Sydney to capitalise on the international links provided by the airports. The redevelopment of the existing service station, with a greater range and diversity of available services and facilities, will help reduce the pressure on transport systems and services by providing an additional rest stop for visiting tourists and further promote the local area as a destination for local visitors.

Direction 11: Enhance strategic transport links to support economic growth

Comment: The subject site stands adjacent the Hume Highway with an existing direct access from the highway, as such no additional access points would be required to be created. The

planning proposal seeks the permissibility of a motel, pub with ancillary bottle shop and drive-thru fast food restaurant which will directly feed into and support the wider redevelopment of the existing service station. This type of development has a direct relationship with the functioning of the Hume Highway as an important transport route and is considered appropriate adjoining development to the highway. The addition of a motel, pub and drive-thru restaurant as part of the wider redevelopment (which includes truck based services such as a truck wash and weighbridge) on the subject site will result in a significantly improved rest area for heavy vehicles and highway users generally.

Direction 12: Promote business activities in urban centres

Comment: The application of locally specific additional permitted uses within Schedule 1 of the GM LEP 2009 will enable a mixed use development of an existing under-utilised service station to provide road users, including hauliers and tourists with a place to stay overnight, relax and refuel. The subject site stands outside of the B2 Local Centre zone in Marulan which is established as the focus of commercial and tourist development in the town. Whilst the subject site stands outside this area, the additional permissibilities sought as part of this proposal directly relate to the enhancement of the existing service station. The relocation of these proposed services within the local centre would uncouple the operational use of the service station with the ancillary and supporting uses of a motel, pub and drive-thru restaurant which directly serve the users of this facility.

The planning proposal highlights a number of positive social and economic benefits through the accompanying Economic and Social Impact Assessments, summarised below.

The Economic Impact Assessment submitted in support of this planning proposal identifies a number of economic benefits to the proposal. These include \$23m in economic activity and 35 direct jobs generated by the construction and \$1.16m per year in total staff remuneration and the creation and support of 32 jobs upon operation. Further detail on the schemes economic benefits are provided through the Economic Impact Assessment in **Appendix 4** and **Section 3.9** of this report.

The Social Impact Assessment submitted in support of this planning proposal identifies a number of social benefits to the proposal. These include providing additional opportunities for local residents to interact and enhance social cohesion and the creation of additional job opportunities in a locality with relatively high levels of deprivation. Further detail on the schemes social benefits are provided through the Social Impact Assessment in **Appendix 5** and **Section 3.9** of this report.

Goal 2: A diverse environment interconnected by biodiversity corridors

Direction 16: Protect the coast and increase resilience to natural hazards

Comment: The subject site is located within the Marulan urban area and is not situated within an area of bushfire risk (see **Appendix 6**) or an area of known flooding. The site does not stand in close proximity to designated waterways or natural drainage paths (see **Appendix 7**).

The subject site is not identified on the locally or significant contaminated land registers however the recent history of the subject site as a service station is likely to have led to some level of contamination. Further detail on potential contamination is provided in **Section 3.5** and **Section 3.6** of this report.

The proposed redevelopment of the service station to enhance its range of services and facilities with the additional permissibilities is considered to be located away from areas of known hazards.

159 Rifle Range Road

Comment: This element of the planning proposal is specifically designed to resolve an historical zoning anomaly created by the construction of the Hume Highway bypass around Goulburn which resulted in a split zoning on the subject site. Resolving the zoning anomaly would address the recommendation in the *Urban and Fringe Housing Strategy*, detailed in **Section 3.4**.

The subject site is affected by bushfire prone land as illustrated in **Appendix 8** however the northern parcel of the subject site covers an area of 74.5ha with over half the site cleared for pasture. This combined with the minor nature of the development, being only one dwelling, ensures suitable asset protection zones and measures within 'Planning for Bushfire Protection 2019' can be achieved.

Appendix 9 illustrates a drainage channel running from the south west to north east through the subject site. The Goulburn Draft Overland Flow Study maps illustrate related flooding extents and identifies flood planning constraint categories 1 to 4. **Appendix 10** illustrates these flood planning constraint categories for the subject site and indicates only a small central strip of constraint category 1 land along the main body of the drainage channel. Category 1 areas are the most constrained where intensification of uses should be avoided. Category 3 areas cover the largest area of the subject site and these are suitable for most types of developments. The northern parcel of the subject at 74.5ha and the limited extent of the prohibitive flood planning constraint categories, specifically category 1, enable the siting of a dwelling and associated wastewater facilities away from potential flooding areas and associated buffer zones.

Whilst the subject site is susceptible to natural hazards the extensive size of the site and the limited extent of proposed development, being one dwelling only, can ensure resilience to these hazards.

The proposal is of minor significance generally and minor in relation to the strategic directions of the South East and Tablelands Regional Plan. This element of the proposal is not considered inconsistent.

3.3.2 The Tablelands Regional Community Strategic Plan 2016-2036

The Community Strategic Plan (CSP) identifies priorities in order to achieve the future vision for the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

Marulan Truckstop 31

The following strategic priorities are considered of particular relevance to the Marulan Truckstop element of this planning proposal:

Economy: Strategy EC1- *Capitalise on the region's close proximity to Canberra and its position as a convenient location to attract industry and investment.*

Economy: Strategy EC2- *Jointly develop appropriate tourism opportunities and promote the region as a destination.*

As previously addressed above, the redevelopment of the existing under-utilised service station, directly adjacent the Hume Highway, seeks to directly capitalise on traffic flows between Sydney and Canberra. It aims to create an additional 48 rooms for overnight accommodation and provide ancillary services to support visitors. This proposal is considered to result in the development of additional tourism opportunities for Marulan and support and promote the region as a destination.

159 Rifle Range Road

The following strategic priorities are considered of particular relevance to the Rifle Range Road element of this planning proposal:

Environment: Strategy EN4- *Maintain a balance between growth, development and environmental protection through sensible planning.*

This planning proposal seeks to resolve an existing zoning anomaly created by the development of the Hume Highway which dissects this lot. The northern portion of the site is zoned E2 Environmental Conservation and is known to contain the critically endangered ecological community of White Box- Yellow Box- Blackley's Red Gum woodland and derived native grassland. Whilst this has been degraded by pasture improvements and clearing over time, approximately half the site still comprises native groundcover. This planning proposal is seeking to maintain a balance between rectifying this historical zoning anomaly and enabling its subdivision and establishment of a dwelling alongside safeguarding remaining native vegetation. The existing areas of cleared vegetation on-site provide an opportunity to site a single dwelling house on the site without affecting its environmental value. This is considered a sensible approach to planning which seeks to balance environmental protection with a small development proposal.

This balance is also sought through the retention of the E2 Environmental Conservation zone rather than an alternative approach which would enable subdivision and the establishment of a dwelling house through a lower grade environmental or residential zone.

Civic Leadership: Strategy CL1- *Effect resourceful and respectful leadership and attentive representation of the community.*

The historic zoning anomaly created by the construction of the Hume Highway has had the effect of artificially dividing a single landowner's lot into two parcels. The landowner has sought a remedy for this situation for a number of years and made representations to the *Urban and Fringe Housing Strategy* during its public consultation periods. The council listened to the landowners feedback and responded by introducing a high priority into the Urban and Fringe Housing Strategy which stated "Amend the GMLEP to address anomalies in split zone created by the Highway" The council listened to community feedback and responded accordingly through the Strategy and is seeking to implement this priority through this planning proposal.

3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Local Strategic Planning Statement (LSPS) (Adopted 18 August 2020)

Marulan Truckstop 31

The Local Strategic Planning Statement (LSPS) seeks to direct how future growth and change will be managed up to 2040 and beyond and sets out key issues and opportunities for managing urban, rural and natural environments across the local government area.

The Statement seeks to balance a mix of land uses, minimise land use conflicts, preserve and maintain natural environments and protect waterways and catchments whilst enabling planned growth which maintains a strong sense of place.

The following planning priorities are considered of particular relevance to the Marulan Truckstop element of this planning proposal:

Planning Priority 1: Infrastructure

This priority seeks to ensure infrastructure meets the needs of a growing community and identifies that transport connectivity is a major consideration and is an important factor for future growth.

The redevelopment of this existing service station, directly adjacent the Hume Highway, will provide better quality facilities and a greater range of services for road users of the highway. These updated facilities will provide additional accommodation and eatery options and improve the overall experience of road users.

The Marulan sewer system upgrade is identified as an action under Priority 1 of the LSPS. The service station redevelopment application, subsequent to this planning proposal, will be accompanied by a condition which prevents the operation of the service station prior to the construction and operation of the upgraded sewer system in Marulan. This will ensure the growth and development of these additional services are aligned with the development of the necessary infrastructure. The Marulan Sewerage Treatment Plant is identified in the Council's Operational Plan and is scheduled to be online by the end of 2023.

Planning Priority 2: City, Town and Village Centres

This priority includes a general council action to promote Goulburn Mulwaree as a destination. This planning proposal will develop enhanced service provision and short term accommodation for visitors and tourists and will contribute to Goulburn Mulwaree's visitor economy.

Planning Priority 6: Industry and Economy

This priority identifies two relevant land use challenges which this proposal will assist in addressing, namely:

- Local employment is available for a growing population, opportunities to attract employment generating business need to be maximised, and
- Shortage of short term accommodation for fly in, fly out workers and medical personnel.

This priority also includes a general council action to develop and grow the visitor economy.

This proposal for the redevelopment and enhancement of an existing service station has been accompanied by Social and Economic Impact Assessments which estimates the proposal will generate 35 direct jobs during construction and 32 jobs upon operation. This will contribute to the available employment opportunities in Marulan which is identified in the *Urban and Fringe Housing Strategy* for significant residential growth over the next 20 years.

In addition, the proposal seeks the additional permitted use of a motel which will provide approximately 48 rooms for short term visitor accommodation. This will contribute to addressing the shortage of short term accommodation identified through this priority.

The wider redevelopment of the site (already permissible within the zone) alongside the additional permitted uses sought through this planning proposal will include a range of supporting services. This includes a motel, pub, bottle shop, fast food restaurant, truck wash facility, truck weighbridge and enhanced petrol forecourt. All these enhanced services will assist in developing and growing the visitor economy of Goulburn Mulwaree.

The Marulan Truckstop proposal is therefore considered to be consistent with the Goulburn Mulwaree Local Strategic Planning Statement.

159 Rifle Range Road

The following planning priorities are considered of particular relevance to the Rifle Range Road element of this planning proposal:

Planning Priority 4: Housing

This priority includes a central planning action to *‘Implement and monitor an Urban and Fringe Housing Strategy’*. The Urban and Fringe Housing Strategy identifies an *“opportunity to address zoning anomaly created between Environmental and RU6 zones between Mt Gray and Mountain Ash Precincts.”* It also makes the following high priority recommendation *“Amend the GMLEP to address anomalies in split zone created by Highway.”*

The proposal to include a dwelling as an additional permitted use and reduce the subject sites minimum lot size is a direct response to this recommendation. In addition, the RU6 zoned southern portion of the subject site currently cannot be subdivided from the northern E2 zoned portion, thereby also limiting the potential of the land to the south of the Hume Highway. This proposed amendment will rectify this problem.

Planning Priority 10: Natural Environment

This priority includes a central planning action to *‘review land use zoning for Environmental Zones in the Local Environmental Plan’*. This proposal seeks to include an additional permissibility of a dwelling house on a site-specific E2 Environmental Conservation Zone. Whilst this is not considered a wholesale review of land use zonings for environmental zones generally, it does seek to remedy one specific zoning anomaly centred on this site specific E2 zone.

The Rifle Range proposal is therefore considered to be consistent with the Goulburn Mulwaree Local Strategic Planning Statement.

3.4.2 Goulburn Mulwaree Urban and Fringe Housing Strategy (July 2020)

Marulan Truckstop 31

The Urban and Fringe Housing Strategy identifies the subject site as within Precinct 1 Marulan Town Centre. The locality description highlights that Marulan developed as highway town and that it currently provides roadside services to passing traffic on the Hume Highway.

In terms of land use opportunities and constraints, the strategy identifies sewerage as a short-term constraint with plans for upgrades to the sewerage treatment plant ensuring this constraint is not applicable in the medium and long term. The Hume Highway is identified as both a constraint, due to noise and a physical barrier, but also as an opportunity through good connections.

The strategy identifies the subject site, and adjacent lot 1 as existing IN1 zoned land where consideration should be given to rezoning due to the large volume of available industrial land in Marulan. It also highlights currently R1 zoned, vacant land directly adjacent the subject site to the north as a development opportunity for residential development.

The planning proposal is considered to reinforce the historical character and function of Marulan as a highway service town, providing roadside services by redeveloping and expanding a site which already serves this purpose. The proposal seeks to maximise the sites close proximity to the Hume Highway by providing a greater range and higher quality of services to road users than is currently available on the site. This would take advantage of a significant opportunity afforded by Marulan and more particularly the subject sites location on the Hume Highway.

The subject sites adjacent location to the R1 opportunity area directly adjacent the sites northern boundary presents a potential land use conflict with the range of uses allowable under the current IN1: General Industrial zoning. The redevelopment of the subject site for enhanced service station provision including a hotel/motel, pub and fast food drive-thru would be considered to lessen the potential land use conflict between the subject site and the adjacent R1 zone, than what is currently permissible in the IN1 zone without removing this zone all together.

This planning proposal is considered consistent with the aims and ambitions of the Urban and Fringe Housing Strategy.

159 Rifle Range Road

As noted in **Section 3.1** above the Urban and Fringe Housing Strategy recommends an amendment to the Goulburn Mulwaree Local Environmental Plan to address anomalies in split zones created by the construction of the Hume Highway as a high priority.

The proposal to include a dwelling as an additional permitted use and reduce the subject sites minimum lot size is a direct response to this recommendation.

3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

3.5.1 State Environmental Planning Policy (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. The proposed permissibility of a hotel/motel, pub and drive-

thru restaurant will be considered consistent with the need for strategic planning to achieve the following aims of the SEPP:

- a) To provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- b) To provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- c) To support the maintenance or achievement of the water quality objectives for the Sydney Drinking Water Catchment.

Marulan Truckstop 31

This element of the planning proposal applies to land within the Sydney Drinking Water Catchment and within an area which is currently served by mains water and sewer infrastructure. This proposal is seeking the permissibility of a motel, pub and fast food restaurant on the subject site which will intensify both water use and sewerage output above the existing situation.

The Marulan sewerage plant as it currently stands is at capacity and is unable to accommodate any additional sewerage which may be generated as a result of the development of the proposed uses on site. As noted in the *Urban and Fringe Housing Strategy* the Council's short term aim is to upgrade the current Marulan sewerage treatment plant to increase its capacity to enable growth, particularly residential.

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

The alignment between the redevelopment and the Marulan sewerage treatment plant upgrade through a condition at the DA stage is generally supported by Water NSW. They caution however that such a condition(s) will need to reasonably relate to the development and have appropriate certainty and finality.

Water NSW confirmed through their pre-referral response received on 10 June 2021 that

"the ability of the intended uses to provide later developments that can deliver a NorBE on water quality will heavily depend upon the ability to connect to the sewer and the capacity of the sewerage treatment plant."

An assessment on water quality to determine neutral or beneficial effect will be undertaken as part of a future development application which will require Water NSW concurrence. In addition the development should ensure Water NSW's current recommend practice are incorporated.

A copy of the Water NSW Pre-referral response is available in **Appendix 11a**.

Water NSW provided a post gateway referral response on 23 August 2021 which confirmed the comments in the previous response and stated:

The Proposal includes a response to the Sydney Drinking Water Catchment 2011 SEPP. The response identifies the current sewerage constraints of the Marulan Truckstop site and references comments made in our previous response including the importance of sewer connectivity and STP upgrade to achieve a NorBE for later developments. We are supportive of the information provided in this proposal.

The response also identified a potential concern regarding soil contamination levels on lot 3 (the motel site) and the mobility of those contaminants when soils are disturbed to affect water quality. This is addressed in more detail in **Section 3.6.6** of this planning proposal.

A copy of the Water NSW Post-Gateway referral response is available in **Appendix 11b**.

The site is not currently connected to the Marulan sewer network and currently utilise on-site septic tanks. 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. The Marulan sewerage treatment plant upgrade is identified within the Council's Operational Plan and Capital Works program and is due for completion in 2023.

159 Rifle Range Road

This element of the planning proposal applies to land within the Sydney Drinking Water Catchment. The area is not served by the Goulburn's main water and sewer infrastructure.

A non-perennial natural drainage path runs South East to North West through the site, as illustrated in **Appendix 9**. This element of the proposal is seeking the establishment of a single dwelling house on a minimum lot size of 74ha. The large allotment size and the location of the drainage path enable a dwelling to be sited away from watercourses/drainage paths and provides ample land area to accommodate on-site waste water facilities without adversely affecting water quality.

This approach is confirmed by Water NSW in their pre-referral response received on 10 June 2021 which states

*"Water NSW has conducted a Strategic Land and Water Capability Assessment for the site which confirms that the site has sufficient land of LOW or MODERATE risk to accommodate a dwelling house (see **Figure 5**). There is also sufficient area to meet required effluent management area (EMA) buffer distances from waterways for any proposed on-site sewage treatment system".*

An assessment on water quality to determine neutral or beneficial effect will be undertaken as part of a future development application which will require Water NSW concurrence. In addition the development should ensure Water NSW's current recommend practice are incorporated.

Water NSW confirmed that they had no objection to this element of the planning proposal and supports the Council's approach to reconciling the planning provisions applying to 159 Rifle Range Road.

A copy of the Water NSW Pre-Referral Response is available in **Appendix 11a**.

Water NSW provided a post-gateway referral response on 23 August 2021 which confirmed the comments in the previous response and stated:

'The proposal also incorporates consideration of our earlier comments made on the Rifle Range Road, Goulburn site. We are supportive of the information provided in the proposal.'

A copy of the Water NSW Post-gateway referral response is available in **Appendix 11b**.

3.5.2 State Environmental Planning Policy No.55 Remediation of land

This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk to human health or any other aspect of the environment by:

- a) Specifying when consent is required, and when it is not required, for remediation work, and
- b) Specifying certain circumstances that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out remediation work in particular,
- c) Requiring that a remediation work meet certain standards and notification requirements.

Marulan Truckstop 31

The subject site is not identified on the Councils local contaminated land register or identified as significant contaminated land, however Lot 2 is currently a service station which has been operating as such for approximately 50 years. Service stations are an activity listed within Table 1 of the Managing Land Contamination planning guidelines and as such there is potential for contamination on Lot 2 and potentially Lot 3 of the subject site.

The Preliminary Site Investigation (PSI) (**Appendix 12**) highlighted a number of areas of concern and considered that there is potential for contaminants on site but that they were considered to be of low to moderate significance. It also highlighted data gaps with respect to pollution linkages.

To determine the sites suitability for the proposed developments and identify any potential remediation requirements, an on-site Detailed Site Investigation (DSI) was undertaken and submitted (**Appendix 13**). The DSI found soil sample results did not exceed the National Environment Protection Measures (NEPM) assessment criteria and groundwater results did not show any indications of contamination in the form of petroleum or chemical based contaminants, BTEX or TRH. Copper and zinc were recorded slightly above the ground water investigation levels but these are attributable to naturally occurring levels of zinc and copper within ground water and not associated with the service station operations.

Therefore the Detailed Site Investigation concluded that the site is suitable for the proposed developments on both lot 2 and lot 3 providing a number of recommendations are implemented at the development application stage.

Water NSW through their post-gateway referral response identified a potential concern regarding soil contamination levels on lot 3 (the motel site) and the mobility of those contaminants when soils are disturbed to affect water quality. This predominately relates to the assessment of the soil analysis against a more residential based health investigation level rather than the commercial level currently used within the Detailed Site Investigation.

This is addressed in more detail in **Section 3.6.6** of this planning proposal.

The recommendations of the Detailed Site Investigation do not include a requirement for remediation work or a remediation plan and subject to the satisfactory addition requested by Water NSW, SEPP 55 would not apply to this element of the planning proposal.

Further information related to contamination and Water NSW related response is provided in **Section 3.6.3** of this report.

159 Rifle Range Road

The subject site is not identified on the Council's local contaminated land register or identified as significant contaminated land. The land's current pasture land use is not considered to have led to contamination on the site.

3.5.3 State Environmental Planning Policy (Infrastructure) 2007

The aim of this SEPP is to facilitate the effective delivery of infrastructure across the State by:

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

Marulan Truckstop 31

The intended outcome of this element of the planning proposal is to enable the comprehensive redevelopment of an existing service station in close proximity to the Hume Highway. This would provide additional transport servicing infrastructure for Hume Highway road users. The development of this site will need to be assessed against the SEPP.

The Infrastructure SEPP permits 'Highway Service Centres' along the road corridor subject to consent. Highway service centres include the permissibility for the range of uses sought by the proponent, including take-away food and drink premises. However, the proponent is seeking the establishment of the fast food, drive-thru restaurant element of the proposal on a separate title to the wider existing service station site on lot 2. As such the GM LEP 2009 is proposed to be amended to include the permissibility of food and drink premises to enable this use on the existing service station site and within a separate Torrens title.

The use of the subject site is considered to be consistent with this SEPP.

Transport for NSW (TfNSW) provided a referral response in accordance with the gateway determination which was received on 2 August 2021. TfNSW raised no in-principle objections to the Marulan Truckstop on the proviso that any additional development on these sites is accompanied by a Traffic Impact Study (TIS) that in part assesses the suitability of retention of the current access across the Hume Highway median.

A copy of the Transport for NSW post-gateway referral response is available in **Appendix 33**.

159 Rifle Range Road

This element of the planning proposal is seeking to enable the subdivision and development of the northern portion of the site for a dwelling house. The site stands in relative proximity to the Hume Highway which forms a road corridor with an annual average daily traffic volume of more than 20,000 vehicles. Due to this proximity and the development proposed, this SEPP would apply, particularly in relation to aim e of the SEPP which states:

'identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development'

And in relation to Clause 102 of the SEPP which seeks to mitigate noise impacts from freeways (highways) on residential accommodation through maximum internal noise levels.

Transport for NSW (TfNSW) provided a referral response in accordance with the gateway determination which was received on 2 August 2021. TfNSW raised no in-principle objections to the 159 Rifle Range Road element of this proposal on the following two conditions:

1. Access to and from the Hume Highway is prevented with access to be provided via Rifle Range Road
2. Due to the proximity of the site to the Hume Highway and its potential noise impacts on a dwelling, Council need to be satisfied that noise levels identified in Clause 102 of the Infrastructure SEPP are met.

A copy of the Transport for NSW post-gateway referral response is available in **Appendix 33**.

In light of TfNSW conditions, draft clause 7 of Additional Permitted Uses of the GM LEP 2009, as illustrated in **Appendix 34**, has been revised to include an additional subclause which ensures vehicular access is provided via Rifle Range Road and access to and from the Hume Highway is prevented. In addition, another subclause has been added which requires measures to ensure acceptable internal noise levels in accordance with the prescribed limits within the Infrastructure SEPP. This additional clause will ensure minimum internal noise levels are addressed through any subsequent development application and the aims of the SEPP are met.

This element of the planning proposal is consistent with the aims of the Infrastructure SEPP.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

3.6.1 Direction 1.1- Business and Industrial Zones

The objective of this direction is to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.

When this direction applies a planning proposal must:

- a) Give effect to the objectives of this direction
- b) Retain the areas and locations of existing business and industrial zones,
- c) Not reduce the total potential floor space area for employment uses and related public services in business zones,

- d) Not reduce the total potential floor space area for industrial uses in industrial zones, and
- e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by Secretary of the Department of Planning and Environment.

Marulan Truckstop 31

Comment: This planning proposal only seeks to add additional permissible uses onto two specific lots currently zoned IN1: General Industrial and would therefore retain this existing industrial zone and safeguard the land for employment opportunities. The proposed uses would encourage employment growth within an existing urban area where substantial residential growth is planned up to 2036 and create approximately 32 jobs and employment opportunities for current and future residents of Marulan. Overall the proposed redevelopment of the service station which includes the additional permitted uses sought through this proposal would serve to enhance the viability of Marulan and is consistent with Direction 1.1.

159 Rifle Range Road

Comment: Direction 1.1 does not apply to the 159 Rifle Range Road element of this planning proposal because it will not affect land within an existing or proposed business or industrial zone.

3.6.2 Direction 1.2- Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone.

When this direction applies a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

Marulan Truck Stop 31

Comment: This element of the planning proposal relates to existing industrial land. As such Direction 1.2 does not apply.

159 Rifle Range Road

Comment: The subject site currently has a split zoning with the larger northern parcel zoned E2: Environmental Conservation and the smaller southern parcel zoned RU6 Transition. This proposal seeks to enable the subdivision of the northern land parcel from the southern parcel, through a reduction in the minimum lot size which will include a dwelling entitlement. No direct change is proposed to the existing rural lands on the southern land parcel. This proposal does not include the rezoning of any land including the existing RU6 land on the southern land parcel. As such this planning proposal is consistent with Ministerial Direction 1.2- Rural Zones.

3.6.3 Direction 1.5- Rural Lands

- (1) The objectives of this direction are to:
 - a) Protect the agricultural production value of rural land
 - b) Facilitate the orderly and economic use and development of rural lands for rural and related purposes
 - c) Assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State

- d) Minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses
 - e) Encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
 - f) Support the delivery of the actions outlined in the New South Wales Right to Farm Policy
- (3) This direction applies when a relevant planning authority prepares a planning proposal that:
- a) Will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary) or
 - b) Changes the existing minimum lot size on land within a rural or environmental protection zone.
- (4) Where this direction applies a planning proposal must:
- a) Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement
 - b) Consider the significance of agriculture and primary production to the State and rural communities
 - c) Identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage and the importance of water resources
 - d) Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
 - e) Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
 - f) Support farmers in exercising their right to farm
 - g) Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses
 - h) Consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the on-going viability of this land
 - i) Consider the social, economic and environmental interests of the community.
- (5) A planning proposal to which clause 3(b) applies must demonstrate that it:
- a) Is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
 - b) Will not adversely affect the operation and viability of existing and future land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
 - c) Where it is for rural residential purposes:
 - i. Is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
 - ii. Is necessary taking account of existing and future demand and supply of rural residential land

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- a) Justified by a strategy which:
 - i. Gives consideration to the objectives of this direction,
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - iii. Is approved by the Secretary of the Department of Planning & Environment and is in force, or
 - b) Is of minor significance.

Marulan Truckstop 31

Comment: This element of the planning proposal relates to existing industrial land. As such Direction 1.5 does not apply.

159 Rifle Range Road

Comment: The subject site comprises both a rural RU6 zone to the south and an E2 Environmental zone to the north and the proposal seeks to change the existing minimum lot size on the northern E2 land parcel. As such Direction 1.5 would apply to this element of the planning proposal.

The Goulburn Mulwaree Local Strategic Planning Statement requires the recommendations in the Urban and Fringe Housing Strategy to be implemented. The Urban and Fringe Housing Strategy specifically identifies the current split zoning anomaly, subject to this proposal, be addressed. The proposal does not include any changes to agricultural land as the land sought for subdivision to the north does not contribute to agricultural production. The proposal relates to one specific site only and is seeking the establishment of one dwelling house with a minimum lot size of 74ha. This proposal is not entirely consistent with this direction however the scale of the proposal and the extent of inconsistency is considered to be of minor significance.

3.6.4 Direction 2.1- Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas.

Where this direction applies a relevant planning authority must:

- 4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas
- 5) A planning proposal must not reduce the environmental protection standards that apply to the land (including modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director- General of the Department of Planning (or an officer of the Department nominated by the Director- General) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy which:
 - i. Gives consideration to the objectives of this direction

- ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
- iii. Is approved by the Director-General of the Department of Planning, or
- b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- c) In accordance with the relevant Regional Strategy, Regional Plan or sub-regional Strategy prepared by the department of planning which gives consideration to the objective of this direction, or
- d) Is of minor significance.

Marulan Truckstop 31

Comment: This element of the planning proposal relates to existing industrial land. As such Direction 2.1 does not apply.

159 Rifle Range Road

Comment: As identified in **Section 3.4.1** of this report the *Local Strategic Planning Statement* requires the *Urban and Fringe Housing Strategy* to be implemented. *The Urban and Fringe Housing Strategy* firstly highlights the opportunity to address the zoning anomaly created by the highway between environmental and RU6 zones between Mt Gray and Mountain Ash Precincts. Secondly it includes a high priority recommendation to amend the GM LEP 2009 to address the split zone anomaly.

The Urban and Fringe Housing Strategy was adopted by Council on 21 July 2020 and later endorsed by NSW Department of Planning, Industry and Environment on 20 November 2020. This proposal is therefore in accordance with and justified by a high level strategy which has considered Ministerial Directions in its production, identifies the land subject to this proposal and has been approved by the Director-General of the Department of Planning.

In addition, the proposal seeks to rectify an anomalous split zoning created by the construction of the Hume Highway bypass around Goulburn which splits the subject lot into two land parcels on opposing sides of the highway. The proposal seeks the additional permissibility of a dwelling on only one parcel of E2 zoned land and a minimal change to lot sizes to enable subdivision from the RU6 portion of the site to the south, and the erection of one dwelling house only. This is considered to be of minor significance.

DPIE's Biodiversity and Conservation Division were consulted in accordance with the gateway determination with a referral response received on 5 August 2021. The response stated:

'We are satisfied that the planning proposal has adequately addressed the ministerial planning directions, and as such we do not object to the planning proposal'.

The referral recommended that the Minimum Lot Size (MLS) for 159 Rifle Range Road be amended to the full size of the northern lot area of 76 hectares rather than the 70ha currently proposed. This would reduce the likelihood of further subdivision and minimise the potential for development to impact the critically endangered ecological community of White Box-Yellow Box- Blakely's Red Gum Grassy Woodlands and Derived Native Grassland located on the site.

Upon review of this recommendation, the area of the northern section of this lot was remeasured through councils' mapping system. This exercise resulted in an area of 74.68 hectares. In light of the review of the site area, consideration for a margin of error in site measurement and the recommendation from Biodiversity and Conservation, the minimum lot size restriction within the clause is proposed to be amended to 74ha. This updated minimum

lot size has been included in the revised draft wording to Schedule 1 of the GM LEP 2009 presented in **Appendix 34**.

The referral response also recommended the proposed building envelope, including asset protection zones, be located within cleared areas to avoid exceeding the Biodiversity Offset Scheme threshold. A subsequent development application for this site will be required to be accompanied by appropriate biodiversity assessments and must first seek to avoid adverse impacts on native flora and fauna and critically endangered ecological communities.

A copy of the post gateway referral response from the Biodiversity & Conservation Division of DPIE is available in **Appendix 32**.

3.6.5 Direction 2.3- Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental significance and indigenous heritage significance.

When this direction applies a planning proposal must contain provisions that facilitate the conservation of:

- a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act 1974*, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Marulan Truckstop 31

Comment: The subject site does not stand within a Heritage Conservation Area or in close proximity to any known Heritage Items. The All Saints Rectory is a locally listed heritage item and stands the closest to the subject site at approximately 230 metres to the north east of Lot 3, as illustrated in **Appendix 14**. This proposal is not considered to adversely affect this heritage item. Figure 5 and Figure 6 below illustrate photos of both the All Saints Church and the Rectory taken on 22 May 2021.



Figure 5: All Saints Church (taken 22.05.2021)



Figure 6: All Saints Church Rectory (taken 22.05.2021)

The subject site is not a known Aboriginal site as indicated on the Aboriginal Heritage Information Management System (AHIMS) search in **Appendix 15** with no sites and/or objects identified within the immediate locality.

159 Rifle Range Road

Comment: The subject site does not stand within a Heritage Conservation Area or contain any known heritage items. The closest identified heritage asset in proximity to the subject site is “Irriwilbin” at 7 Rosemont Road which is a locally listed item, situated on the opposing side of the Hume Highway, illustrated in **Appendix 16**. The northern boundary of this heritage item stands approximately 115 metres from the southern boundary of the northern land parcel of the subject site, but over just under 400 metres from the dwelling forming the Item.

The limited development associated with this proposal, i.e. a maximum of one dwelling, the significant physical and visual barrier of the Hume Highway and the likely extensive separation distance between the item and any proposed dwelling on the subject site, would not adversely affect the conservation of “Irriwilbin” local heritage item.

The subject site is not a known Aboriginal site as indicated on the Aboriginal Heritage Information Management System (AHIMS) search in **Appendix 17** with no sites and/or objects identified on site. However the AHIMS search identified two recorded Aboriginal sites within a 50m buffer of the subject site. This proposal seeks to enable the development of a dwelling house on the northern E2 portion on the subject site. This development will require development consent. The Goulburn Mulwaree Development Control Plan 2009 (GM DCP 2009) includes specific criteria for the assessment of heritage significance of Aboriginal sites within Appendix A. It also includes a potential Aboriginal artefacts map which illustrates places of Aboriginal significance surrounding the Goulburn urban area, illustrated in **Appendix 18**.

Any development application for a dwelling or subdivision will require a Due Diligence Assessment and be required to address the requirements of the GM DCP. However the large extent of the site presents the opportunity to site the dwelling house away from areas of aboriginal heritage potential. In addition, a development consent for this dwelling will include a condition of consent which requires works to cease should objects or artefacts of aboriginal heritage significance be identified during construction.

3.6.6 Direction 2.6- Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies to:

- a) Land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997
- b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out,
- c) The extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital-land:
 - i. In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

- ii. On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)

When this Direction applies a planning proposal authority must not include in a particular zone (within the meaning of the Local Environmental Plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- a) The planning proposal authority has considered whether the land is contaminated, and
- b) If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- c) If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

Marulan Truckstop 31

Comment: The subject site is not identified on the Councils local contaminated land register or identified as significant contaminated land, however Lot 2 is currently a service station which has been operating as such for approximately 50 years. Service stations are an activity listed within Table 1 of the Managing Land Contamination planning guidelines and as such there is potential for contamination on Lot 2 and potentially Lot 3 of the subject site. Therefore this direction applies to this element of the planning proposal.

In response to the contamination potential and the requirement to address Direction 2.6, the proponent prepared and submitted a Preliminary Site Investigation (PSI) (**Appendix 12**) relating to lots 1, 2 and 3 to determine the actual potential for on-site contamination. This assessment indicated the following areas of potential concern:

- Imported fill materials (stockpiles and in-situ);
- Former and current site activities;
- Driveway and car parking areas;
- UST's (underground storage tanks);
- ASTS (above ground storage tanks) and associated infrastructure;
- Groundwater;
- Pesticide use;
- Metal degradation, and
- Asbestos in buildings.

It found that the contaminants that may be present in some of these areas were considered to be low to moderate significance in terms of risk to human and environmental receptors. The Preliminary Site Investigation concluded that a Detailed Site Investigation would be required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application and to address the data gaps identified.

The data gaps identified with respect to pollution linkages included:

- Confirmation if contamination has occurred from current and historical site activities through collection and laboratory analysis of soil
- The presence and quality of groundwater is currently unknown and may be impacted by contaminated fill and historical leakages from service station operations on site.

To determine the sites suitability for the proposed developments on site a Detailed Site Investigation (DSI) was undertaken and submitted (**Appendix 13**). The DSI focused on the

proposed developments of hotel/motel on Lot 3 and fast food restaurant on the relevant part of Lot 2. The DSI included a site investigation where soil and groundwater samples were collected and underwent a chemical analysis in a laboratory targeting contaminants of concern which may have impacted the site during historical or present activities.

All soil sample results showed that TRH, BTEX, PAH, OCP/OPP, metals and asbestos did not exceed the National Environment Protection Measures (NEPM) assessment criteria.

Groundwater results did not show any indications of contamination in the form of petroleum or chemical based contaminants, BTEX or TRH but copper and zinc were recorded slightly above the ground water investigation levels. These metals are not considered to be directly associated with the service station operations and can be attributed to naturally occurring levels of zinc and copper within ground water. The DSI therefore determined the current and historical service station operations have not impacted ground water in the sampling locations and overall the site is suitable for the proposed developments on both lot 2 and lot 3 providing the following recommendations are implemented:

- All on-site structures on Lot 3 which are assumed to be demolished will require a Hazardous Material Survey prior to demolition;
- Any soils requiring excavation, on-site reuse and/or removal must be classified in accordance with "Waste Classification Guidelines Part 1: Classifying Waste" NSW EPA (2014);
- Any areas of the site suspected of containing ACM including soil and/or fill material are to be handled in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and
- A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

Water NSW have provided a post-gateway referral response received on 23 August 2021 which examined the information within the Detailed Site Investigation, which wasn't available for Water NSW to provide a response through their previous referral.

In this latest response Water NSW have raised concerns over the assessment criteria upon which soil contaminants have been measured against. The Detailed Site Investigation has assessed soil contaminant levels against Health Investigation Levels relating to industrial/commercial premises (HIL D) and found to be within an acceptable range. However Water NSW consider that the soil analysis results for Lot 3 (the motel site) should be further assessed against Health Investigation Levels relating to residential with minimal opportunities for soil access (HIL B). This is due to the proposed development involving overnight accommodation and based upon information contained in the *National Environmental Protection (Assessment of Site Contamination) Measures 1999*. Water NSW have requested an update to the Detailed Site Investigation to include a supplementary comparison of the soil test results for lot 3 against the HIL B limits to help demonstrate the suitability of the site for the intended motel use.

This update is currently being undertaken and the results will be reported through a Post exhibition report to Council after the public exhibition has completed.

Water NSW did however largely support the findings of the Detailed Site Investigation (notwithstanding the supplementary request) and stated:

'We believe that stated recommendations of the DSI report should be implemented as stated in the planning proposal, but this can occur through the DA process.'

A copy of the Water NSW post-gateway referral is available in **Appendix 11b**.

Through the Preliminary Site Investigation and Detailed Site Investigation reports submitted with this planning proposal the Council have considered whether the land is contaminated. The Council, subject to the satisfactory submission of the supplementary soil analysis comparison against HIL B for lot 3, is satisfied that the land is suitable for the proposed uses (which do not include uses listed in paragraph 2 of this direction i.e. residential, educational, recreational or childcare purposes) without remediation on the provision that the recommendations presented in the Detailed Site Investigation report (section 16) are implemented through the development application stage.

This element of the planning proposal is therefore consistent with Direction 2.6 Remediation of Contaminated land.

159 Rifle Range Road

Comment: The subject site is not identified on the Council's local contaminated land register or identified as significant contaminated land. The land's current pasture land use is not considered to have led to contamination on the site. As such Direction 2.6 does not apply to this element of the planning proposal.

3.6.7 Direction 3.4- Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- a) Improve access to housing, jobs and services by walking, cycling and public transport, and
- b) Increasing the choice of available transport and reducing dependence on cars, and
- c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- d) Supporting the efficient and viable operation of public transport services, and
- e) Providing for the efficient movement of freight.

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Marulan Truckstop 31

Comment: The subject site stands centrally within the Marulan Urban area and within an 800 metre, or 10 minute walking distance from the majority of Marulan residents and the train station as illustrated in **Appendix 19**. A footpath runs from the edge of the site along George Street, providing pedestrian access between the proposal site and the Marulan Local Centre. The proposal will create additional employment opportunities within the local area, accessible to a large number of local residents by foot and is considered consistent with this Direction.

159 Rifle Range Road

Comment: The subject site relates to rural and environmentally zoned land and as such Direction 3.4 does not apply to this element of the planning proposal.

3.6.8 Direction 3.6- Shooting Ranges

The objectives of this direction are:

- a) To maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
- b) To reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
- c) To identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land to and/or adjoining an existing shooting range.

When this direction applies a relevant planning authority preparing a planning proposal must not seek to rezone land adjacent to/ or adjoining an existing shooting range that has the effect of:

- a) Permitting more intensive land uses than those which are permitted under the existing zone; or
- b) Permitting land uses that are incompatible with the noise emitted by the existing shooting range.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Direction-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- a) Justified by a strategy which:
 - i. Gives consideration to the objectives of this direction, and
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites) and
 - iii. Is approved by the Director-General of the Department of Planning and is in force, or
- b) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- c) Is of minor significance

Marulan Truckstop 31

Comment: The subject site does not stand in proximity to a shooting range, as such Direction 3.6 does not apply to the Marulan Truckstop element of this planning proposal.

159 Rifle Range Road

Comment: The subject site, and in particular the northern parcel, stands adjacent to the Goulburn Rifle Club shooting range illustrated in **Appendix 20**. This planning proposal does not propose to rezone the subject site but does seek to permit a dwelling house which is a more intensive land use than the E2 zone currently permits, as such this direction applies.

Appendix 21 illustrates the Goulburn Rifle Range, Range Danger Area which crosses over onto a small section of the northern portion of the sites northern boundary. The Range Danger area is defined as '*areas of land together with specified air space, within which danger to life, limb and property may be expected to occur arising from initiation of specified ammunition*'. A dwelling within the Range Danger Area would present concerns around the safety of the

residents of a dwelling. However the marginal encroachment of this area into the site and the large overall site area enables a dwelling to be easily sited away from the Range Danger area. Furthermore, if the northern portion of the subject site is subdivided from the southern portion, a restriction will be placed on the title of the lot in relation to the shooting range.

As identified in **Section 3.4.1** of this report the *Local Strategic Planning Statement* requires the *Urban and Fringe Housing Strategy* to be implemented. The *Urban and Fringe Housing Strategy* firstly highlights the opportunity to address the zoning anomaly created by the highway between environmental and RU6 zones between Mt Gray and Mountain Ash Precincts. Secondly it includes a high priority recommendation to amend the GMLEP to address the split zone anomaly.

The *Urban and Fringe Housing Strategy* was adopted by Council on 21 July 2020 and later endorsed by NSW Department of Planning, Industry and Environment on 20 November 2020. This proposal is therefore in accordance with and justified by a high level strategy which has considered Ministerial Directions in its production, identifies the land subject to this proposal and has been approved by the Director-General of the Department of Planning.

In addition, the proposal seeks to rectify an anomalous split zoning created by the construction of the Hume Highway bypass around Goulburn which splits the landowners lot into two land parcels on opposing sides of the highway. The proposal seeks the additional permissibility of a dwelling on only one parcel of E2 zone land and a minimal change to lot sizes to enable subdivision and the erection of one dwelling house only. This is considered to be of minor significance.

3.6.9 Direction 4.3- Flood Prone Land

The objectives of the Direction are:

- a) To ensure that development of flood prone land is consistent with the NSW Governments Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.
- c) This direction applies when a planning proposal is prepared which creates, removes or alters a zone or a provision that affects flood prone land.

Marulan Truckstop 31

Comment: Goulburn Mulwaree Council does not have a flood study which covers Marulan and therefore a full understanding of whether the site stands within flood prone land is not currently available. Extensive growth in Marulan identified through the *Urban and Fringe Housing Strategy* has created an impetus for a greater understanding of flooding potential in Marulan. In response a Marulan Flood Study is currently being commissioned by the Council and this is expected to be completed by 2023.

Whilst there is not an existing flood study for the town, a Marulan Stormwater Master Plan was prepared in December 2005. This study assessed and mapped a number of existing tributaries including trunk drainage tributaries, presented in **Appendix 22**. **Appendix 22** illustrates no trunk drainage tributaries in close proximity to the site.

The site stands over 1000m to the south east of Jaorimin Creek which stands at an elevation of approximately 640m. The subject stands approximately 5 metres higher than the creek at an elevation of 645m.

The nearest drainage path to the site is a non-perennial natural drainage path located approximately 300 metres to the south east of the site on the opposite side of the Hume Highway. The second closest natural drainage path is also non-perennial which stands approximately 630 metres to the south west of site.

The subject sites distance from waterbodies, tributaries and drainage paths all indicate that the subject site and the proposal would not lead to development on flood prone land.

159 Rifle Range Road

Comment: The subject site (both the northern and southern parcels) stand outside of flood prone areas including the 1 in 20 year and 1 in 100 year flood events - see **Appendix 23a & 23b**.

Appendix 9 illustrates a drainage channel running from the south west to north east through the subject site. *The Goulburn Draft Overland Flow Study* maps illustrate related flooding extents and identifies flood planning constraint categories 1 to 4. **Appendix 10** illustrates these flood planning constraint categories for the subject site and indicates only a small central strip of constraint category 1 land along the main body of the drainage channel. Category 1 areas are the most constrained where intensification of uses should be avoided. Category 3 areas cover the largest area of the subject site and these are suitable for most types of developments. The northern parcel of the subject at 74.5ha and the limited extent of the prohibitive flood planning constraint categories, specifically category 1, enable the siting of a dwelling and associated wastewater facilities away from potential flooding areas and associated buffer zones. The small scale nature of the proposed development would therefore enable subdivision and the erection of a dwelling to be in accordance with the NSW Governments Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. This element of the planning proposal is considered consistent with Ministerial Direction 4.3.

3.6.10 Direction 4.4- Planning for Bushfire Protection

The objectives of this direction are:

- a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible uses in bushfire prone areas, and
- b) To encourage sound management of bush fire prone areas.

This direction applies when a planning proposal is prepared that will affect or is in proximity to land mapped as bushfire prone land.

When this direction applies a relevant planning authority must:

- (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of Schedule 1, clause 4 of the Act, and take into account any comments so made,
- (5) A planning proposal must:
 - a) Have regard to Planning for Bushfire Protection 2019
 - b) Introduce controls that avoid placing inappropriate developments in hazardous areas, and
 - c) Ensure that bushfire hazard reduction is not prohibited within the APZ

- (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i. An Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - ii. An Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 - (b) For infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
 - (c) Contain provisions for two-way access road which links to perimeter roads and/or to fire trail networks
 - (d) Contain provisions for adequate water supply for firefighting purposes,
 - (e) Minimise the perimeter of the area of land interfacing the hazard which may be developed
 - (f) Introduce controls on the placement of combustible materials in the Inner Protection Area.

Marulan Truckstop 31

Comment: The subject site is situated within the urban area of Marulan and outside the bushfire prone land which surrounds the town, as illustrated in **Appendix 6**. The subject site is not in proximity to land mapped as bushfire prone land nor will the proposal affect bushfire prone land. As such Direction 4.4 does not apply to this element of the planning proposal.

159 Rifle Range Road

Comment: The subject site is entirely covered by Category 3 Vegetation (medium bushfire risk) and as such this Ministerial direction applies (see **Appendix 8**). The northern parcel of the subject site is 74.5 ha in area and the proposal only seeks the permissibility for one dwelling. This extensive area provides ample space and opportunity to include bush fire protection measures in accordance with 'Planning for Bushfire Protection 2019' including suitable asset protection zones. The vegetation plan (**Appendix 24**) illustrates significant areas of the northern parcel which are cleared and present an opportunity to site a dwelling.

Comment General: Rural Fire Service NSW were consulted in accordance with the Gateway Determination with a referral response received on 3 August 2021. The Rural Fire Service raised no objections to either element of the planning proposal and stated:

'The NSW RFS has considered the proposal with regard to Section 4.4 of the Directions issued in accordance with Section 9.1 of the Environmental Planning and Assessment Act 1979. ...Based upon an assessment of the information provided, NSW RFS raises not objections to the proposal.'

A copy of the NSW Rural Fire Service post-gateway referral response is available in **Appendix 31**.

3.6.11 Direction 5.2- Sydney Drinking Water Catchment

The objective of this direction is to protect water quality in the Sydney Drinking Water Catchment.

This direction applies to Goulburn Mulwaree Council.

This direction requires that a planning proposal be prepared in accordance with the general principle that water quality within the Sydney Drinking Water Catchment must be protected, and in accordance with the following specific principles:

- a) New development within Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and
- b) Future land use in the Sydney drinking water catchment should be matched to land and water capability, and
- c) The ecological values of land within a Special Area that is:
 - i. Reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or
 - ii. Declared as a wilderness area under the Wilderness Act 1987, or
 - iii. Owned or under the care, control and management of the Sydney Catchment Authority.

This direction requires a relevant planning authority, when preparing a planning proposal to:

- a) Ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and
- b) Give consideration to the outcome of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
- c) Zone land within the special areas owned or under the care, control and management of the Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	E1 National Parks and Nature Reserves
Land in the ownership or under the E2 Environmental Conservation care, control and management of the Sydney Catchment Authority located above the full water supply level	E2 Environmental Conservation
Land below the full water supply level SP2 Infrastructure (and marked including water storage at dams and "water Supply Systems" on the land weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map

- d) Consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and
- e) Include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a

gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.

Marulan Truckstop 31

Comment: The subject site contains the existing service station use and the site is not currently connected to the Marulan collective effluent disposal system. The site is connected to the town water system and is able to connect to the sewerage system through adjacent connections, as illustrated in **Appendix 25**.

The Marulan Sewerage Treatment plant is connected to the town's sewerage drainage system with this facility at or nearing capacity. The Council's Operational Plan 2020-2021 identifies the following Delivery Programme Action to address this capacity issue:

IN6.1- 'operate, maintain and upgrade the sewer systems to maximise performance and minimise environmental, operational and capital project risks'.

The associated activity IN6.1.4 highlights progress in meeting this action and clarifies that the Marulan Wastewater Treatment Plant's feasibility and concept design have been completed. The identification of the Marulan Sewerage Treatment Plant for upgrade and the clear progress towards this goal highlights the Council's commitment to this project. The anticipated completion date for the Marulan Sewerage Treatment Plant upgrade is late 2023.

The proponents of this planning proposal and the wider redevelopment of the service station have been liaising with Council regarding the sewerage capacity at Marulan and the staging of the redevelopment to coincide with the sewerage treatment plant upgrade. Any development consent to permit construction of development on the subject site will have an operational/occupation condition tied to the completion of the sewerage treatment plant upgrade works.

This approach is generally supported through Water NSW pre-referral response received on 10 June 2021 but they caution that such a condition(s) will need to reasonably relate to the development and have appropriate certainty and finality.

Water NSW raised a potential concern over the effect of potential land contamination on water quality and the effect of leaching and mobilisation of contaminants. The contamination assessments were not available when the planning proposal was submitted to Water NSW for a pre-referral response. As such Water NSW requested clarification on whether detailed contamination assessments are proposed and requested the planning proposal be referred back to Water NSW during the exhibition stage to enable an understanding of associated contamination risks.

Water NSW Pre-referral response received on 10 June 2021 is available in **Appendix 11a**.

The site is not currently connected to the Marulan sewer network and currently utilises on-site septic tanks. 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.

The additional permitted uses sought through this planning proposal (hotel/motel, pub and drive thru restaurant) are generally considered to have a lower level of potential for pollution than the range of uses currently permissible in the IN1: General Industrial zone.

Water NSW have not provided a Strategic Land and Water Capability Assessment (SLWCA) for the Marulan part of this planning proposal as SLWCA's appropriate for food and drink

premises have not been produced and there are no provisions for SLWCA's for tourist and visitor accommodation.

159 Rifle Range Road

Comment: This element of the planning proposal applies to land within the Sydney Drinking Water Catchment. The area is not served by the Goulburn's main water and sewer infrastructure.

A non-perennial natural drainage path runs South East to North West through the site, as illustrated in **Appendix 9**. This element of the proposal is seeking the establishment of a single dwelling house on a minimum lot size of 70ha. The large allotment size and the location of the drainage path enable a dwelling's effluent management area to be sited 100m away from watercourses/drainage paths and provides ample land area to accommodate on-site waste water facilities without adversely affecting water quality.

This approach is confirmed by Water NSW in their pre-referral response received on 10 June 2021 which states "*Water NSW has conducted a Strategic Land and Water Capability Assessment for the site which confirms that the site has sufficient land of LOW or MODERATE risk to accommodate a dwelling house (see **Figure 7**). There is also sufficient area to meet required effluent management area (EMA) buffer distances from waterways for any proposed on-site sewage treatment system*".

In addition, any subsequent development application for a dwelling on site would have to ensure a neutral or beneficial effect on water quality through the NorBE test before development consent can be granted.

Water NSW confirmed that they had no objection to this element of the planning proposal and supports the Council's approach to reconciling the planning provisions applying to 159 Rifle Range Road.

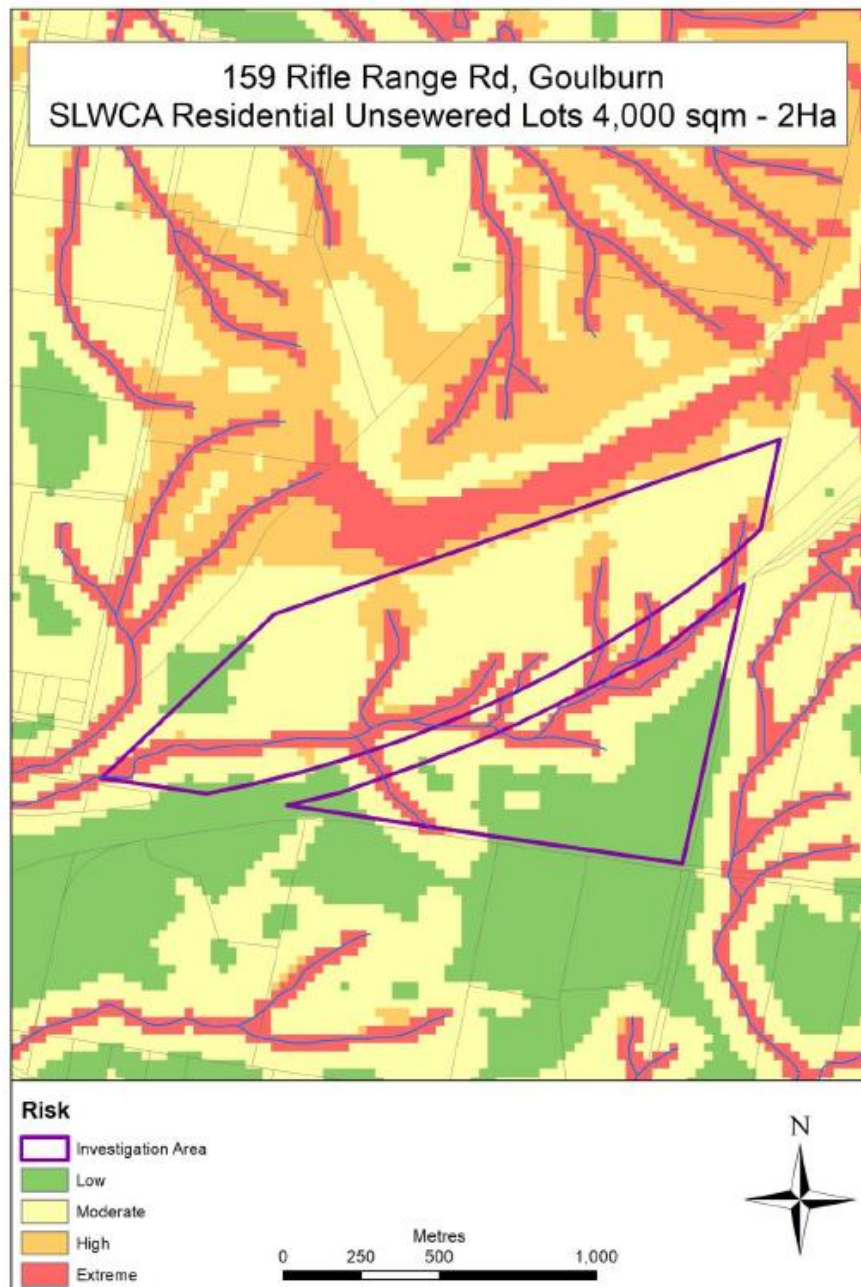


Figure 7: SLWCA Map Rifle Range Road

General Comment: It is recognised that the Sydney Drinking Water Catchment SEPP applies and that development applications for the proposed permissible uses sought through this proposal will be required to meet the neutral or beneficial water quality Test (NorBE). This will be most accurately demonstrated through detailed development applications.

Water NSW provided a post-gateway referral response on 23 August 2021 which largely repeated their previous advice in relation to this direction and stated:

'The Planning Proposal provides a comprehensive response to the section 9.1 Direction 5.2 Sydney Drinking Water Catchment and incorporates consideration of our advice of 10 June 2021.'

A copy of the Water NSW post-gateway referral is available in **Appendix 11b**.

3.6.12 Direction 5.10- Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Marulan Truckstop 31 & 159 Rifle Range Road

Comment: The South East and Tablelands Regional Plan is applicable to this planning proposal and this has been considered in **Section 3.3.1** of this report. This planning proposal is considered consistent with this regional plan.

3.6.13 Direction 6.1- Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Marulan Truckstop 31 & 159 Rifle Range Road

Comment: This planning proposal does not introduce any additional approval or referral requirements beyond those in place in the applicable environmental planning instruments and would therefore not compromise this objective.

3.6.14 Direction 6.3- Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

A relevant planning authority must do the following if this direction applies:

- (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development to be carried out must either:
 - a) Allow that land use to be carried out in the zone the land is situated on, or
 - b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

Marulan Truckstop 31 & 159 Rifle Range Road

Comment: This planning proposal is not seeking to impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument.

Part 3- Justification- Section C- Environmental, Social and Economic Impact

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

Marulan Truckstop 31

There are no known critical habitats or threatened species, populations or ecological communities, or habitats located on the subject land. The Goulburn Mulwaree Terrestrial Biodiversity Map Sheet (Bio_001) does not identify the subject land as containing biodiversity as illustrated in **Appendix 26**.

The subject site is not identified as a biodiversity hotspot or wetland and is defined as urban land cover.

The significant majority of Lot 2 of the subject site comprises hardstanding with no likely biodiversity value. The proposed section of Lot 2 in which the drive-thru restaurant is proposed comprises a maintained lawn which serves as soft landscaping to the site entrance. The lot does contain a number of dispersed trees, particularly around its boundaries, the tree species are unknown. Lot 3 comprises a residential property which occupies a relatively small area of the lot on which it stands. This lot also has a number of dispersed trees and a lawn.

The subject site (lot 2 & 3) is not identified on the NSW biodiversity Values map as illustrated in **Appendix 27**.

Any perceived impacts can be managed through appropriate environmental management measures demonstrated at development application stage.

The NSW Environment & Heritage Bionet Map, illustrated in **Appendix 28** identifies two historic species records in close proximity to the subject site, namely a Grey Fantail in April 2008 and an Australian Wood duck in 1958. In addition Goulburn Mulwaree Flora and Fauna 2016 mapping layers identify Cotton fireweed and a sighting of Gould's Wattled Bat on lot 2 and Australian sweet grass and chestnut teal on lot 3. None of these species' of animals or plants are designated threatened species.

159 Rifle Range Road

The site historically comprised White box- Yellow box- Blackley's Red Gum Grassy Woodland and Derived Native Grassland. An initial assessment by the Council's Biodiversity Officer identified that the site has been degraded by pasture improvements with less than half the site now comprising native groundcover. The Biodiversity Officer's initial comments are presented in **Appendix 29**. As identified on the vegetation map in **Appendix 24** there are significant areas of the 74.5 ha site which are cleared and present an opportunity to site a single dwelling house without adversely affecting the remnant critically endangered White Box- Yellow Box- Blackley's Red Gum Grassy Woodland and Derived Native Grassland habitat.

Notwithstanding the potential to avoid critical habitats or threatened species, a development application will be required for the establishment of a dwelling on this site. This application will be required to be accompanied by Biodiversity Assessment Report and Threatened Species Test of Significance which will ensure critical habitats, threatened species, populations or ecological communities, or their habitats will not be adversely affected as a result of the proposal.

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Marulan Truckstop 31

Amenity Impacts

The subject site comprises two lots, lot 2 upon which the existing service station stands and lot 3 upon which an existing dwelling house stands but both fall under the IN1: General Industrial zone. The proposal seeks the additional permitted use of a hotel/motel, pub with ancillary bottle shop on lot 3 which will replace the existing residential property. However an existing residential property, 18 George Street stands adjacent to this lot. In addition the 8.7 hectare, currently vacant lot to the north is zoned as R1 General Residential and its development will bring residential properties in close proximity to the anticipated proposed uses. It is considered there may be likely impacts from noise and light spillage from the hotel/motel and pub on these residential properties, particularly during the evening when these uses are likely to be their busiest and when the majority of residents are expected to be home.

The Goulburn Mulwaree DCP currently includes a number of provisions which seek to reduce acoustic and light impacts from service stations.

Notwithstanding, the subject site is already zoned industrial and the current permissible land uses within this zone have the potential to create more adverse impacts on residential amenity than what is being proposed. Therefore the redevelopment of this site for a hotel/motel and pub has the potential for an overall beneficial effect compared to already permissible uses on this site.

159 Rifle Range Road

Amenity Impacts

The primary amenity impact of the proposal to enable subdivision and a dwelling on the northern parcel of the subject lot is noise from both the adjacent shooting range and adjacent Hume Highway.

In order to ensure acceptable internal noise levels for the proposed dwelling, the draft Schedule 1 Additional Permitted Uses wording, illustrated in **Appendix 34**, includes a condition which establishes an upper limit for noise levels to internal habitable rooms.

These noise impacts can be mitigated and noise limits met, through careful design and siting of the dwelling, alongside noise mitigation measures such as additional insulation and/or extra window glazing.

Safety

The northern site parcel stands adjacent the Goulburn Rifle shooting range which has an identified Range Danger Area, illustrated in **Appendix 21**. This area includes areas of land together with a specified air space, within which danger to life, limb and property may be expected to occur arising from the initiation of specified ammunition. This Range Danger Area crosses over a small portion of the north western boundary of the subject site. A dwelling within the Range Danger Area which crosses over onto the subject site would present concerns around the safety of the dwelling's residents. This is however easily avoided through appropriate siting of any proposed dwelling away from the Range Danger Area. To ensure any future dwelling is not adversely impacted by the adjacent shooting range draft Schedule

1 Additional Permitted Use wording, illustrated in **Appendix 34**, restricts the siting of development to areas outside the Range Danger Area.

3.9 Has the planning proposal adequately addressed any social and economic effects?

Marulan Truckstop 31

The proposal stands outside of Marulan's existing local centre and seeks to introduce new commercial development including a motel, pub with ancillary bottle shop and a fast food drive-thru restaurant. The subject site is located approximately 500 metres south west of the B2 Local Centre which serves as Marulan's commercial core, centred on George Street.

The proponent has submitted an Economic Impact Assessment to support this planning proposal and assess the impacts of a new motel, and pub with ancillary bottle shop on Marulan Town Centre (B2: Local Centre). The fast food drive-thru restaurant has also been addressed through this assessment but only on a high level.

The Economic Impact Assessment in **Appendix 4** considers the statutory planning objectives, economic drivers and competitive landscape of the proposal in order to develop a more detailed understanding of the need and appropriateness of the proposed development. It also importantly considers the impact of the proposed development on the Marulan Town Centre.

A summary of the economic impacts from the proposal both during construction and operation of the proposed uses are listed below:

Economic impacts from construction

- \$23m in total economic activity generated by the construction of the proposed development (production induced effects & consumption induced effects)
- 35 job years directly generated by the construction with additional jobs generated through multiplier effects totalling approximately 53 job years in the LGA
- Approx. \$265,000 in additional local and state revenue through Section 7.12 levies and payroll tax during construction

Economic impacts from motel and pub/hotel

- Creation and support of approx. 32 jobs
- \$1.16m per year in total staff remuneration
- \$6.2m in gross value added
- Significant positive flow-on effects from tourism expenditure to the existing businesses in Marulan
- Creation of 13,000 additional room nights generated by the motel
- Estimated revenue of \$1.56m per year from motel rooms
- Estimated \$900,000 per year additional visitor spend, much of which will be captured by existing Marulan businesses.

Assessment of Impacts on Marulan Local Centre

The Marulan local centre serves as the commercial core of Marulan and stretches along George Street where around 40 operating businesses cater for the business and shopping needs of local residents. These uses include small retail outlets, including a post office, bakery and café and pharmacy as well as larger depots for trucks and service based industries.

George Street is home to three accommodation providers with a total provision of 36 rooms and one pub with floor space of 450m². These present potential competing businesses with the proposed motel as follows:

- Terminus Hotel at the centre of the town and is a pub with some limited overnight accommodation at \$120 per night
- Marulan Motor Inn at the southern end of the town and is a 3 star motel with 28 rooms at \$120 per night
- Marulan Stayz at the northern end of the town which is a converted house with rooms at \$125 per night

In addition, Marulan also has 3 cafes/restaurants within the local centre which present competing businesses with the proposed restaurant and pub as follows:

- The Marulan Café
- The Marulan Bakery
- Meridian Café

There are additional restaurants and cafes in Marulan but these all stand outside of the Local Centre and situated predominately near the Hume Highway junctions, located around 1.2km from the IGA supermarket.

The strongest competitive impacts have been identified for the Marulan Motor Inn and Terminus Hotel as the more comparable offering to the proposed motel. The Terminus Hotel is situated in the middle of the commercial centre of Marulan but this is a small establishment with only a few rooms. The Marulan Motor Inn stands further out of the Marulan commercial centre at approximately 850m from the Marulan IGA supermarket and as such has not formed a relevant consideration for the Economic Impact Assessment.

The existing three cafes identified in the Local Centre are also likely to experience some competitive impacts as a result of the fast food drive thru restaurant and pub proposal.

As noted above, the proposed development of the motel, pub with bottle shop and fast food drive thru restaurant is likely to generate 13,000 tourist room nights and result in a visitor spend of approximately \$900,000 on retail goods and services annually. The increased revenue and footfall in the local area is considered to have significant positive benefits for local businesses.

In addition, traffic along the Hume Highway is increasing at a rate of 1.6% per year and the number of related services will be expected to increase to meet this rising demand.

There is also a recorded increase in tourist nights in the Capital Country Tourist Region from 2.33 million in 2010/11 to 3.52 million in 2018/19 which equates to an annual rise of 5.3%. An increase in the supply of visitor beds is required to keep up with this rising demand.

The overall increasing demand and the already identified need for greater levels of short term accommodation in the LGA, alongside relatively few available visitor rooms in Marulan are considered to ensure no adverse impacts on the viability and vitality of visitor accommodation in the Marulan local centre or the vibrancy of the centre generally.

Social Impact Assessment

Marulan is identified as an area with multiple indices of deprivation including:

- The Index of Economic Resources ranks Marulan (SSC) in the bottom 40% of all localities which indicates lower access to economic resources relative to other areas

- The Index of Education and Occupation ranks Marulan (SSC) in the bottom 10% for both NSW and nationally which indicates residents generally have a significantly lower level of education and are highly likely to be working in lower skilled roles
- The Index of Relative Socio-economic Disadvantage
- The Index of Relative Socio-economic Advantage and Disadvantage indicates a lower level of advantage and a relatively higher level of disadvantage in general. This means more households with lower incomes or fewer people in skilled occupations, a greater number of lower income households and more people in unskilled occupations.

This planning proposal seeks the additional permissibility of a motel, pub and bottle shop. The location and density of bottle shops, in particular, can influence the health and well-being of the people in surrounding areas, particularly in disadvantaged areas, such as Marulan.

In light of the potential impacts of a bottle shop on a local community, especially a disadvantaged one, this planning proposal is accompanied by a Social Impact Assessment.

The Social Impact Assessment has been prepared by HillPDA on behalf of the proponent DIB and assesses the suitability of the proposal in the context of policy, demographics, and characteristics of the site and potential conflicts with surrounding land uses. It has examined potential socially positive benefits and negative impacts and identifies measures to mitigate, minimise or resolve any negative outcomes and enhance public benefit. The Social Impact Assessment is available in **Appendix 5**.

The Assessment highlights that there is no concentration of crime incidents around the site between July 2019 and June 2020 with crime rates remaining relatively stable.

Marulan has five existing active licenses within 1km of the site and the saturation of liquor outlets in Marulan decreased from 254.7 in December 2018 per 100,000 residents to 424.4 per 100,000 residents in December 2020.

The potential positive benefits and negative impacts and their mitigations identified by the Assessment are summarised in **Table 1 and 2** below:

Table 1: Potential Negative Social Impacts Table

Potential Negative Social Impacts	
Traffic & Dispersal	Due to the lack of existing public transport, the majority of staff and visitors would be required to arrive by personal vehicles, coaches or taxis. This should be addressed at the development application stage and include mitigations such as implementing Crime Prevention through Environmental Design (CPTED) principles and secure access and dispersal into the design.
Operational Traffic Impacts	Whilst traffic on George Street is considered minimal, the existing service station and nearby interchanges creates a potential for cumulative traffic impacts. This should be mitigated through a Traffic Impact Assessment through a Development Application which considers the impacts and includes mitigations.
Reduced amenity during construction	A short term reduction in amenity may impact on residential properties immediately adjacent the site as a result of potential impacts such as noise and dust, unpleasant odours, increase traffic volumes etc. Mitigations should be included within a Construction Management Plan submitted with the Development Application.
Operational Noise Impacts	There is potential for additional noise during the sites operation with potential amenity impacts on surrounding residents. The development would be subject to development controls and

	conditions to reduce/mitigate these impacts. An Acoustic Assessment should be conducted as part of a Development Application and standard noise mitigation measures implemented. A Plan of Management is also recommended which reviews noise generated by patrons.
Community Health & Safety	The population whilst more socio-economically disadvantaged compared to the rest of NSW, the population is not identified as at relatively higher risk from alcohol related harm. This is especially the case when considered in the context of the potential economic activity and employment created by the proposal.
Crime & Anti-social behaviour	The subject site is considered to be at low risk of an increase in crime and anti-social behaviour. The subject site is considered to be low risk and is located in an area with very low crime rates. Mitigations include implementing Crime Prevention through Environment Design (CPtED) principles, ensuring secure access and dispersal, staff training in the responsible service of alcohol etc.
Cumulative impact of licensed premises	Marulan currently only has two on-premises licenses and consequently the cumulative impact of the proposed bottle shop on the social environment is considered negligible.

Table 2: Potential Positive Social Benefits Table

Potential Positive Benefits	
Social Integration	The development would be publicly accessible and would increase opportunities for local residents to interact and enhance community cohesion in the area.
Support Council vision	The proposal would provide additional short term accommodation as sought by the Councils LSPS and introduce additional spaces for recreation and social interaction.
Construction related expenditure	The development is expected to have short term benefits in terms of construction employment and the purchase of materials. Construction is anticipated to provide 35 direct, on-site, job years and 17 indirect (or flow-on) job years in the LGA. The wider town and nearby centres are also expected to benefit from increases in construction related trade.
More equitable access to employment	The operation of the development will generate additional hospitality and administrative jobs in Marulan, enabling more residents to work locally and experience shorter commutes and increased opportunities for social activities.
Tourist & Visitor investment	The proposal will capture \$1.56m per year in room revenue and approx. \$900,000 in food and retail expenditure which would positively impact livelihoods for residents and businesses.

Overall it is considered that the negative impacts of the proposed development can be successfully managed with the implementation of the mitigation measures presented in the Social Impact Assessment. The planning proposal is considered to have adequately addressed the social effects of the proposed additional permissibilities.

159 Rifle Range Road

No social or economic effects have been identified as a result of this part of the planning proposal.

Part 3- Justification- Section D- State and Commonwealth Interests

3.10 Is there adequate public infrastructure for the planning proposal?

Marulan Truckstop 31

The subject site has access from sealed roads and has access to electricity and water infrastructure.

Lot 2 of the subject site is not currently connected to the Marulan sewer network and instead currently utilises an on-site septic tank. The adjacent Lot 3 of the subject site, where the existing residential property is located, has an existing sewer connection and the Council has confirmed that Lot 2 can be connected to the network through the adjacent Lot 3.

Section 3.3.6 of this report addresses Marulan's sewerage capacity and the Council's planned upgrade of Marulan's sewerage treatment plant.

159 Rifle Range Road

The northern parcel of the subject site has two potential access points:

- One via the southern lot with existing dwelling which is anticipated to be subdivided from the northern parcel. This access is an unsealed track which spans under the Hume Highway.
- The second is via the sealed Rifle Range Road which runs along the northern land parcels south western boundary.

An additional internal road from Rifle Range Road will be required to provide access to a dwelling on the site. The extent of the internal road will be dependent on the exact location of any proposed dwelling.

The subject site is not connected to the Goulburn reticulated water and sewer network and a dwelling on the subdivided northern site parcel will require on-site water storage and waste water and effluent disposal to meet the needs of the dwelling.

The minor nature of the proposal i.e. maximum of one dwelling, is not considered to result in an additional need for state or locally provided infrastructure.

3.11 What are the views of State and Commonwealth public authorities' consultation in accordance with the Gateway determination?

No State or Commonwealth public authorities have been consulted in the preparation of this planning proposal.

Consultation with relevant bodies will be undertaken in line with the requirements of the Gateway Determination.

Part 4- Mapping

The lots relevant to this planning proposal will be added to the Additional Permitted Uses Map for the Goulburn Mulwaree LEP which illustrates all the lots listed within Schedule 1.

An example of the mapping for the Additional Permitted Uses Maps are presented in **Appendix 30a, 30b and 30c**.

Part 5- Community Consultation

As part of the Gateway assessment appropriate public exhibition of the proposal will be applied for the prescribed period.

It is envisaged that the proposal will be advertised in the prescribed manner under the Gateway procedures.

Part 6- Project Timeline

It is envisaged that the Gateway process will take approximately 9 months for a project of this scale as outlined in the table below:

Gateway Determination	July 2021
Timeframe for completion of technical studies	No further studies identified
Timeframe for agency consultations	August 2021
Public exhibition	September 2021
Public hearing	No hearing identified
Consideration of submission	October 2021
Date of submission of LEP to DPIE	November 2021
Anticipated date of plan made	December 2021
Anticipated date plan forwarded to DPIE for notification	December 2021

Part 7- Appendices

Additional maps and other relevant appendices included within this proposal are listed in the table below:

Appendix 1	Marulan Truckstop 31 Indicative Redevelopment Plans
Appendix 2	Marulan Truckstop Council Report & Resolution- 6 April 2021
Appendix 3	Rifle Range Road Council Report & Resolution- 6 April 2021
Appendix 4	Marulan Truckstop 31 Economic Impact Assessment
Appendix 5	Marulan Truckstop 31 Social Impact Assessment
Appendix 6	Marulan Truckstop 31 Bushfire Map
Appendix 7	Marulan Truckstop 31 Waterways and Drainage Map
Appendix 8	Rifle Range Road Bushfire Map
Appendix 9	Rifle Range Road Drainage Map
Appendix 10	Rifle Range Overland Flow Study Map
Appendix 11a	Water NSW Pre-Referral Response- 10 June 2021
Appendix 11b	Water NSW Post-Gateway Referral Response- 23 August 2021
Appendix 12	Marulan Truckstop 31 Preliminary Site Investigation
Appendix 13	Marulan Truckstop 31 Detailed Site Investigation

Appendix 14	Marulan Truckstop 31 Heritage Map
Appendix 15	Marulan Truckstop 31 AHIMS Map
Appendix 16	Rifle Range Road Heritage Map
Appendix 17	Rifle Range AHIMS Map
Appendix 18	Goulburn Mulwaree DCP Potential Aboriginal Artifacts Map
Appendix 19	Marulan Truckstop 31 Accessibility Map
Appendix 20	Rifle Range Road- Shooting Range Location Map
Appendix 21	Rifle Range Road Range Danger Area Plan
Appendix 22	Marulan Truckstop 31 Stormwater Tributaries Map
Appendix 23a	Rifle Range Road 1 in 20 year Flood Map
Appendix 23b	Rifle Range Road 1 in 100 year Flood Map
Appendix 24	Rifle Range Road Vegetation Plan
Appendix 25	Marulan Truckstop 31 Water & Sewer Connections Map
Appendix 26	Marulan Truckstop Terrestrial Biodiversity Map
Appendix 27	Marulan Truckstop Biodiversity Values Map
Appendix 28	Marulan Truckstop 31 Bionet Map
Appendix 29	Rifle Range Road Biodiversity Officer Comments
Appendix 30a	14 George Street Additional Permitted Uses Map
Appendix 30b	16 George Street Additional Permitted Uses Map
Appendix 30c	159 Rifle Range Road Additional Permitted Uses Map
Appendix 31	Rural Fire Service Post-Gateway Referral Response- 3 August 2021
Appendix 32	DPIE- Biodiversity & Conservation Division Post Gateway Referral Response- 5 August 2021
Appendix 33	Transport for NSW Post-Gateway Referral Response- 2 August 2021
Appendix 34	Draft Schedule 1: Additional Permitted Uses Wording