





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

Attachments:

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

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

RECOMMENDATION

That:

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

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

INTRODUCTION

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

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



Figure 1: Marulan Truckstop Site Location Plan

BACKGROUND

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

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

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

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

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

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

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

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



Figure 2: Marulan Truck Stop Land Use Zoning Plan

REPORT

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

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

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

Stage	Applicable Lot	Proposed	Approval pathway
		<ul style="list-style-type: none"> Car parking for 33 vehicles. 	required after completion of Planning Proposal
	Lot 3	<ul style="list-style-type: none"> A pub fronting George Street with an area of approximately 839m² GFA plus roof top seating of 281m²; An ancillary bottle shop as part of the pub; and A three level, 48 room motel with an area of approximately 3,144m² GFA to the rear of the lot which includes a swimming pool. 	
Stage 3	Lot 1	Development of vacant site for warehousing/distribution	DA can be submitted as permissible use for zone

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

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

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

The draft wording for Schedule 1 is presented below:

5 Use of certain land at 14 George Street, Marulan

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

6 Use of certain land at 16 George Street, Marulan

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

Addressing Constraints

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

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

Marulan Sewerage Capacity

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

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

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

Contamination

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

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

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

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

Residential Amenity

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

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

Potential Economic & Social Impacts

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

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

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

The negative social impacts include:

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

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

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

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

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

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

Internal Consultation

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

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

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

Conclusion and Recommendation

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

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

RESOLUTION 2021/123

Moved: Cr Andrew Banfield

Seconded: Cr Peter Walker

That:

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

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.






CARRIED

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

Against: Nil

15.3 PLANNING PROPOSAL - AMENDMENT TO GM LEP 2009, SCHEDULE 1 - ADDITIONAL PERMITTED USES, 159 RIFLE RANGE ROAD, GOULBURN**Author:** David Kiernan, Senior Strategic Planner**Authoriser:** Warwick Bennett, General Manager

Attachments:

1. UFHS Consultation Submission (separately enclosed) ➡ 
2. Rifle Range Drainage Map (separately enclosed) ➡ 
3. Rifle Range Biodiversity Officer Site Comment (separately enclosed) ➡ 
4. Rifle Range Road Vegetation Map (separately enclosed) ➡ 
5. Bush Fire Prone Land Map (separately enclosed) ➡ 
6. Range Danger Area (separately enclosed) ➡ 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
Address:	159 Rifle Range Road, Goulburn

RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding proposed amendment to Schedule 1 - Additional Permitted Uses, of the *Goulburn Mulwaree Local Environmental Plan 2009* be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* Schedule 1 by including Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn to allow the subdivision of the lot from the portion zoned RU6 Transition Zone land and permit a dwelling on the E2 Environmental Conservation Zone land portion subject to consent.
3. The planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

INTRODUCTION

This report considers a planning proposal at 159 Rifle Range Road, Goulburn seeking to correct a historical zoning anomaly created by the construction of the Hume Highway bypass around Goulburn.

BACKGROUND

The construction of the Hume Highway Bypass around the Goulburn Urban Area physically separated the subject site which is a large rural lot at Lot 1, DP 706477 (No. 159) Rifle Range Road, Goulburn (referred to as 'the subject site') located approximately 3km to the east of the Goulburn Urban Area. The adoption of the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) applied two separate land zones to this dissected lot.

An E2 Environmental Conservation Zone was applied to the 76 hectare northern land parcel and a RU6 Transition Zone was applied to the 43 hectare southern parcel, as illustrated in Figure 1.

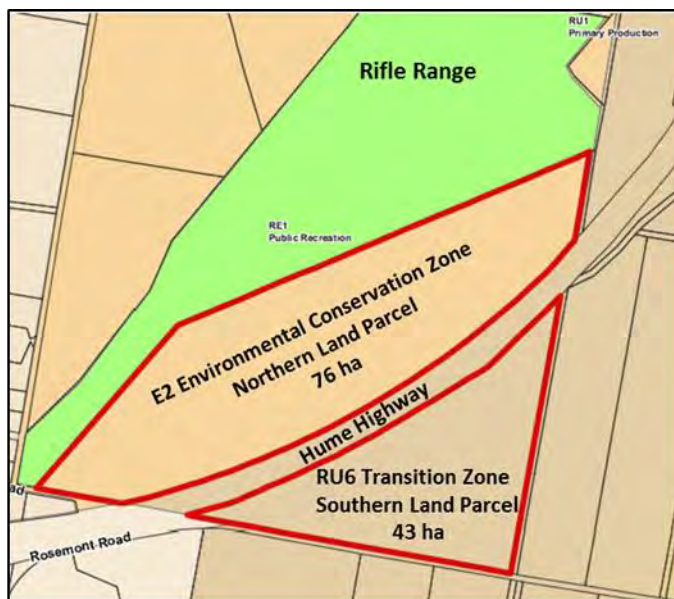


Figure 1: Rifle Range Road Land Use Map

The E2 Environmental Conservation zoned area (northern section) is currently used for grazing, predominately horses and a dwelling house is sited on the southern land parcel.

The current E2 Environmental Conservation zoning which prevents the establishment of a dwelling but also has a 100 hectare minimum lot size which prevents the northern land parcel from being subdivided from the southern RU6 Transition zone section on the opposing side of the highway. It also has the effect of preventing further subdivision of the RU6 Transition zone portion of the site (20ha MLS) due to the restrictions on subdivision of the northern E2 Environmental Conservation zone.

During the preparation and consultation on the *Urban and Fringe Housing Strategy* the landowners made a public submission in relation to this matter. The landowners sought an amendment to the RU6 minimum lot size to subdivide 40ha on the south eastern portion. A summary of the public submission extracted from the *Urban and Fringe Housing Strategy – Consultation Report* is presented in **Attachment 1**.

The final and adopted and endorsed *Urban and Fringe Housing Strategy* directly addressed this submission and sought to rectify this historical zoning anomaly through recommendations relating to Precinct 9 Mt Gray East and Precinct 10 Mountain Ash Road. 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 and seeks to resolve this historic anomaly.

REPORT

This planning proposal is Council-led following a further submission from the landowner since the adoption and endorsement of the *Urban and Fringe Housing Strategy*.

The proposal seeks to enable the subdivision of the subject site into two distinct lots through the inclusion of a clause identifying the E2 Environmental Conservation portion of the subject site and providing an amended minimum lot size restriction within the additional permitted use of a dwelling house subject to consent within Schedule 1 – Additional Permitted Uses of the GM LEP 2009.

The E2 Environmental Conservation zone prohibits dwellings, however, an alternate zone which permits dwellings, such as an E3 Environmental Management or E4 Environmental Living zone is considered a general downgrading of the environmental zoning. Ministerial Direction 2.1: Environment Protection Zones requires that a LEP must not reduce environmental protection standards applicable in Environmental zones and therefore such a downgrading would not be acceptable.

In addition the E3 Environmental Management and E4 Environmental Living zones would also permit with consent comparatively intensive land uses such as community facilities, information and education facilities and tourist and visitor accommodation. As such a rezoning to enable a dwelling on the site is not the preferred mechanism to meet the proposals objectives.

The alternative and preferred option to address this zoning anomaly is to create an additional permissibility for a dwelling within Schedule 1: Additional Permitted Uses of the GM LEP 2009. This is a targeted approach which would apply to the northern parcel of this lot only.

The current minimum allotment size for the northern E2 Environment Conservation zoned area is 100 hectares but the parcel has an area of 76 hectares. This currently prevents the establishment of a dwelling entitlement, even with a change in the zones permissibility's. Therefore this proposal is also seeking to restrict the minimum lot size of the northern land parcel to 70 hectares which would enable the subdivision of the lot into two separate lots (located north and south of the highway) and enable the construction of one dwelling on the northern land parcel.

The minimum lot size restriction is not proposed to be achieved through the usual amendment to the Minimum Lot Size Map of the GM LEP 2009 but instead through a limitation within the wording of Schedule 1: Additional Permitted Uses. This approach would avoid the creation of a new lot size category which would apply to this site only.

The draft wording for Schedule 1 is presented below:

7 Use of certain land at 159 Riffle Range Road

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

Addressing constraints

The primary constraints relative to this site, particularly the northern land parcel subject to change, are biodiversity and bushfire, with the proximity of the Goulburn Rifle Range and Hume Highway also raising issues of noise and safety.

The site is not identified as flood prone land and no creeks or rivers run through the site. Drainage channels are present on site (refer **Attachment 2**) but the preliminary findings of the Overland Flow Study currently being prepared indicate that flooding of these channels is limited to riparian areas only.

Access

An independent vehicular access is achievable from the northern E2 Environmental Conservation zone section of the subject site to Rifle Range Road. Access from Rifle Range Road would provide an independent vehicular access to the land proposed to be subdivided which would be separate from the existing primary access to the lot which is currently from Rosemont Road. A highway underpass currently connects the northern and southern sections of the subject site.

Biodiversity

The site historically comprised White Box- Yellow Box- Blackley's Red Gum Grassy woodland and derived native grassland. An initial assessment by Council's Environment and Biodiversity Assessment 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 **Attachment 3**. As identified on the vegetation map in **Attachment 4** there are significant areas of the 76ha 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. The site is also sufficiently large to provide for revegetation and clearing offset areas for biodiversity. The presence of on-site biodiversity further reinforces the appropriateness of retaining the northern land parcel within the E2 Environmental Conservation Zone.

Bushfire

The subject site is identified as bushfire prone land being Category 3 (medium bushfire risk) land, as illustrated in **Attachment 5**. The northern E2 Environmental Conservation zone section has significant areas of cleared land and ample space and opportunity to include bushfire protection measures, including suitable asset protection zones in accordance with the guide *'Planning for Bushfire Protection, 2019'*.

Proximity to Rifle Range

The northern E2 Environmental Conservation section of the subject site adjoins the Goulburn Rifle Range which has an identified Range Danger Area, illustrated in **Attachment 6**. 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 would present concerns around the safety of the dwelling's residents. This is however easily avoided through appropriate siting of any proposed dwelling outside the Range Danger Area. Future development of the site would require a development application for subdivision and a dwelling house, which could include restrictions on the title in relation to the location of a dwelling relative to the safety area.

Amenity

The northern section of the subject site is located in between the Hume Highway to the east and the rifle range to the west. Both of these uses have the potential to create noise levels which could adversely affect the amenity of residents of any proposed dwelling on the site.

Clause 5.16 of the GM LEP 2009 requires Council to take into account the following when determining whether to grant subdivision for a dwelling or for the erection of a dwelling in an E2 Environmental Conservation zone:

- a) Existing uses of land in the vicinity of the development
- b) Whether or not the development is likely to have a significant impact on land uses
- c) Whether or not the development is likely to be incompatible with existing uses
- d) Any measures proposed by the applicant to avoid or minimise any incompatibility

Clause 5.16 of GM LEP 2009 will ensure that a subdivision and development application for the erection of a dwelling considers the compatibility of the proposed dwelling with these adjacent land uses. It also places the onus on the applicant to adequately demonstrate the proposal including measures to reduce their impacts and minimise incompatibility. These measures may include appropriate siting of the dwelling to be oriented away from noise sources, landscaping to serve as noise buffers or built solutions such as additional insulation or double or triple glazing.

Conclusion and Recommendation

This report recommends that a planning proposal to amend Schedule 1 Additional Permitted uses of the GM LEP 2009, to include a dwelling as an additional permitted use and reduce the minimum lot size, be prepared and progressed to the Department of Planning, Industry and Environment for a Gateway Determination. The planning proposal will address an action in the *Urban and Fringe Housing Strategy* regarding the historical zoning anomaly created by the Hume highway bypass.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CARRIED

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

Against: Nil

15.3 PLANNING PROPOSAL - AMENDMENT TO GM LEP 2009, SCHEDULE 1 - ADDITIONAL PERMITTED USES, 159 RIFLE RANGE ROAD, GOULBURN

RESOLUTION 2021/122

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

That:

1. The report from the Senior Strategic Planner regarding proposed amendment to Schedule 1 - Additional Permitted Uses, of the *Goulburn Mulwaree Local Environmental Plan 2009* be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* Schedule 1 by including Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn to allow the subdivision of the lot from the portion zoned RU6 Transition Zone land and permit a dwelling on the E2 Environmental Conservation Zone land portion subject to consent.
3. The planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

At 7:33 pm, Cr Leah Ferrara returned to the meeting.

15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN

RESOLUTION 2021/529

Moved: Cr Bob Kirk

Seconded: Cr Peter Walker

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. The current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 be deferred to allow further public exhibition (28 days) and submissions on matters not currently addressed in the staff reports and submissions received to date for:
 - Permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
3. Council supports in principle the planning change to provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

CARRIED

The meeting took a 30 minute recess for dinner at 7.42pm.

The meeting reconvened at 8.13pm.





15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

Attachments:

1. Targeted Detailed Site Investigation Report Sept 2021 (separately enclosed) 
2. Marulan Truckstop Remedial Action Plan (separately enclosed) 
3. Agency Referrals Revised (separately enclosed) 
4. Public Submissions Combined (separately enclosed) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
	Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change.
Planning Proposal Reference:	REZ/0002/2021
Submissions:	5 Public Submissions

RECOMMENDATION

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. Council endorse the current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to:
 - Provide permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Provide permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
 - Provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.
3. A draft instrument be prepared that is consistent with the above amendments.
4. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

Two separate council reports were submitted for consideration by Council at its meeting on 6 April 2021, where Council resolved to prepare a planning proposal to amend Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan 2009* (Goulburn Mulwaree LEP) to include the following additional permitted uses:

- fast food restaurant (food and drink premises) on Lot 2 at 14 George Street, Marulan;
- motel/hotel accommodation and pub with ancillary bottle shop on Lot 3 at 16 George Street, Marulan; and
- single dwelling house including a 74ha minimum lot size restriction at 159 Rifle Range Road, Goulburn.

A planning proposal (REZ/0002/2021) was prepared which included amendments relating to both Goulburn and Marulan sites and a Gateway Determination to proceed was received on 22 July 2021 with delegated authority provided to the Council.

The public exhibition for the planning proposal ran for 29 days between 6 September 2021 and 5 October 2021 with late submissions accepted up until 28 October 2021 (which falls after the creation of the business paper for this meeting). Five (5) public submissions relating to the Marulan Truckstop element of the proposal were received with no public submissions relating to the 159 Rifle Range Road component. Agency submissions were received from Water NSW, Transport for NSW, NSW Rural Fire Service and the Biodiversity and Conservation Division of Department of Planning, Industry and Environment.

159 Rifle Range Road

The site is a large rural lot approximately 3km to the east of the Goulburn urban area, standing adjacent the Goulburn Rifle Club Shooting Range and divided by the Hume Highway. The adoption of the *Goulburn Mulwaree Local Environmental Plan 2009* (Goulburn Mulwaree LEP) applied separate land zones to the one lot separated by the Highway.

An E2 Environmental Conservation Zone was applied to the approximately 74.5 hectare northern land parcel with a minimum lot size of 100 hectares and a RU6 Transition Zone was applied to the 43 hectare southern parcel with a 20 hectare minimum lot size, as illustrated in **Figure 1**.

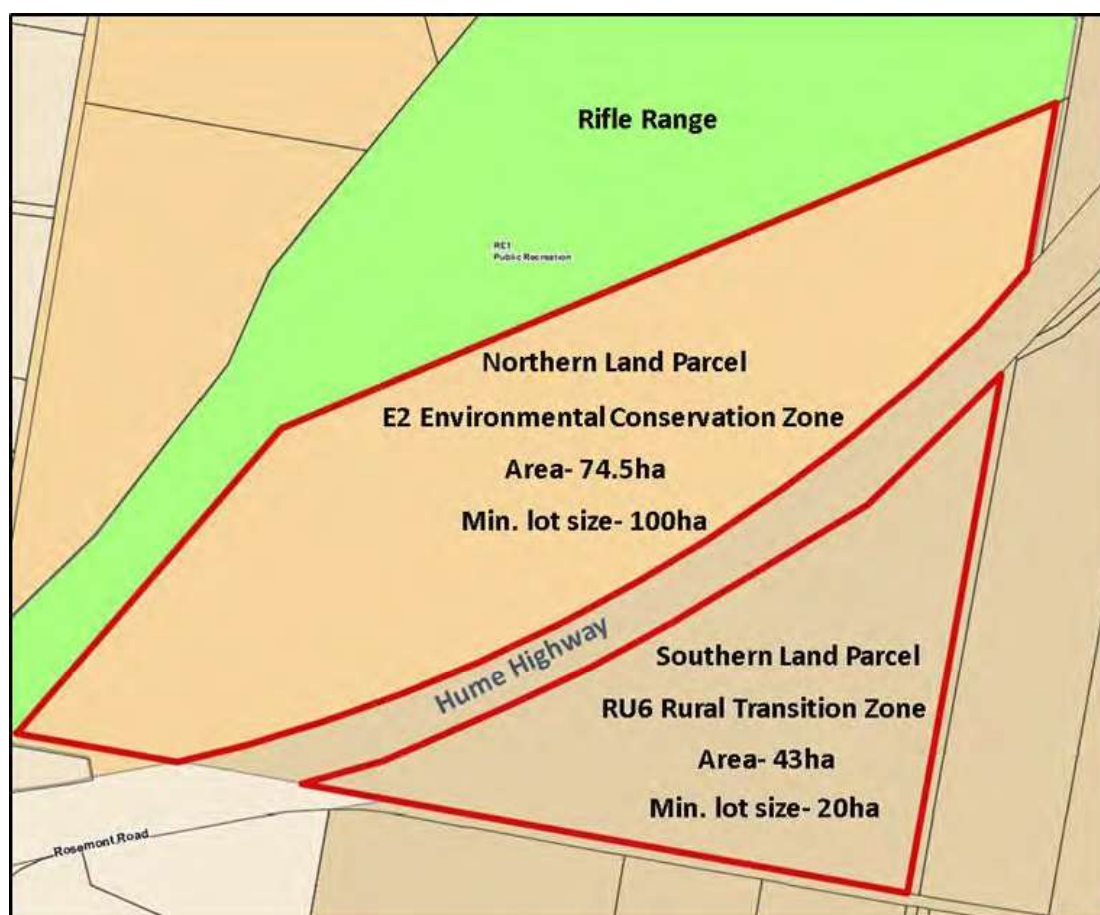


Figure 1: Land use zone, site area & minimum lot size for 159 Rifle Range Road

The current E2 Environmental Conservation zoning prevents the establishment of a dwelling and the minimum lot size prevents subdivision from the RU6 Transition zoned land to the south. These restrictions also prevent further subdivision of the RU6 Transition zoned land.

The *Urban and Fringe Housing Strategy* sought to rectify this zoning anomaly by identifying the:

“Opportunity to address zoning anomaly created between Environmental and RU6 Zones between Mt Gray and Mountain Ash Precincts”.

The strategy also included a high priority recommendation to:

“Amend the Goulburn Mulwaree LEP to address anomalies in split zone created by Highway”.

This element of the planning proposal is Council initiated and seeks to rectify this zoning anomaly and fulfil the recommendation of the *Urban and Fringe Housing Strategy*.

Marulan Truckstop 31

The *Local Strategic Planning Statement* identifies Goulburn and Marulan as the focus for residential and employment growth in the local government area. It identifies land use challenges to maximise opportunities to attract employment generating businesses to provide local employment and address the shortage of short term accommodation for fly in, fly out workers.

The *Urban and Fringe Housing Strategy* (the Strategy) directs the level and location of residential growth in Marulan and describes Marulan as a highway town which provides roadside services to passing traffic on the Hume Highway. It highlights strong recent population growth in Marulan with a 27% population increase between 2006 and 2016, which if maintained, would lead to an additional 450 dwellings by 2036. This strong population growth is supported by the Strategy

through the identification of existing undeveloped residential zoned land and land with residential rezoning potential.

This planned population growth also stands alongside additional employment opportunities in the local area, particularly relating to the extractive industries and the increase in traffic on the Hume Highway, with a 1.6% increase in traffic expected annually. The Marulan Truckstop planning proposal site comprises two lots with a total combined area of approximately 4 hectares, being lot 2 and lot 3, DP 1053945, as illustrated in **Figure 2**.



Figure 2: Marulan Truckstop lot identification map

Lot 1 does not form part of the planning proposal but is in the same ownership with indicative plans provided to Council for its redevelopment at a later stage. The site is located to the south west of Marulan approximately 600 metres south of the Marulan local centre and 150 metres from the north-bound (Sydney-bound) exit of the Hume Highway.

An existing service station (Truckstop 31) occupies Lot 2, which is the larger of the two lots, and currently includes a restaurant and fuel forecourt. A small residential structure is currently sited on adjacent Lot 3 and Lot 1 is currently vacant. The site is zoned IN1 General Industrial with a variety of other land zones surrounding the site as illustrated in **Figure 3**.

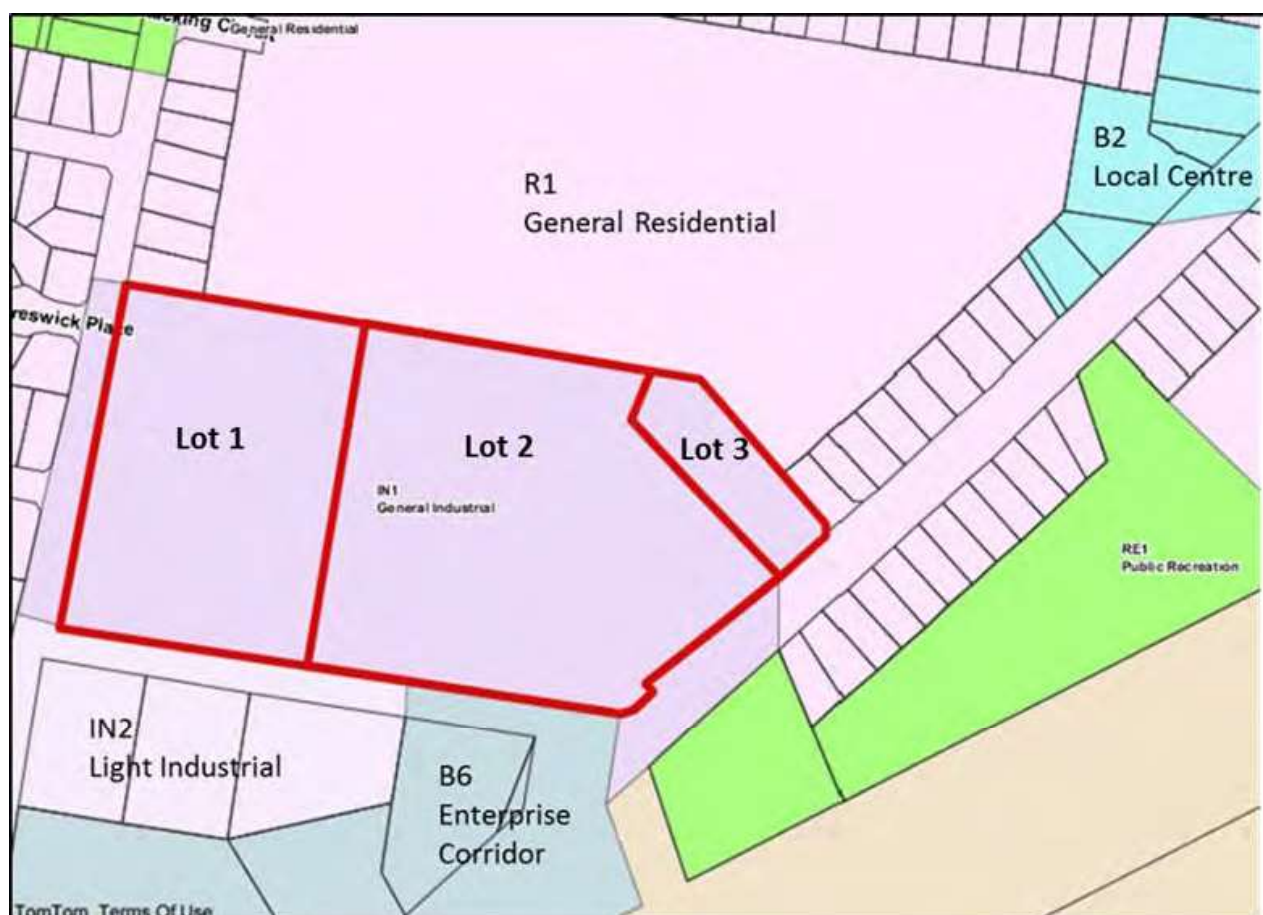


Figure 3: Marulan Truckstop zoning map

The site owner submitted a planning proposal to Council on 11 January 2021 seeking to amend the Goulburn Mulwaree LEP by permitting a fast food restaurant on Lot 2 and motel, pub and bottle shop on Lot 3.

This planning proposal is only one part of a wider redevelopment and upgrade proposal for the existing Truckstop and adjacent lots. A development application (DA/0299/2021) for a range of ancillary developments including a weighbridge and truck wash facility on the Truckstop site (Lot 2) was given consent on 27 May 2021 subject to a number of conditions. The improvements granted through this consent were permissible in the existing IN1 General Industrial zone without the need for a planning proposal.

The wider redevelopment of the Truckstop site including adjacent lots 1 and 3 is anticipated to be undertaken in the stages presented in **Table 1** below:

Table1: Indicative staging of Marulan Truckstop redevelopment

Stage	Applicable lot	Proposed	Approval Pathway
Stage 1	Lot 2	Redevelopment/improvement of existing service station including new fuel court canopy, truck wash and weighbridge.	DA/0299/2021 given consent on 27 May 2021- <i>Subject to condition preventing disposal of waste water until Marulan Water Treatment plant</i>

Stage	Applicable lot	Proposed	Approval Pathway
			<i>upgrade is complete</i>
Stage 2	Lot 2	Development of supporting services including a fast food drive-thru restaurant fronting George Street with an area of approximately 498m ² GFA, with: <ul style="list-style-type: none"> Two drive thru ordering lanes and waiting bay lane, and Car parking for 33 vehicles 	Subject to the Planning Proposal Subsequent DA required
	Lot 3	<ul style="list-style-type: none"> A pub fronting George Street with an area of approximately 839m² GFA plus roof top seating of 281m² An ancillary bottle shop as part of the pub, and A three level, 48 room motel with an area of approximately 3,144m² GFA to the rear of the lot which includes a swimming pool. 	
Stage 3	Lot 1	Development of vacant site for warehousing/distribution	DA can be submitted as permissible use for the zone

The uses which are not currently permissible in the current IN1 General Industrial Zone are the motel and the pub. The Truckstop use and the IN1 General Industrial zone currently enable the establishment of a fast food restaurant without the need for a planning proposal and a restaurant stands on the site currently. This element has been included in the proposal to enable the creation of a Torrens title on the part of Lot 2 illustrated in **Figure 2**. Neighbourhood shops with a floor space not exceeding 250m² are also permissible within the current zone.

REPORT

159 Rifle Range Road

As highlighted above, this component of the planning proposal is seeking to enable the creation of a dwelling entitlement on the northern E2 Environmental Conservation land parcel and rectify the zoning anomaly created by the introduction of the Goulburn Mulwaree LEP in 2009 and earlier Hume Highway bypass.

The current zoning on the northern E2 land parcel prohibits the use of the site for a dwelling house and the 100 hectare minimum lot size restriction (on this 74.5 hectare site) prevents subdivision from the southern land parcel and the establishment of a dwelling entitlement.

Proposed Change

The planning proposal is seeking to amend Goulburn Mulwaree LEP 2009 Schedule 1 Additional Permitted Uses to enable, with consent, the development of a dwelling house on the northern part of Lot 1, DP 706477.

This is accompanied by additional sub-clauses restricting the minimum lot size to 74 hectares (for the E2 zoned portion), the siting of the dwelling to outside the Range Danger Area, preventing access to and from the Hume Highway and ensuring internal noise levels are attenuated to acceptable levels. The draft Schedule 1 wording is presented below:

7 Use of certain land at 159 Rifle Range Road, Goulburn

(1) This clause applies to land at Rifle Range Road, Goulburn, being part of 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 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 40 dB(A)(not including a garage, kitchen, bedroom or hallway)

c. Is sited outside of the Range Danger Area of the shooting range

The minimum lot size restriction is not proposed to be achieved through the usual amendment to the Minimum Lot Size Map of the Goulburn Mulwaree LEP but instead through a limitation within the wording of Schedule 1: Additional Permitted Uses. This approach would avoid the creation of a new lot size category (namely 74ha) which would apply to this site only.

Any development on this site requires a development application and will be subject to the relevant policies' within the *Goulburn Mulwaree Development Control Plan*.

Addressing Constraints

The primary constraints, particularly relating to the northern land parcel subject to change, are biodiversity and bushfire with the proximity of Goulburn Rifle Range Club Shooting Range and the Hume Highway raising issues of noise and safety. The availability of a suitable access has also been a consideration.

- *Bushfire*

The site is identified as Category 3 bushfire prone land (medium bushfire risk) as illustrated in Appendix 8 of the planning proposal. The northern land parcel includes significant areas of cleared land and ample space and opportunity to include bushfire protection measures, including suitable asset protection zones. These bushfire protection measures will be implemented through a subsequent development application.

- *Biodiversity*

The site historically comprised White-Box-Yellow Box-Blackley's Red Gum Grassy Woodland and Derived Native Grassland but this has been degraded by pasture improvements. Less than half of

the site now comprises native groundcover with significant cleared areas presenting an opportunity to site a single dwelling house without adversely affecting remnant critically endangered ecological communities as illustrated in appendix 24 of the planning proposal. The site is also sufficiently large to provide for revegetation and clearing offset areas for biodiversity.

A biodiversity assessment will be required at the development application stage with suitable provisions made to avoid adverse impacts on native flora and fauna.

- *Proximity to the Goulburn Rifle Club Shooting Range*

The northern land parcel adjoins the Goulburn Rifle Club Shooting Range with an established Range Danger Area which encroaches on to a small part of the subject site as illustrated in appendix 21 of the planning proposal. This Range Danger 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. A dwelling within the Range Danger Area would present concerns around safety of the dwellings' residents. This may be avoided/mitigated through appropriate siting of any proposed dwelling outside of the Range Danger Area (as identified in the considerations of the draft Schedule 1 clause).

- *Noise Impacts*

The northern parcel of the subject site is located between the Hume Highway to the east and the shooting range to the west with both creating noise impacts which may adversely affect the amenity of residents of any proposed dwelling. Clause 102 of *State Environmental Planning Policy (Infrastructure)* (the Infrastructure SEPP) sets maximum internal noise levels within residential properties in proximity to the Highway. Clause 5.16 of the Goulburn Mulwaree LEP requires a development application for the erection of a dwelling house on E2 Environmental Conservation zoned land to consider the dwellings compatibility with these adjacent uses.

These policy mechanisms ensure robust consideration of noise impacts on future residential amenity and are imbedded into the draft wording for Schedule 1 of the Goulburn Mulwaree LEP.

The onus is upon the applicant of any subsequent development application to adequately demonstrate development compliance with the LEP and in particular Schedule 1, the Goulburn Mulwaree DCP and the requirements of the Infrastructure SEPP. Measures used to reduce potential noise impacts could include appropriate siting of a dwelling, landscaping/earth mounds or built solutions such as double glazing/insulation.

- *Access*

An independent vehicular access is achievable from the northern E2 Environmental Conservation zoned section of the site to Rifle Range Road. This would provide an access separate from the existing primary access to the wider lot from Rosemount Road.

No access is proposed to or from the Hume Highway, further, to ensure highway safety, access is prohibited, an additional sub-clause has been included within draft wording to Schedule 1 which prevents access to and from the Hume Highway.

Marulan Truckstop 31

As highlighted above, this element of the planning proposal is seeking to enable the permissibility of a fast food restaurant on Lot 2 and motel and pub with ancillary bottle shop on Lot 3. These additional uses form part of the wider redevelopment plans for the Truckstop site and seeks to provide enhanced service provision for road users.

Proposed Change

The planning proposal is seeking to amend Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree LEP to enable, with consent, a motel, pub and bottle shop on Lot 3 and food and drink premises on Lot 2, DP 1053945.

The draft Schedule 1 wording is presented below:

5 Use of certain land at 14 George Street, Marulan

- (1) This clause applies to land at 14 George Street, Marulan, being Lot 2, DP 1053945, and identified as Item 5 on the Additional Permitted Uses Map*
- (2) Development for the purpose 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 purpose of motel or hotel accommodation, pub and bottle-shop is permitted with development consent.*

The planning proposal is considered to reinforce the function of Marulan as a highway service town (as opposed to its separate function as a local centre), 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 to provide 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 the sites' location adjacent the Hume Highway.

The proposal seeks to build upon the high traffic uses which are concentrated on the northbound exit on the Hume Highway which collectively provide a range of highway oriented services for road users. This also serves to keep higher traffic volumes from affecting the central section of George Street which predominantly services the local population (thereby having a lesser impact on the amenity of the main street).

Addressing Impacts

The primary constraints relative to this site are Marulan's sewerage capacity, contamination, residential amenity and the potential economic and social impacts of the scheme, including on the viability of Marulan Local Centre.

▪ *Marulan's Sewerage Capacity*

The Marulan sewerage treatment plant is currently at capacity and is unable to accommodate the additional sewerage generated from the proposed uses. The Marulan sewerage treatment plant upgrade is identified in the Council's Operation Plan and is scheduled for completion in 2023.

Any development application to permit construction of the proposed uses would include conditions which prevent disposal of wastewater into the local sewer system until the Marulan sewerage treatment plan has been upgraded and require compliance with an approved Water Cycle Management Plan. These conditions have already been placed on the development consent for stage 1 of the Truckstop redevelopment.

▪ *Contamination*

Ministerial Direction 2.6 Remediation of Contaminated Land requires the planning proposal authority to consider whether the land is contaminated, and the remediation required to make the land suitable for the purpose the land is to be used for.

The site's historic use as a service station indicated potential contamination could be present on site. Subsequent to the initial council report on 6 April 2021 the proponent provided a Preliminary Site Investigation which concluded that contaminants may be present and a Detailed Site Investigation would be required.

The Detailed Site Investigation (DSI) was prepared and submitted in June 2021 which focused on the suitability of Lot 3 for a motel and Lot 2 for food and drink premises.

This suitability was measured against National Environment Protection Measures (NEPM) assessment criteria, specifically against health investigation levels relating to industrial/commercial premises (HIL D).

Upon review of the DSI, Water NSW requested an additional level of assessment which compared the soil test results for Lot 3 (motel and pub) against more sensitive health investigation levels relating to residential with minimal opportunities for soil access (HIL B).

The updated DSI was submitted to Council on 8 October 2021 and forwarded to Water NSW on 12 October 2021. The updated DSI identified some categories of Total Recoverable Hydrocarbons (TRH) present within the soil samples for Lot 3 which exceeded the most sensitive health investigation levels relating to residential with garden/accessible soils (HIL A) (a slightly more sensitive level than requested by Water NSW). The groundwater sampling results identified one sample where copper and zinc exceeded this assessment criteria on Lot 3. 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 groundwater.

The report concluded that the site can be made suitable for the proposed uses on Lots 2 and 3 providing the recommendations outlined are addressed. These recommendations include a Remedial Action Plan for Lot 3 to guide the remediation of the TRH contamination.

The updated DSI was accompanied by the Remedial Action Plan which in summary includes the following remedial actions to address the TRH contamination area:

- Excavate a pit at the sampling location and remove contaminated soil
- Stockpile the soil and physically remove off-site for disposal to an appropriate licensed landfill facility
- Excavated soil must be classified and removed off-site in accordance with the NSW EPA, Waste Classification Guidelines, Part 1:Classifying Waste (2014)

Water NSW confirmed these plans sufficiently addressed the concerns for the planning proposal stage but further comment and or detail maybe required about the remediation at DA stage.

The updated Detailed Site Investigation report is presented in **Attachment 1** and the Remedial Action Plan is presented in **Attachment 2**.

▪ *Residential Amenity*

The site is industrial zoned land which adjoins or is adjacent to existing residential properties to the north and east with vacant R1 Low Density Residential zoned land to the north. The proximity of the proposed uses could present some potential amenity impacts such as noise and light, particularly the evening uses, on the amenity of existing and future residents.

The Goulburn Mulwaree DCP provides a suite of controls relating to non-residential development (Section 4.2) and a specific chapter (Section 6.2) providing tailored controls for Service Centres. These relate to detailed requirements around visual impacts, acoustic impacts, lighting, traffic arrangements and noise amongst others. Any subsequent development application will be assessed against these chapters and other applicable requirements in the Goulburn Mulwaree DCP.

It must also be noted that the potential impacts on amenity for the proposed uses is considered to be of a lesser extent than other potential land uses currently permissible on this industrial zoned site.

▪ *Social Impacts*

Marulan is identified as an area with multiple indices of deprivation with lower than average educational levels and higher levels of disadvantage. The location and density of licensed premises can influence the health and well-being of people in the surrounding area, particularly disadvantaged areas, such as Marulan.

The proponent submitted a Social Impact Assessment to review both the positive and negative potential social impacts of the proposed uses which are listed in **Table 2** below and accompanied by proposed mitigations:

Table 2: Potential positive and negative social impacts and mitigations

Positive Social Impacts	Negative Social Impacts	Mitigations/how to be addressed
Provision of additional short term accommodation which seeks to address the shortage of fly in, fly out accommodation highlighted in the Council's LSPS.	Reliance on private transport as a result of limited public transport options.	Proposed uses primarily seek to serve highway users with reliance on the private vehicle unavoidable. Marulan is considered a more sustainable and accessible settlement than most in the LGA due to existing bus and train services to nearby urban areas.
Increased opportunities for local residents to interact and enhance community cohesion.	Short term reduction in amenity during construction.	Mitigations to be included within a Construction Management Plan at the development application stage.
Creation of locally accessible jobs with opportunities to shorten commutes.	Low risk of an increase in crime and/or disorder.	Implementation of Crime Prevention through Environmental Design principles, ensuring secure access and dispersal of staff and staff training in the responsible service of alcohol.
Additional food and retail expenditure positively impacting livelihoods of residents and business.	Operational noise impacts.	An acoustic assessment submitted with the development application, application of noise mitigations and a Plan of Management for the sites operation.
	Operational traffic impacts.	Mitigations to be included within a Traffic Impact Assessment at the development application stage

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

The saturation of licensed premises within 1km of the site is currently 424.4 per 100,000 (*NSW Liquor LiveData*). The proposed additional use of a pub, when developed and licensed, will initially increase this saturation level due to the addition of a licensed premises within Marulan. This saturation level is expected to reduce alongside the planned increase in Marulan's population over the next 20 years. The population of Marulan is not identified as at relatively higher risk from alcohol related harm. This is especially the case when considered in the context of economic activity and employment created by the proposal.

Overall it is considered that the negative social impacts of the proposed uses can be successfully managed with the implementation of the mitigation measures presented in the Social Impact Assessment and through the application of controls within the Goulburn Mulwaree Development Control Plan.

▪ *Economic Impacts*

The Marulan local centre serves as the commercial core of Marulan and is located approximately 600 metres from the Truckstop site.

The local centre includes around 40 operating business including small retail outlets, post office, bakery, café, pharmacy, pub and accommodation providers as well as large depots for trucks and service based industries.

The proponent has submitted an Economic Impact Assessment to accompany the planning proposal which examines both the positive and negative economic impacts of a new motel and pub with ancillary bottle shop on Marulan local centre. The economic benefits of the proposed uses are listed in **Table 3** below:

Table 3: Proposed economic benefits

Economic benefits of proposed uses on the Truckstop site	
•	\$23m in total economic activity generated by the construction of the proposed development
•	35 job years directly generated by the construction with the creation of approximately 32 jobs through their operation
•	\$1.16m per year in total staff remuneration
•	Approximately \$265,000 generated in additional local and state revenue through Section 7.12 levies and payroll tax during construction
•	Creation of 13,000 additional room nights generated by the motel
•	\$6.2 in gross value added
•	Estimated revenue of \$1.56m per year from motel rooms
•	Estimated \$900,000 per year additional visitor spend

The negative impacts of the proposed uses on the site are centred around the potential competitive impacts on individual business with a focus on accommodation providers and café's/restaurants within the Marulan local centre.

The Economic Impact Assessment did highlight that the planning proposal would likely increase local competition for some related businesses such as accommodation providers, restaurants and pubs.

It should be noted that competitive impacts arise from most commercial developments and planning only considers such impacts as far as they relate to the overall viability of existing service centres. The role of this planning proposal is to examine the potential impacts of the proposed uses on the overall viability of Marulan local centre.

Whilst some adverse competitive impacts maybe experienced by some related businesses in the local centre, others are likely to experience higher levels of footfall from additional visitor numbers and greater associated levels of spend in the local area. Overall the limited scope of the proposed uses is not considered to result in an adverse impact on the Marulan local centre's viability.

The planned increase in the residential population of Marulan over the next 20+ years, as presented in the *Urban and Fringe Housing Strategy*, will also lead to a greater number of patrons using the services of the local centre. This is expected to further off-set potential adverse competitive impacts on local businesses and further enhance the viability and vitality of Marulan local centre.

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

Consultation and Submissions made in accordance with Act or Regulations

Public Exhibition

The gateway determination included a requirement to exhibit the planning proposal for a minimum period of 28 days and consultation with the following agencies:

- NSW Rural Fire Service
- Water NSW
- Transport for NSW
- Department of Planning, Industry and Environment (Biodiversity and Conservation)

The public exhibition ran for 29 days between 6 September 2021 and 5 October 2021 with a total of five (5) formal submissions received from the public, all of which related to the Marulan Truckstop element of the planning proposal. No public submissions were received relating to 159 Rifle Range Road.

The public exhibition included a:

- notice on the Council website with documents available to view and download;
- notice on the NSW Planning Portal with documents available to view and download;
- notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021;
- notification email to Marulan Chamber of Commerce; and
- notification letter to adjoining and adjacent landowners.

Agency Referrals

Agency referrals were received from NSW Rural Fire Service, Water NSW, Transport for NSW and the Biodiversity and Conservation division of Department of Planning, Industry and Environment.

▪ *Water NSW*

The Water NSW exhibition response received on 29 September 2021 raised no objections to proposed amendments relating to 159 Rifle Range Road and identified sewerage management and land contamination risks as their main concerns for the Marulan Truckstop.

Water NSW highlight the importance of sewer connectivity for later developments to deliver a neutral or beneficial effect on water quality and believe this issue can be dealt with through the development application phase. This will primarily be achieved through the submission and approval of a Water Cycle Management Plan and a condition preventing the disposal of waste water in the local sewer system until the Marulan Sewerage treatment plant upgrade has been complete. Water NSW raised no objections with this approach.

The issue of potential contamination of the site has been addressed through the submitted Preliminary Site Investigation, the updated Detailed Site Investigation which included assessment of samples against a more sensitive health investigation level and the Remedial Action Plan. After reviewing the revised DSI and the Remedial Action Plan Water NSW consider the documents had sufficiently addressed their concerns for the planning proposal stage but further comment or detail may be required about the remediation plan at the DA stage.

The response reinforced that any future development of the site will need to have a neutral or beneficial effect on water quality and meet or exceed the standards in Water NSW Current Recommended Practices.

- *Department of Planning, Industry & Environment- Biodiversity & Conservation Division*

The Biodiversity & Conservation Division of Department of Planning, Industry & Environment response received on 21 September 2021 raised no objections to the planning proposal.

In relation to the Rifle Range Road site, the response supported the establishment of the minimum lot size restriction of 74ha to minimise impacts to critically endangered ecological communities.

The referral also recommended the dwelling building envelope and bushfire asset protection zones be located within cleared areas of the site to avoid a future development application exceeding the threshold for the Biodiversity offsets scheme. The extensive area of the site and volume of cleared vegetation enable a dwelling to be sited away from ecologically sensitive parts of the site. The exact location of any proposed dwelling will be addressed in detail through a subsequent development application.

- *NSW Rural Fire Service*

The NSW Rural Fire Service exhibition response received on 8 September 2021 raised no objections to the planning proposal.

- *Transport for NSW*

The Transport for NSW exhibition response received on 3 September 2021 raised no objections to the planning proposal on the proviso the requirements stipulated in their pre-exhibition response are adequately addressed.

The Transport for NSW pre exhibition response received on 2 August 2021 stipulated no objection to the provisions relating to 159 Rifle Range Road subject to access to and from the Hume Highway being prevented and noise levels identified in the Infrastructure SEPP being satisfied.

These requirements have been addresses through additional subclauses in the draft wording of Schedule 1 of the Goulburn Mulwaree LEP and were subject to this public exhibition.

In relation to the Marulan Truckstop, the pre-exhibition response stipulated that a development application (DA) for the proposed uses must be accompanied by a Traffic Impact Study. This study must include an assessment on the suitability of retention of the current access across the Hume Highway median. It is noted that any future DA for this area would be referred to Transport for NSW under the Infrastructure SEPP.

A copy of all the agency referral responses throughout the planning proposal process are presented in **Attachment 3**.

Public Submissions

No public submissions were received relating to 159 Rifle Range Road.

Five public submissions were received objecting to the additional permitted uses sought for the Marulan Truckstop site.

Summary of responses to Marulan Truckstop

Five (5) formal public submissions were received during the exhibition period including four local residents and a local business owner. All submissions were objections to the proposed uses sought through this planning proposal and a number related to issues which are more appropriately addressed through a DA. Full submissions are available in **Attachment 4**.

Tables 4 to 8 below provide a summary of the five submissions for the Marulan Truckstop.

Table 4: Submission summary and response Donna Ryall

Submitter	Address	Submission date
1. Donna Ryall	15 George Street, Marulan	10 September 2021
Summary of Submission		
<ul style="list-style-type: none"> Concerns raised regarding the driveway location of the proposed uses due to increased traffic resulting in noise and headlights shining into front windows of residential properties opposite Concerns over the provision of adequate on-site parking to avoid the impacts of on-street parking on George Street Existing and additional litter/rubbish generated by the site blowing into residential gardens. High fences proposed to be erected around the fast food site and a request for an increase in the front fence height from the current 1.2m to mitigate this impact and ensure privacy Questions raised over proposed hours of operation of the pub and bottle shop (licensed premises). Statement made that the area is zoned residential, not industrial 		
Council's Response		
<p>The preparation and assessment of planning proposals is dictated by the following legislation, regulation and guidance:</p> <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulations 2000, Local Environmental Plans: A guide to preparing Local Environmental Plans, and Planning Proposal: A Guide to preparing planning proposals <p>A guide to preparing planning proposals` stipulates a planning proposal:</p> <p><i>` Only relates to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application. `</i></p> <p>A planning proposal is therefore not able to address detailed considerations such as the location of driveways, the provision of on-site parking, waste management arrangements, boundary fencing and hours of operation. These are all factors which require consideration at the development application stage.</p> <p>A development application will also consider the potential noise impacts of the proposed uses with mitigations sought to reduce a schemes impacts on nearby residential properties. This will however be considered in the context of the existing industrial zoning of the site, its existing operation as a Truckstop and the proximity and existing impacts from the nearby Hume Highway.</p> <p>Any request by the submitter for an adjustment to their fence height which exceeds the 1.2m height permissible as Exempt Development should be submitted as a development application.</p> <p>The submitter`s property is zoned R1 General Residential directly opposite the subject site which is zoned IN1 General Industrial- illustrated in Figure 3 of this council report</p>		

Table 5: Submission summary and response Julie Graham

Submitter	Address	Submission date
2. Julie Graham	26 Station Street, Marulan	5 October 2021
Summary of Submission		
<ul style="list-style-type: none"> Impact of the additional noise generated by the motel and pub, particularly at night, both from the venue and patrons travelling to and from the venue with a resulting long term impact on the community. Rooftop bar is something one would expect in a more densely populated community. An additional venue for the sale/consumption of alcohol on top of the two existing venues is considered a disproportionate number for a village location. The applicant showcasing a `hoarders` home in the heritage conservation area is offensive, particularly when the local community has contributed so much to retaining Marulan`s beautiful buildings. A series photos are provided illustrating examples of historic Marulan buildings. Goulburn to Marulan train and bus services are limited and not well patronised with 30-45 minute car ride to Goulburn, Moss Vale and Mittagong. 		

- The current volume of litter in the local area and its potential increase as a result of this proposal.
- Suggestion that renewable energy technologies be integrated with the development.
- Reference to Marulan being ranked in the bottom 40% of all localities in the Index of Economic Resources through 2016

Council's Response

As identified in the response above (submitter 1), consideration of the range of potential impacts from a proposed development and suitable mitigations will be considered at the development application stage.

The proponent submitted indicative plans and illustrations with their planning proposal submission which included a roof top bar to the pub. These plans only seek to illustrate how a potential scheme could be accommodated on site and represent the early concept stages of a development proposal. Design and siting considerations and the indicative plans do not form part of the determination of this planning proposal. Formal plans and relevant technical studies must be submitted with a development application upon which a determination will be made.

The number of licensed premises and the potential impacts on community well-being has been assessed through the Social Impact Assessment submitted with the planning proposal. The site is considered to be at low risk from an increase in levels of crime in an area with very low crime rates.

The Social Impact Assessment also examined community vulnerability to alcohol. It concluded that Marulan was not at relatively higher risk of alcohol related harm than the rest of NSW. Community vulnerability to alcohol related harm is considered to be low in the context of the additional economic activity and employment proposed.

The number of liquor licenses and associated licensing conditions are a function of Liquor and Gaming NSW.

The council prepared the contents of the planning proposal subject to exhibition and provided any photographs included within it. Reference to the 'hoarders' home'' relates to Figure 6 of the planning proposal at 42 George Street. This property was illustrated in the planning proposal to identify the heritage item which stands in closest proximity to the site. The photograph selection is in no way seeking to diminish the contribution historic buildings make to the character of Marulan or their importance to the local community.

Marulan benefits from bus and train services to local service centres. Whilst they are relatively limited in their frequency their availability contributes to a more sustainable settlement and a wider range of transport options than most other areas in the LGA.

Notwithstanding, the proposed uses of a fast food restaurant, motel and pub with ancillary bottle shop directly relate to the operation of the site as an existing highway service station. A highway service centre primarily serves passing highway users reaching the site by car or truck.

Waste management considerations, including litter will be considered at the development application stage.

Energy efficiency measures are prescribed through Part J of the Building Code of Australia and assessed at the DA stage.

The Social Impact Assessment has referred to a number of datasets, including socio-economic indices for areas (SEIFA) provided by the Australian Bureau of Statistics (ABS) to provide an overview of the social and economic well-being of Marulan. This provides the background information to assess potential impacts of the proposal on the community. This is objective, publicly available data is not intended to offend. The 2016 Census is the most definitive dataset available until the 2021 Census data is released.

Table 6: Submission summary and response G. Spicer & S. Atkinson

Submitter	Address	Submission date
3. Gary Spicer & Samantha Atkinson	17 George Street, Marulan	5 October 2021
Summary of Submission		
<ul style="list-style-type: none"> • Proposal at 16 George Street (motel and pub) will not benefit the area as there are already two venues for purchasing alcohol in relative close proximity and Marulan is not big enough to warrant another. • There are already a number of accommodation providers on George Street which always have vacancies. • There are already a number of fast food drive through options in the local area • Concerns over additional traffic and noise generated by the proposed uses, particularly affecting the front of residential properties. • Concerns over the impact on property prices • The location is inappropriate 		
Council's Response		
<p>The commercial viability of the proposed uses is a matter for the proponent. Marulan is located on the Hume Highway and provides a suitable location for roadside services which is reflected in the number of fast food drive thru options and accommodation providers in the area, largely supported by users of the highway.</p> <p>Increasing the choice of potential service providers for road users is only one benefit of the planning proposal. Additional local employment opportunities, increased economic activity and enhancement of an existing under-utilised truckstop are also benefits accrued from the proposed additional uses on this site.</p> <p>The planning system does not take into consideration the impact of development on property prices. Property prices are affected by a wide range of variables, most of which stand outside the scope planning.</p> <p>As identified in the response above (submitter 1), consideration of the range of potential impacts from a proposed development and suitable mitigations will be considered at the development application stage.</p> <p>The subject site already serves as a Truckstop. Its location directly off the Hume Highway is considered a suitable and logical place to further enhance and support this existing use and provide greater choice to roadside users.</p>		

Table 7: Submission summary & response Jos Roberts

Submitter	Address	Submission date
4. Jos Roberts	Not stated	5 October 2021
Summary of Response		
<ul style="list-style-type: none"> • Personal wishes and benefits should not influence the overall considerations • Regulations should ensure a result which is good for Marulan with consideration for the long term and not just quick returns • Proposal will lead to two town centres and result in the hollowing out of the town centre, likely followed by other local spot rezoning's • Proposal will create a disincentive for investment and result in a less commercially attractive town/retail centre • Residential areas are growing and traffic on the Hume highway is increasing so shopping and employment in a vibrant centre is to be encouraged • Concern the proposal will stifle existing offerings. • Proposal will have long term negative effects on Marulan as a whole and does not contribute to addressing the current incoherent planning in the area. • Council must consider what is best for the town in the longer term • Proposal not supported as it seeks to amend regulation to suit this site but not the whole of Marulan. 		
Council's Response		

The purpose of the planning proposal process is to ensure adequate justification and strategic merit of a proposed change to the LEP. The benefits of a scheme contribute to this justification.

The range of benefits of the proposed uses are identified in this council report. A number of these benefits are considered to lead to long term benefits to the Marulan local area including additional local employment opportunities, increased economic activity and the physical enhancement of an underutilised site.

The Marulan local centre enables an extensive range of permissible uses including:

- Commercial uses (broad definition, highly inclusive)
- Community facilities
- Educational establishments
- Entertainment facilities
- Tourist and visitor accommodation

This proposal relates to enabling the permissibility of the specific uses of a motel, pub with ancillary bottle shop and fast food drive thru on this site only. These uses directly relate to and support the services of the existing Truckstop and serve users of the Hume Highway. The site is not able to provide for the same range or concentration of permissible uses as Marulan local centre, thereby ensuring the primacy of the local centre.

The Economic Impact Assessment identifies there may be some competitive impacts on some related local businesses but the overall viability of Marulan local centre would not be adversely affected. The proposed uses, located adjacent the Hume Highway, are tailored to serve highway users whereas the local centre primarily serve the needs of the local resident population. In addition, any competitive impacts are expected to be off-set by the planned increase in Marulan's population and the greater number of patrons using the services of the local centre.

Table 8: Submission summary & response Lee Environmental Planning on behalf of Ken McCourt

Submitter	Address	Submission date
5. Lee Environmental Planning on behalf of Ken McCourt	Landowner of Terminus Hotel, George Street, Marulan	2 October 2021
Summary of Response		
<ul style="list-style-type: none"> • Public engagement process has been unsuccessful as demonstrated by the large proportion of the affected community being unaware of the proposed changes. Council may not have satisfied its obligations to the community which could call into doubt the procedural fairness of the process. • Proposal is an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable, but this does not necessarily translate into solid reason for a planning proposal. • The current land use zoning in the Goulburn Mulwaree LEP reflects Marulan's position as an important service centre along the Hume Highway and a local centre serving the local population. This makes the spot rezoning approach somewhat confusing. • Planning proposal not linked to any strategic study or report and lacks strategic merit. • Current IN1 General Industrial zoning for the site enables a wide range of land uses that can contribute in the long term to the Marulan economy and community and no compelling case has been presented as to why the current zoning is deficient. • The Marulan local centre (B2 zoned land) provides the building blocks for a vibrant and successful town with existing business which can consolidate and expand and sufficient zoned land for new opportunities. Unaware of a case presented that insufficient commercial land is available or current B2 zoned land is unsuitable for the needs of the area. • The support for the dislocation of the motel, pub and bottle shop, which are key town centre uses, outside the town centre is a failure of strategic planning. • Request for Council to pause the planning proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan. • The generation of positive economic numbers is not surprising but such potential benefits should not be stripped out of the town centre as this approach stands at odds with the long term strategic planning for Marulan. • Site suitability is questionable when the potential negative impacts on the town centre are considered. • The social impact assessment is unconvincing. The greatest positive social impact accrues through a 		

- strong cohesive town centre which is being undermined by this planning proposal.
- Overall the Planning Proposal lacks strategic merit and should not proceed, particularly without first being subject to meaningful public scrutiny and comment.

Council's Response

Public engagement requirements for planning proposals are set out in legislation and guidance and required to be undertaken in accordance with the requirements of the Gateway determination. As highlighted in the Council report the public exhibition ran for more than the required timescale and included the following:

- A notice on the Council website with documents available to view and download
- A notice on the NSW Planning Portal with documents available to view and download
- A notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021
- A direct notification to Marulan Chamber of Commerce
- A direct notification to adjacent landowners

Council has exceeded its regulatory requirements in terms of public engagement, met the conditions of the Gateway determination and satisfied its legal obligations.

A planning proposal can be submitted by anyone and Council has a legal obligation to assess any given proposal's merits. The reasons for a change in planning controls is often instigated by a profit motive. A proponents motivations to increase the value of their land is not sufficient justification for a planning proposal. However there are number of benefits of the proposal which extend beyond increased land value and serve to justify the proposed uses on this site.

The site's location in relation to a precinct largely dedicated to highway service functions is also a key consideration in this proposal.

The proposed uses on this site are not explicitly identified in a strategic study but the planning proposal is consistent with required strategic documents, SEPP's and Ministerial Directions as outlined in this report and the planning proposal. In addition, Department of Planning, Industry and Environment, through the gateway determination considered the proposal to have some strategic merit to continue in the process. There are no outstanding objections from agencies engaged in the process.

The contribution industrial zoned land makes to the Marulan economy is recognised. However Marulan has approximately 291 hectares of vacant industrial zoned land. The proposed additional permitted uses on Lot 3 would reduce the overall available industrial land by approximately 0.18%. This reduction would not reduce the long term contribution industry makes to Marulan's economy.

The proposed additional permitted uses do not seek to replace the Marulan local centre as the focus for service provision to the local resident population. The range of permissible uses proposed directly relate to providing supporting services for the existing Truckstop use and users of the Hume Highway. These areas essentially function as different markets with the Truckstop serving highway users and the Local Centre serving local residents. The range of permissible uses on the Truckstop are significantly more commercially limited than the range of uses permissible in Marulan local centre, ensuring the primacy of the local centre for service provision for local residents.

It is recognised that Marulan local centre has adequate commercial land and B2 zoned land to accommodate a fast food drive thru, motel and pub. However, the relocation of these uses from the Truckstop site to the local centre would uncouple the operational use of the service station with the ancillary and supporting uses of motel, pub and drive thru restaurant and dislocate their highway supporting function away from direct access to the Hume Highway.

The planning proposal and this council report highlight the economic benefits of the proposal. These benefits arise from the proposed uses supporting the existing Truckstop and the sites proximity to the Hume Highway. The proposed uses and the benefits they bring are specific to this site and are not considered transferable to the local centre.

The site is considered suitable for the proposed uses due to its proximity to the Hume Highway, its ability to support the existing Truckstop business, alongside the benefits of the scheme and minimal impacts on the viability of Marulan local centre. No evidence has been presented which demonstrates a long term impact on the viability of Marulan local centre or significant adverse impacts on community well-being and social cohesion as a result of this planning proposal.

Addressing Marulan Truckstop public exhibition comments

A planning proposal is not able to address detailed considerations around the siting and design of a scheme nor seek to resolve in detail how potential amenity impacts will be addressed. These detailed considerations would form part of the determination of a subsequent development application. A guide to preparing planning proposals` stipulates a planning proposal:

“Only relates to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.”

It is the role of the planning proposal to identify relevant environmental, social, economic and other site-specific considerations and to establish whether in principle, adverse impacts can be mitigated and/or justified by the benefits and strategic merit of the proposal.

- *Design, siting and amenity*

A number of the issues raised by the four local residents relate to detailed considerations which should be addressed at the development application stage. These include additional traffic generation which will be examined through a Traffic Impact Assessment (as per Transport for NSW advice), parking provision and boundary fencing as outlined in submitted DA plans and noise implications arising from the final scheme identified and mitigated through an acoustic assessment.

These factors will be considered in the context of the existing industrial zoning of the site, its existing operation as a Truckstop and the proximity and existing impacts from the nearby Hume Highway. All potential impacts will be considered against the requirements of the Goulburn Mulwaree DCP at the development application stage.

Concerns raised over the management of waste and particularly litter from the proposed uses will be addressed through a Waste Management Plan submitted with a subsequent development application.

Hours of operation of the proposed pub/bottle shop have not been established. These would be set out as a condition of a subsequent development application. Licensing hours for the service of alcohol will be determined through a liquor license issued by NSW Liquor and Gaming.

The planning system does not take into consideration the impact of development on property prices. Property prices are affected by a wide range of variables, most of which stand outside the scope planning.

Other issues raised focus on the potential impact the proposed uses may have on the vibrancy and vitality of Marulan local centre and businesses operating with it and concerns the proposal would not lead to long term benefits for Marulan, these are addressed below.

- *Competition & Viability of Marulan Local Centre*

Competitive impacts and the effects on the overall viability of Marulan local centre are examined through the Economic Impact Assessment and addressed under `Addressing Impacts` in this report.

Whilst there are likely to be competitive impacts on some related local businesses the overall viability of Marulan local centre is not considered to be adversely affected as a result of the proposal. Any competitive impacts are expected to be off-set by the planned increase in Marulan`s residential population and the greater number of patrons using the services of the local centre.

These are further off-set by the focus of the proposed uses to serve users of the Hume Highway.

No evidence has been presented which demonstrates a long term, impact on the overall viability of the Marulan local centre.

- *Benefits of the proposed uses*

The potential benefits of the proposed additional uses are listed in **Table 2** and **Table 3** of this report. Some of these benefits are short term and/or site specific such as construction employment and revenue generation. However a number of benefits are considered to lead to long term benefits to the Marulan local area including additional local jobs, additional visitor spend, and the physical enhancement of an under-utilised site.

- *Public Engagement Process*

The preparation, assessment and public consultation of planning proposals is dictated by the following legislation, regulation and guidance:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000, and
- Local Environmental Plans- A guide to preparing local environmental plans
- Planning Proposal: A guide to preparing planning proposals

These documents require community consultation to be undertaken in accordance with the requirements of the Gateway determination. The gateway determination stipulates a public exhibition be undertaken for a minimum of 28 days and be made publicly available in accordance with *section 6.6.2 of A guide to preparing local environmental plans*. This guide states the following:

Public exhibition of the planning proposal is generally undertaken in the following manner:

- *Notification in a newspaper that circulates in the area affected by the planning proposal*
- *Notification on the website of the PPA (Planning Proposal Authority)*
- *Notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.*

As noted above the public exhibition for this planning proposal ran for 29 days with the following undertaken in accordance with the regulatory requirements:

- A notice on the Council website with documents available to view and download
- A notice on the NSW Planning Portal with documents available to view and download
- A notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021
- A direct notification to Marulan Chamber of Commerce
- A direct notification to adjacent landowners

In addition late submissions were accepted and included within this report up to 28 October 2021 with the public and proponent able to address councillors directly through the 2 November 2021 Council meeting.

The Council has exceeded its regulatory requirements in terms of public engagement on the planning proposal and satisfied its legal obligations. Further community engagement will be undertaken as part of any subsequent Development Application.

- *Strategic Merit of Proposal*

The strategic merit of a planning proposal, in large part, relates to the degree to which the proposed amendments are consistent with the objectives and actions within the following:

- South East and Tablelands Regional Plan;
- The Tablelands Regional Community Strategic Plan;
- Goulburn Mulwaree Local Strategic Planning Statement;
- Goulburn Mulwaree Urban and Fringe Housing Strategy;
- State Environmental Planning Policy; and
- Ministerial S.9.1 Directions.

The planning proposal has thoroughly detailed the degree of consistency of the proposal to the objectives and actions with these strategic documents, state policies and Ministerial Directions and these are summarised, as they relate to the Truckstop, in **Table 9**.

Table 9: Applicable strategic documents, State Environmental Planning Policy (SEPP) and s9.1 Ministerial Directions

Applicable Strategic Documents, State Environmental Planning Policy (SEPP) and s9.1 Ministerial Directions	Consistency
South East and Tablelands Regional Plan	Consistent
The Tablelands Regional Community Strategic Plan	Consistent
Goulburn Mulwaree Local Strategic Planning Statement	Consistent
Goulburn Mulwaree Urban and Fringe Housing Strategy	Consistent
Sydney Drinking Water Catchment SEPP	Consistent
SEPP 55 Remediation of land	Consistent
Infrastructure SEPP	Consistent
Direction 1.1 Business and Industrial Zones	Consistent
Direction 2.3 Heritage Conservation	Consistent
Direction 2.6- Remediation of Contaminated Land	Consistent
Direction 3.4- Integrating Land Use and Transport	Consistent
Direction 4.3- Flood Prone Land	Consistent
Direction 5.2- Sydney Drinking Water Catchment	Consistent
Direction 5.10- Implementation of Regional Plans	Consistent
Direction 6.1- Approval and Referral Requirements	Consistent
Direction 6.3- Site Specific Provisions	Consistent

In addition to Council's assessment, it is the role of the gateway determination assessment by the State to ensure there is sufficient justification for a proposal and to stop planning proposals which lack strategic merit early in the process. This planning proposal has thoroughly assessed the consistency of the planning proposal against the above listed strategic documents, policies and directions. In addition the planning proposal was granted its gateway determination in July 2021 with no indication from the Department of Planning, Industry and Environment of a lack of consistency with related strategic objectives and actions.

No information has been presented which provides detail that the proposed uses are not consistent with the above listed documents.

- *Current zoning, availability of commercial land in Marulan, dislocation of Town Centre uses and site suitability*

This planning proposal does not propose to change the current IN1 General Industrial zoning of the site but to include the additional permissibility of a fast food drive thru, motel and pub with ancillary bottle shop on the existing Marulan Truckstop site.

The existing Truckstop operation is sited on Lot 2 and isn't available for industrial development. Lot 3 is vacant with only a derelict residential structure on site. The suitability of Lot 3 for industrial development is questionable. The lot is narrow, 0.5 hectares in size and is located between the existing Truckstop and residential development. The limited size of the lot combined with its location adjoining and adjacent to residential properties lends itself more to the proposed uses than those permissible in the industrial zone.

These uses seek to directly support the redevelopment and enhancement of service provision for an existing business in close proximity to the Hume Highway. The range of uses permissible is specific and limited to those which have a supporting function to the operation of the Truckstop and the Hume Highway. The planning proposal does not enable the range of commercial uses permissible in the B2 zoned Marulan local centre, thereby ensuring the primacy and focus of the local centre for commercial activity and investment.

The proposed uses of a drive thru, motel and pub are considered uses which are most often located with a local centre. The Marulan local centre has sufficient zoned land for a motel, pub and fast food restaurant. However, the relocation of these proposed services/uses from the Truckstop site to 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 and the proximity to the highway. This would have the effect of:

- Not taking full advantage of the sites proximity to the Hume Highway
- Preventing users of the Truckstop and Hume Highway benefiting from direct access to these supporting services
- Would not achieve the objectives of the planning proposal
- Additional off-site provision unlikely to be developed by proponent
- Site likely to remain underutilised

It is also noted that the proposed uses, particularly a motel, seek to serve predominately the needs of highway users with a particular focus on providing short term accommodation for fly in fly out workers. The dislocation of this use to the local centre would likely result in significant additional heavy vehicles traveling up the main thoroughfare of George Street with little opportunity to park their vehicles other than on the street. Highway safety and parking along George Street has already be identified as concern of local residents.

The planning proposal does not seek to provide a compelling case that the current zoning is deficient or require demonstration that other sites zoned B2 are more suitable for the proposal. The Council is required to determine the suitability of the site for the proposed uses and the related strategic merit of the proposed amendment before them. Notwithstanding, Marulan has extensive levels of unoccupied industrial zoned land, providing opportunities for industrial development in more suitable locations, which stand a greater distance from residential properties.

The site is considered suitable for the proposed uses due to its proximity to the Hume Highway its ability to support an existing Truckstop alongside the benefits of the scheme and the minimal impacts on the viability of Marulan local centre. No evidence has been presented which demonstrates a long term impact on the viability of Marulan local centre or significant adverse impacts on community well-being and social cohesion as a result of this planning proposal.

Support for the proposed uses in this location is not a failure of strategic planning but is a flexible response to the needs of a local landowner for the enhancement of an existing business which will generate economic activity and provide local employment.

Internal Consultation

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

- No negative impacts identified that haven't already been addressed. Potential impacts regarding noise, light and construction will be addressed through development applications and these are likely to generate community submissions;
- Proposal would lead to an improved use of an underutilised site which stands at a key entry point to Marulan, in close proximity to the highway;
- Very supportive of the creation of construction and operation roles and the \$900,000 additional visitor spend estimated to be generated. This is considered to have a positive effect on Marulan;

- Concurrence with the proponents consideration of social impacts on the community of Marulan, and
- Likely competitive impacts on other local businesses is noted but it is considered the proposal will attract the vast majority of its customers from the highway and this will have associated benefits for Marulan as identified in the proponents Economic Impact Assessment.

Conclusion

In conclusion the planning proposal presents proposed changes to the Goulburn Mulwaree LEP Schedule 1 (Additional Permitted Uses) for two different sites. This report recommends proceeding with the making of the LEP amendment for each site as follows:

159 Rifle Range Road

The proposed permissibility of a dwelling through an addition to Schedule 1 Additional Permitted uses of the Goulburn Mulwaree LEP on the northern parcel of 159 Rifle Range Road would rectify the current zoning anomaly and address the related action in the *Urban and Fringe Housing Strategy*. The Minimum lot size restriction would ensure no further subdivision of the site and the highway access restriction would ensure highway safety. The large site area at 74.5ha combined with extensive areas of non-native vegetation enables the siting of a dwelling which is able to:

- Avoid adverse impacts on biodiversity
- Accommodate bushfire protection measures
- Accommodate on-site effluent management systems, and
- Be sited away from dangers posed by the adjacent shooting range.

Marulan Truckstop

The proposed additional permissibility within Schedule 1 of the Goulburn Mulwaree LEP for a fast food restaurant, motel and pub with ancillary bottle shop for the Marulan Truckstop site will facilitate the redevelopment of an underutilised existing service station site in close proximity to the Hume Highway.

This proximity to the highway creates a suitable location for these supporting uses and potential amenity, traffic and parking impacts can be adequately addressed at the development application stage.

Concerns relating to Marulan sewer capacity and contamination have been adequately addressed. Whilst some competitive impacts are expected as a result of the proposed uses this is not considered to result in adverse impacts on the overall viability of Marulan local centre. The proposed uses are not considered to result in adverse impacts on the health and well-being of the community. The proposed uses will create jobs locally, generate economic activity and meet the identified shortfall in short term accommodation within the local government area.

Recommendation

That the planning proposal for additions to Schedule 1 Additional Permitted uses of the Goulburn Mulwaree LEP 2009 be endorsed by Council and proceed to finalisation.

FINANCIAL IMPLICATIONS

There are no known financial implications.

LEGAL IMPLICATIONS

There are no known legal implications.

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 SUBDIVISION OF 99 MAY STREET - STATUS UPDATE

RESOLUTION 2022/25

Moved: Cr Bob Kirk

Seconded: Cr Andrew Banfield

That:

1. The report of the Director Planning & Environment be received.
2. Council withholds from issuing further penalty infringement notices until all legal options have been explored and considered, noting that penalty infringement notices are still an available option.
3. Legal advice relating to enforcement options be presented to Council at the next meeting.

CARRIED

15.2 POST RE-EXHIBITION REPORT - PLANNING PROPOSAL - AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 - ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE STREET, MARULAN & 159 RIFLE RANGE ROAD, GOULBURN

RESOLUTION 2022/26

Moved: Cr Bob Kirk

Seconded: Cr Andrew Banfield

That:

1. The post re-exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. Council endorses the current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to:
 - Provide permissibility for a fast-food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Provide permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
 - Provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.
3. A draft instrument be prepared that is consistent with the above amendments
4. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Carol James, Bob Kirk, Steven Ruddell, Daniel Strickland and Peter Walker

Against: Crs Andrew Banfield, Michael Prevedello, Jason Shepherd and Andy Wood

15.3 POST EXHIBITION REPORT - PLANNING PROPOSAL TO REZONE LAND & AMEND MINIMUM LOT SIZE AT 133 MARY'S MOUNT ROAD (TENERIFFE)

RESOLUTION 2022/27

Moved: Cr Steven Ruddell

Seconded: Cr Carol James

That:

1. That the post exhibition report from the Senior Strategic Planner to rezone land at the Teneriffe residential subdivision, 133 Mary's Mount Road be received.
2. Council endorse the current planning proposal to amend the Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009 to rezone part of Lot 184 DP 1250044 from RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m² across the entire lot.
3. A draft instrument be prepared that is consistent with the above amendment.
4. The General Manager use Council's delegated plan-making authority to implement/finalise the amendment described above as soon as practicable.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

Council took at 30 minute recess for dinner at 7.37pm.

Council returned to open Council at 8.07pm.

15.2 POST RE-EXHIBITION REPORT - PLANNING PROPOSAL - AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 - ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE STREET, MARULAN & 159 RIFLE RANGE ROAD, GOULBURN

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

Attachments:

1. Council Report _ Resolution 2 Nov 2021 [↓](#) 
2. All Agency Referral Responses [↓](#) 
3. All Public Submissions_Redacted [↓](#) 
4. Re-Exhibition Notices [↓](#) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan
	Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change.
Address:	14 & 16 George Street, Marulan & 159 Rifle Range Road, Goulburn
Submissions:	1 public submission & 3 agency submissions

RECOMMENDATION

That:

1. The post re-exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. Council endorses the current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to:
 - Provide permissibility for a fast-food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Provide permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
 - Provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.
3. A draft instrument be prepared that is consistent with the above amendments
4. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

Two separate council reports were submitted for consideration by Council at its meeting on 6 April 2021, where Council resolved to prepare a planning proposal to amend Schedule 1 of the Goulburn Mulwaree Local Environmental Plan 2009 to include the following additional permitted uses:

- Fast food restaurant (food and drink premises) on Lot 2 at 14 George Street, Marulan;
- Motel/hotel accommodation and pub with ancillary bottle shop on Lot 3 at 16 George Street, Marulan; and
- Single dwelling house including a 74ha minimum lot size restriction at 159 Rifle Range Road, Goulburn.

A planning proposal (REZ/0002/2021) was prepared which included amendments relating to both Goulburn and Marulan sites and a Gateway Determination to proceed was received on 22 July 2021 with delegated authority provided to Council.

The initial public exhibition for the planning proposal ran for 29 days between 6 September 2021 and 5 October 2021. A total of 5 public submissions were received within the timeframe with two (2) additional submissions and a petition with 74 signatures received as late items and reported to Council. These late items were not included within the previous officer report, due to their submission date, but they have been highlighted and addressed through this re-exhibition report. Agency submissions were received from Water NSW, Transport for NSW, NSW Rural Fire Service and the Biodiversity and Conservation Division at the Department of Planning, Industry and Environment.

Several comments within the submissions received stated they considered the exhibition timescales were too short and the community had not had a proper opportunity to be heard.

Council at its meeting on 2 November 2021 deferred the decision on the planning proposal to allow for further public exhibition and submissions in relation to the Marulan Truckstop. The resolution included Council's support in principle for the proposed amendments relating to the 159 Rifle Range Road part of the planning proposal.

A copy of the initial post-exhibition report and council resolution is available in **Attachment 1**.

Further to this deferment and resolution to re-exhibit the planning proposal, the proposal was re-exhibited for an additional 55 days between 22 November 2021 and 14 January 2022. One (1) additional public submission was received relating to the Marulan Truckstop with no submissions received relating to 159 Rifle Range Road. Agency re-exhibition submissions were received from Water NSW, Transport for NSW and the Biodiversity and Conservation Division at the Department of Planning, Industry and Environment. The NSW Rural Fire Service did not provide a re-exhibition response.

A copy of the agency referral responses are available in **Attachment 2**.

Consultation and Submissions made in accordance with Act or Regulations

Public Re-exhibition

The gateway determination included a requirement to exhibit the planning proposal for a minimum period of 28 days and consultation with the following agencies:

- NSW Rural Fire Service
- Water NSW
- Transport for NSW
- Department of Planning, Industry and Environment (Biodiversity and Conservation)

The public re-exhibition ran for 55 days between 22 November 2021 and 14 January 2022 with a total of one (1) formal submission received from the public, which related to the Marulan Truckstop element of the planning proposal. No public submissions were received relating to 159 Rifle Range Road.

The public re-exhibition included:

- Notice on the Council website with documents available to view and download
- Notice on the NSW Planning Portal with documents available to view and download
- Notice in the Goulburn Post on 17 November, 24 November, 1 December, 8 December, 15 December, 22 December 2021 and 5 January 2022.
- Notification email to Marulan Chamber of Commerce
- Notification letters to adjoining landowners and the landowners of lots fronting George Street from Jennings Lane in the north to 15636 Hume Highway to the South
- Availability of planning proposal documents to view at Goulburn Library and Goulburn Mulwaree Council Office.

In light of community concerns, the re-exhibition went further than the initial exhibition by:

- providing an extended period of time for community responses (55 days),
- significantly extending the number of landowner notifications, and
- providing the opportunity to view hard copies of the planning proposal and associated documents at the Council office or Goulburn Library (access to hard copies during the previous exhibition was limited due to covid closures).

Agency Referrals

Agency referrals for the re-exhibition were received from Water NSW, Transport for NSW and the Biodiversity and Conservation division of the Department of Planning, Industry and Environment.

Water NSW

Water NSW has provided five referral responses throughout the course of the preparation of the planning proposal on 10 June 2021, 23 August 2021, 29 September 2021, and 20 October 2021 with the re-exhibition response received on 22 December 2021.

The Water NSW responses raised no objections to the proposed amendment relating to 159 Rifle Range Road and raised sewerage management and land contamination risks as their main concerns for Marulan Truckstop.

These issues are addressed in detail in the planning proposal and reported through the previous post exhibition report in **Attachment 1**.

Water NSW's re-exhibition response advised the preparation of the updated Detailed Site Investigation Report and accompanying Remedial Action Plan had sufficiently addressed their previous concerns in relation to contamination. However, further comment and/or detail about proposed remediation may be required at the Development Application stage. Water NSW maintained earlier comments in relation to sewerage management and the importance of sewer connection and the timing of development in respect to the Marulan Sewage Treatment Plant upgrade.

The updated Detailed Site Investigation and Remedial Action Plan were previously included as attachments 1 and 2 to the initial post exhibition report. These have not been attached to this

report due to their extensive size. These reports can be viewed through the 2 November 2021 Council Report, accessed via Council's website.

There are no outstanding objections from Water NSW in relation to this planning proposal.

Department of Planning, Industry & Environment- Biodiversity & Conservation Division

The Biodiversity & Conservation Division of Department of Planning, Industry & Environment initial exhibition response was received on 21 September 2021 which raised no objections to the planning proposal subject to advice and recommendations previously provided.

The re-exhibition response received on 3 December 2021 noted the planning proposal had not changed from the previously exhibited version and no additional comments were required.

Transport for NSW

Transport for NSW has provided three referral responses throughout the course of the planning proposal preparation on 2 August 2021, 3 September 2021 with the re-exhibition response received on 18 November 2021.

Transport for NSW raised no objections to the planning proposal on the condition that the requirements stipulated in their pre-exhibition response (2 August 2021) are adequately addressed. These requirements and how they have been addressed are detailed in the planning proposal and reported through the previous post exhibition report in **Attachment 1**.

The re-exhibition response noted amendments to the provisions of the Goulburn Mulwaree Local Environmental Plan had addressed previous concerns and subject to these being adequately addressed at the Development Application stage no objections have been raised.

A copy of all agency referral responses throughout the planning proposal process including re-exhibition responses are presented in **Attachment 2**.

Public Submissions

The initial post-exhibition generated five public submissions, received within the exhibition timeframe which were summarised and addressed through the 2 November 2021 post exhibition council report in **Attachment 1**.

Subsequent to the publication of the report but prior to the Council meeting three late submissions were received, namely:

- A 74 signatory petition (29 Oct)
- Holding Redlich on behalf of Ken McCourt (28 Oct), and
- Lee Environmental Planning on behalf of Ken McCourt (27 Oct).

The petition and submission from Holding Redlich both formed completely new submissions, and these have been addressed in **Table 1** below. The response from Lee Environmental Planning is largely a re-submission of their initial exhibition response received on 2 October 2021 with some minor additions. The additional points raised have been summarised in **Table 1** below and **Attachment 3** presents all public submissions received throughout the process.

One additional public submission was received through the extended re-exhibition period which is presented verbatim in **Table 2**.

Submission Summary**Table 1: Initial Post Exhibition- Late Item Comment Summary**

Initial Exhibition- Late Item Comment Summary		
Submitter	Address	Submission Date
Petition	n/a	29 October 2021
Submission – Title of Petition		
<p>SIGNIFICANT CHANGES FOR MARULAN</p> <p><i>Did you know Council is changing the planning rules for one landowner without talking to other land owners?</i></p> <p><i>The changes could have a dramatic effect on the existing businesses in Marulan town center.</i></p> <p><i>Why has the local community not had a proper opportunity to be heard on this important question?</i></p> <p><i>If you believe council should stop and talk to the local community, please sign...</i></p> <p>A total of 74 signatories listed in petition.</p>		
Council's Response		
<p>The concerns raised under the petition heading that the community hadn't received adequate time to consider the proposal and council should provide additional opportunity for the community to comment has been addressed through the re-exhibition process. The re-exhibition process provided an additional 55 days for public comment, a notice was placed in the Goulburn post for an additional seven publications and landowner notifications included a wider area than the previous exhibition. Therefore, the request for additional time and opportunity to comment on the planning proposal has been provided.</p>		
Submitter	Address	Submission Date
Holding Redlich on behalf of Ken McCourt	Level 65, 25 Martin Place, Sydney NSW 2000	28 October 2021
Submission Summary		
<p>Planning proposal fails to comply with the DPIE's 'a guide to preparing local environmental plans' in regard to:</p> <ul style="list-style-type: none"> • The notice describes the mechanism by which the change is proposed and not objectives or intended outcome • Failure to stipulate the 'additional permitted uses' will be permitted with development consent • Notice on council's website failed to specify name and address for the receipt of submissions <p>Hotel, pub and bottle shop are uses far more appropriate within the town centre.</p> <p>Proposed additional uses are inconsistent with the objectives of the zone and the strategic planning of the area and represents nothing more than the conferral of a windfall gain to the owner.</p> <p>The exhibition process is severely deficient with the level of engagement being poor. Additional opportunities to engage which are available in the Community Participation Plan were not included. Re-exhibition should be undertaken for another 28 days with key stakeholders and individuals affected re-notified with identified deficiencies resolved to allow a reasonable opportunity for the preparation of submissions.</p>		
Council's Response		
<p>The Goulburn Post notice and the Council website notice for both the exhibition and re-exhibition notice both state what change is being proposed i.e. additional permitted uses and in relation to Marulan, includes the intended outcome which is to include food and drink premises, motel or hotel accommodation and pub with bottle shop as additional permitted uses on the identified lots.</p> <p>The intended outcome of the planning proposal has been stipulated on the required public notices at both exhibition and re-exhibition. A copy of exhibition and re-exhibition public notices are available in Attachment 4.</p> <p>The stated failure to stipulate that the 'additional permitted' uses will be permitted with 'development consent' within the notice is not a requirement of the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulations 2000</i>, <i>Local Environmental Plans: A Guide to preparing Local Environmental Plans</i> or <i>Planning Proposal: A Guide to preparing planning proposals</i>.</p> <p>All notices, be that in the Goulburn Post, on the Council's website and via landowner notification letters all</p>		

included the postal and email address for submissions to be sent to, alongside who to address the submission to i.e. General Manager. In addition, details of the planning portal submission email address and relevant portal reference were also provided. This applies to both the exhibition notices (Sept- Oct 2021) and the re-exhibition notices (Nov 2021-Jan 2022). Both notices also stipulate that Goulburn Mulwaree Council are the delegated plan making authority for this planning proposal.

The strategic merit of the planning proposal has been addressed in the initial post exhibition report available in **Attachment 1**.

As highlighted in the initial post exhibition report in **Attachment 1**, the public exhibition was undertaken in accordance with the requirements of the Gateway determination with Council exceeding its regulatory requirements for public engagement. The Community Participation Plan sets out a full suite of potential community engagement methods but these are optional with the most appropriate methods selected for the circumstance. However, in recognition of the concerns raised and the request to re-exhibit, the planning proposal was placed on exhibition again for an extended period of time, landowner direct notification was widened to encompass the majority of lots along George Street, and public notices were placed on the Council's website and in the Goulburn Post. In addition State agencies were also re-consulted, alongside Marulan Chamber of Commerce.

Submitter	Address	Submission Date
Lee Environmental Planning on behalf of Ken McCourt	33 Holly Street, Bowral NSW 2576	27 October 2021

Submission summary of additional matters raised

- Incumbent upon council to ensure whole community is firstly fully aware of the planning proposal and they are fully satisfied with their opportunity to be involved in the process.
- Untenable for council to argue it's carried out its obligations until the above becomes obvious.
- Planning proposal cannot proceed until all stakeholders have had proper opportunity for involvement.
- During discussion with officers, it became apparent that a significant driver of the planning proposal was the fact the site was being outperformed by other existing highway service centre sites and the proposal was a solution to making it more competitive. This is not a sound basis for a planning proposal.
- The reason for the planning proposal has not been effectively argued by Council and the spot rezoning is confusing and, in our view, unjustified.
- Highway travellers demanding the services of a motel, pub and bottle shop can be serviced from the town centre.

Council Response to additional matters raised

As highlighted in the initial post exhibition report in **Attachment 1**, the public exhibition was undertaken in accordance with the requirements of the Gateway determination with Council exceeding its regulatory requirements for public engagement. However, in recognition of the concerns raised and the request to re-exhibit, the planning proposal was placed on exhibition again for an extended period of time, landowner direct notification was widened to encompass the majority of lots along George Street, and public notices were placed on the Council's website and in the Goulburn Post. In addition, State agencies were also re-consulted, alongside Marulan Chamber of Commerce. The initial exhibition and public exhibition combined have provided a total of 84 days in which stakeholders and the public have had the opportunity to comment. The re-exhibition only resulted in one additional submission which did not raise any additional points not already presented. No responses were received from Marulan Chamber of Commerce which serves as the representative body for Marulan local businesses. No new matters were highlighted by the State agencies. Additional engagement processes are considered unlikely to result in any additional matters not already addressed.

Reference to the meeting with Council officers does not reflect statements made by the strategic planning team. Council officers did not make the assertion the proposal was being driven by the fact the site was being outperformed by other existing highway service centre sites. This was a statement made by the agent and not corroborated by Council staff.

The reason for and the strategic merit of the planning proposal has been explained both in the planning proposal document and through the initial post exhibition report in **Attachment 1**. It is the opinion of the agent this justification has not been effectively argued but this opinion is not shared by the strategic planning team.

The unsuitability for the dislocation of the proposed uses from the subject site to the town centre have been detailed in the initial post exhibition report in **Attachment 1**.

Table 2: Re-exhibition Comment Summary

Re-exhibition Comment Summary		
Submitter	Address	Submission Date
Nick Smith	Landowner of Marulan Motor Inn, George Street, Marulan	26 November 2021
Submission in full (verbatim)		
<p>Nick Smith is my name and I have bought the Marulan Motor Inn, 18 months ago.</p> <p>I read the Planning Proposal for lot 14 and 16 George Street Marulan, and I like things the way they are, preferably.</p> <p>I have got the restaurant on this premises and would like a big chain to go into there but a fast food Chain at 14 George St. can be tolerated,</p> <p>But as for the proposal for a Hotel or Motel at 16 George Street</p> <p>That is definitely out, 100% against that, I have got a Tavern /Hotel at the front of this Premises, and 22 room Motel here, with occupancy rate at probably 5% or less. I am making sure you know I am dead against any Hotel or Motel anywhere.</p> <p>Thank you,</p> <p>Regards Nick Smith.</p>		
Council's Response		
Objection to the permissibility of a hotel/motel at 16 George Street or anywhere in Marulan is noted.		

Conclusion

In conclusion, the planning proposal presents proposed changes to the Goulburn Mulwaree LEP Schedule 1 (additional Permitted Uses) for two different sites. This report recommends proceeding with the making of the LEP amendment for each site as follows:

159 Rifle Range Road

Councils in-principle support for the additional permissibility relating to 159 Rifle Range Road has been provided through resolution 3 of the 2 November 2021 post exhibition report. No changes have been proposed to this element of the planning proposal since this resolution.

Marulan Truckstop

The re-exhibition of the planning proposal has met the resolution on the initial post exhibition report by enabling a further 55 days of public consultation and by addressing the late items submitted after publication of the initial post exhibition report.

Despite two public exhibitions being conducted over a total of 84 days with 7 notices placed in the Goulburn Post, more extensive landowner notifications, another request for comment from the chamber of commerce and availability of the documents in the library, only one additional submission was received. Further extension of the public exhibition is unlikely to result in additional submissions which raise matters not already addressed through the two reports.

The level of public engagement has far exceeded Council legal obligations and concerns raised have been addressed through this report and the initial post exhibition report.

Recommendation

That the planning proposal for additions to Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree LEP 2009 be endorsed by Council and proceed to finalisation.

FINANCIAL / LEGAL IMPLICATIONS

There are no known financial or legal implications.

Attachment 1_Post Exhibition Council Report_2 November 2021

Ordinary Council Meeting Minutes

2 November 2021

At 7:33 pm, Cr Leah Ferrara returned to the meeting.

15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN

RESOLUTION 2021/529

Moved: Cr Bob Kirk

Seconded: Cr Peter Walker

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. The current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 be deferred to allow further public exhibition (28 days) and submissions on matters not currently addressed in the staff reports and submissions received to date for:
 - Permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
3. Council supports in principle the planning change to provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

CARRIED

The meeting took a 30 minute recess for dinner at 7.42pm.





The meeting reconvened at 8.13pm.

15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN

Author: Senior Strategic Planner

Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Targeted Detailed Site Investigation Report Sept 2021 (separately enclosed) 
 2. Marulan Truckstop Remedial Action Plan (separately enclosed) 
 3. Agency Referrals Revised (separately enclosed) 
 4. Public Submissions Combined (separately enclosed) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
	Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change.
Planning Proposal Reference:	REZ/0002/2021
Submissions:	5 Public Submissions

RECOMMENDATION

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. Council endorse the current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to:
 - Provide permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Provide permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
 - Provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.
3. A draft instrument be prepared that is consistent with the above amendments.
4. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

Two separate council reports were submitted for consideration by Council at its meeting on 6 April 2021, where Council resolved to prepare a planning proposal to amend Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan 2009* (Goulburn Mulwaree LEP) to include the following additional permitted uses:

Ordinary Council Meeting Minutes

2 November 2021

At 7:33 pm, Cr Leah Ferrara returned to the meeting.

15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN

RESOLUTION 2021/529

Moved: Cr Bob Kirk

Seconded: Cr Peter Walker

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. The current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 be deferred to allow further public exhibition (28 days) and submissions on matters not currently addressed in the staff reports and submissions received to date for:
 - Permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
 - Permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
3. Council supports in principle the planning change to provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

CARRIED

The meeting took a 30 minute recess for dinner at 7.42pm.

The meeting reconvened at 8.13pm.

- fast food restaurant (food and drink premises) on Lot 2 at 14 George Street, Marulan;
- motel/hotel accommodation and pub with ancillary bottle shop on Lot 3 at 16 George Street, Marulan; and
- single dwelling house including a 74ha minimum lot size restriction at 159 Rifle Range Road, Goulburn.

A planning proposal (REZ/0002/2021) was prepared which included amendments relating to both Goulburn and Marulan sites and a Gateway Determination to proceed was received on 22 July 2021 with delegated authority provided to the Council.

The public exhibition for the planning proposal ran for 29 days between 6 September 2021 and 5 October 2021 with late submissions accepted up until 28 October 2021 (which falls after the creation of the business paper for this meeting). Five (5) public submissions relating to the Marulan Truckstop element of the proposal were received with no public submissions relating to the 159 Rifle Range Road component. Agency submissions were received from Water NSW, Transport for NSW, NSW Rural Fire Service and the Biodiversity and Conservation Division of Department of Planning, Industry and Environment.

159 Rifle Range Road

The site is a large rural lot approximately 3km to the east of the Goulburn urban area, standing adjacent the Goulburn Rifle Club Shooting Range and divided by the Hume Highway. The adoption of the *Goulburn Mulwaree Local Environmental Plan 2009* (Goulburn Mulwaree LEP) applied separate land zones to the one lot separated by the Highway.

An E2 Environmental Conservation Zone was applied to the approximately 74.5 hectare northern land parcel with a minimum lot size of 100 hectares and a RU6 Transition Zone was applied to the 43 hectare southern parcel with a 20 hectare minimum lot size, as illustrated in **Figure 1**.

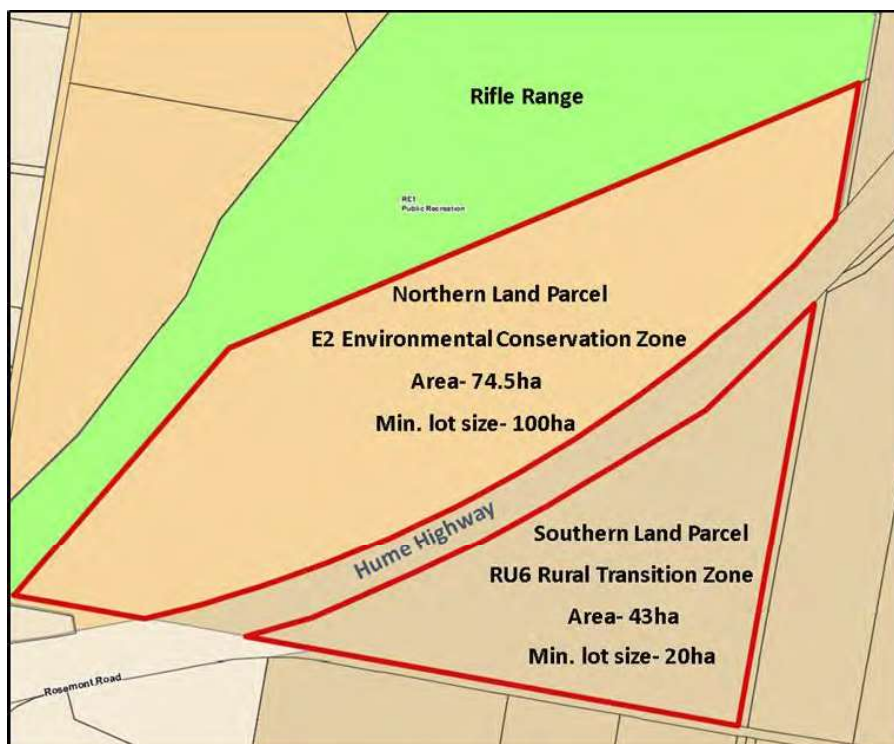


Figure 1: Land use zone, site area & minimum lot size for 159 Rifle Range Road

The current E2 Environmental Conservation zoning prevents the establishment of a dwelling and the minimum lot size prevents subdivision from the RU6 Transition zoned land to the south. These restrictions also prevent further subdivision of the RU6 Transition zoned land.

The *Urban and Fringe Housing Strategy* sought to rectify this zoning anomaly by identifying the:

“Opportunity to address zoning anomaly created between Environmental and RU6 Zones between Mt Gray and Mountain Ash Precincts”.

The strategy also included a high priority recommendation to:

“Amend the Goulburn Mulwaree LEP to address anomalies in split zone created by Highway”.

This element of the planning proposal is Council initiated and seeks to rectify this zoning anomaly and fulfil the recommendation of the *Urban and Fringe Housing Strategy*.

Marulan Truckstop 31

The *Local Strategic Planning Statement* identifies Goulburn and Marulan as the focus for residential and employment growth in the local government area. It identifies land use challenges to maximise opportunities to attract employment generating businesses to provide local employment and address the shortage of short term accommodation for fly in, fly out workers.

The *Urban and Fringe Housing Strategy* (the Strategy) directs the level and location of residential growth in Marulan and describes Marulan as a highway town which provides roadside services to passing traffic on the Hume Highway. It highlights strong recent population growth in Marulan with a 27% population increase between 2006 and 2016, which if maintained, would lead to an additional 450 dwellings by 2036. This strong population growth is supported by the Strategy

through the identification of existing undeveloped residential zoned land and land with residential rezoning potential.

This planned population growth also stands alongside additional employment opportunities in the local area, particularly relating to the extractive industries and the increase in traffic on the Hume Highway, with a 1.6% increase in traffic expected annually. The Marulan Truckstop planning proposal site comprises two lots with a total combined area of approximately 4 hectares, being lot 2 and lot 3, DP 1053945, as illustrated in **Figure 2**.



Figure 2: Marulan Truckstop lot identification map

Lot 1 does not form part of the planning proposal but is in the same ownership with indicative plans provided to Council for its redevelopment at a later stage. The site is located to the south west of Marulan approximately 600 metres south of the Marulan local centre and 150 metres from the north-bound (Sydney-bound) exit of the Hume Highway.

An existing service station (Truckstop 31) occupies Lot 2, which is the larger of the two lots, and currently includes a restaurant and fuel forecourt. A small residential structure is currently sited on adjacent Lot 3 and Lot 1 is currently vacant. The site is zoned IN1 General Industrial with a variety of other land zones surrounding the site as illustrated in **Figure 3**.

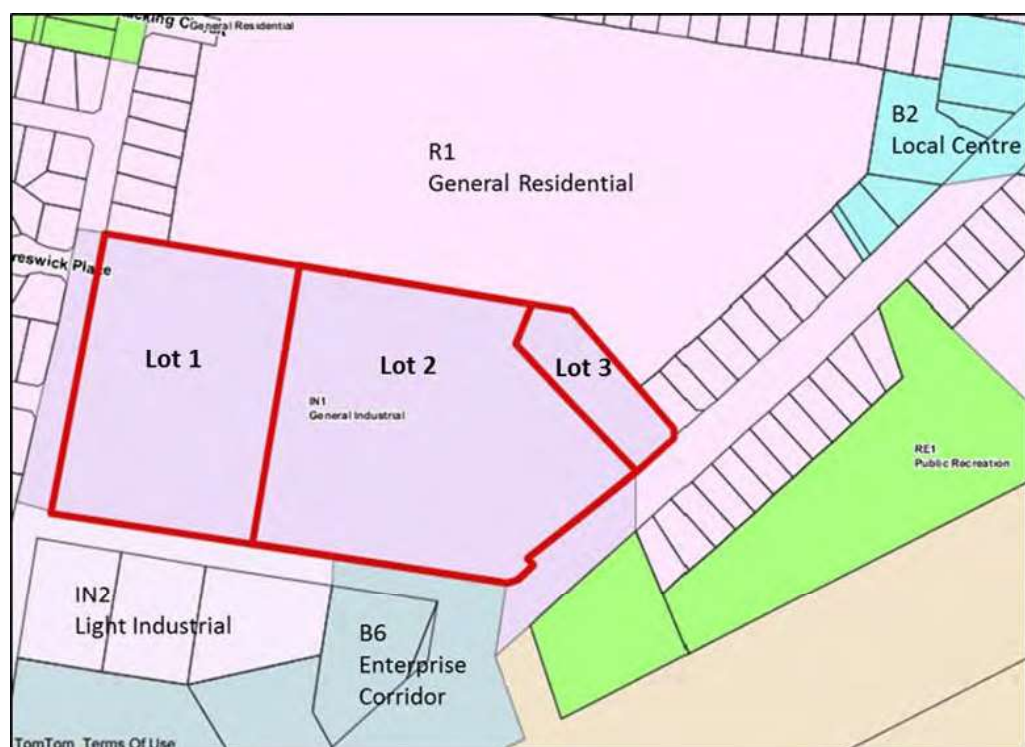


Figure 3: Marulan Truckstop zoning map

The site owner submitted a planning proposal to Council on 11 January 2021 seeking to amend the Goulburn Mulwaree LEP by permitting a fast food restaurant on Lot 2 and motel, pub and bottle shop on Lot 3.

This planning proposal is only one part of a wider redevelopment and upgrade proposal for the existing Truckstop and adjacent lots. A development application (DA/0299/2021) for a range of ancillary developments including a weighbridge and truck wash facility on the Truckstop site (Lot 2) was given consent on 27 May 2021 subject to a number of conditions. The improvements granted through this consent were permissible in the existing IN1 General Industrial zone without the need for a planning proposal.

The wider redevelopment of the Truckstop site including adjacent lots 1 and 3 is anticipated to be undertaken in the stages presented in **Table 1** below:

Table1: Indicative staging of Marulan Truckstop redevelopment

Stage	Applicable lot	Proposed	Approval Pathway
Stage 1	Lot 2	Redevelopment/improvement of existing service station including new fuel court canopy, truck wash and weighbridge.	DA/0299/2021 given consent on 27 May 2021- Subject to condition preventing disposal of waste water until Marulan Water Treatment plant

Stage	Applicable lot	Proposed	Approval Pathway
			<i>upgrade is complete</i>
Stage 2	Lot 2	Development of supporting services including a fast food drive-thru restaurant fronting George Street with an area of approximately 498m ² GFA, with: <ul style="list-style-type: none"> Two drive thru ordering lanes and waiting bay lane, and Car parking for 33 vehicles 	Subject to the Planning Proposal Subsequent DA required
	Lot 3	<ul style="list-style-type: none"> A pub fronting George Street with an area of approximately 839m² GFA plus roof top seating of 281m² An ancillary bottle shop as part of the pub, and A three level, 48 room motel with an area of approximately 3,144m² GFA to the rear of the lot which includes a swimming pool. 	
Stage 3	Lot 1	Development of vacant site for warehousing/distribution	DA can be submitted as permissible use for the zone

The uses which are not currently permissible in the current IN1 General Industrial Zone are the motel and the pub. The Truckstop use and the IN1 General Industrial zone currently enable the establishment of a fast food restaurant without the need for a planning proposal and a restaurant stands on the site currently. This element has been included in the proposal to enable the creation of a Torrens title on the part of Lot 2 illustrated in **Figure 2**. Neighbourhood shops with a floor space not exceeding 250m² are also permissible within the current zone.

REPORT

159 Rifle Range Road

As highlighted above, this component of the planning proposal is seeking to enable the creation of a dwelling entitlement on the northern E2 Environmental Conservation land parcel and rectify the zoning anomaly created by the introduction of the Goulburn Mulwaree LEP in 2009 and earlier Hume Highway bypass.

The current zoning on the northern E2 land parcel prohibits the use of the site for a dwelling house and the 100 hectare minimum lot size restriction (on this 74.5 hectare site) prevents subdivision from the southern land parcel and the establishment of a dwelling entitlement.

Proposed Change

The planning proposal is seeking to amend Goulburn Mulwaree LEP 2009 Schedule 1 Additional Permitted Uses to enable, with consent, the development of a dwelling house on the northern part of Lot 1, DP 706477.

This is accompanied by additional sub-clauses restricting the minimum lot size to 74 hectares (for the E2 zoned portion), the siting of the dwelling to outside the Range Danger Area, preventing access to and from the Hume Highway and ensuring internal noise levels are attenuated to acceptable levels. The draft Schedule 1 wording is presented below:

7 Use of certain land at 159 Rifle Range Road, Goulburn

(1) This clause applies to land at Rifle Range Road, Goulburn, being part of 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 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 40 dB(A)(not including a garage, kitchen, bedroom or hallway)

c. Is sited outside of the Range Danger Area of the shooting range

The minimum lot size restriction is not proposed to be achieved through the usual amendment to the Minimum Lot Size Map of the Goulburn Mulwaree LEP but instead through a limitation within the wording of Schedule 1: Additional Permitted Uses. This approach would avoid the creation of a new lot size category (namely 74ha) which would apply to this site only.

Any development on this site requires a development application and will be subject to the relevant policies' within the *Goulburn Mulwaree Development Control Plan*.

Addressing Constraints

The primary constraints, particularly relating to the northern land parcel subject to change, are biodiversity and bushfire with the proximity of Goulburn Rifle Range Club Shooting Range and the Hume Highway raising issues of noise and safety. The availability of a suitable access has also been a consideration.

• *Bushfire*

The site is identified as Category 3 bushfire prone land (medium bushfire risk) as illustrated in Appendix 8 of the planning proposal. The northern land parcel includes significant areas of cleared land and ample space and opportunity to include bushfire protection measures, including suitable asset protection zones. These bushfire protection measures will be implemented through a subsequent development application.

▪ *Biodiversity*

The site historically comprised White-Box-Yellow Box-Blackley's Red Gum Grassy Woodland and Derived Native Grassland but this has been degraded by pasture improvements. Less than half of

the site now comprises native groundcover with significant cleared areas presenting an opportunity to site a single dwelling house without adversely affecting remnant critically endangered ecological communities as illustrated in appendix 24 of the planning proposal. The site is also sufficiently large to provide for revegetation and clearing offset areas for biodiversity.

A biodiversity assessment will be required at the development application stage with suitable provisions made to avoid adverse impacts on native flora and fauna.

▪ *Proximity to the Goulburn Rifle Club Shooting Range*

The northern land parcel adjoins the Goulburn Rifle Club Shooting Range with an established Range Danger Area which encroaches on to a small part of the subject site as illustrated in appendix 21 of the planning proposal. This Range Danger 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. A dwelling within the Range Danger Area would present concerns around safety of the dwellings' residents. This may be avoided/mitigated through appropriate siting of any proposed dwelling outside of the Range Danger Area (as identified in the considerations of the draft Schedule 1 clause).

▪ *Noise Impacts*

The northern parcel of the subject site is located between the Hume Highway to the east and the shooting range to the west with both creating noise impacts which may adversely affect the amenity of residents of any proposed dwelling. Clause 102 of *State Environmental Planning Policy (Infrastructure)* (the Infrastructure SEPP) sets maximum internal noise levels within residential properties in proximity to the Highway. Clause 5.16 of the Goulburn Mulwaree LEP requires a development application for the erection of a dwelling house on E2 Environmental Conservation zoned land to consider the dwellings compatibility with these adjacent uses.

These policy mechanisms ensure robust consideration of noise impacts on future residential amenity and are imbedded into the draft wording for Schedule 1 of the Goulburn Mulwaree LEP.

The onus is upon the applicant of any subsequent development application to adequately demonstrate development compliance with the LEP and in particular Schedule 1, the Goulburn Mulwaree DCP and the requirements of the Infrastructure SEPP. Measures used to reduce potential noise impacts could include appropriate siting of a dwelling, landscaping/earth mounds or built solutions such as double glazing/insulation.

▪ *Access*

An independent vehicular access is achievable from the northern E2 Environmental Conservation zoned section of the site to Rifle Range Road. This would provide an access separate from the existing primary access to the wider lot from Rosemount Road.

No access is proposed to or from the Hume Highway, further, to ensure highway safety, access is prohibited, an additional sub-clause has been included within draft wording to Schedule 1 which prevents access to and from the Hume Highway.

Marulan Truckstop 31

As highlighted above, this element of the planning proposal is seeking to enable the permissibility of a fast food restaurant on Lot 2 and motel and pub with ancillary bottle shop on Lot 3. These additional uses form part of the wider redevelopment plans for the Truckstop site and seeks to provide enhanced service provision for road users.

Proposed Change

The planning proposal is seeking to amend Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree LEP to enable, with consent, a motel, pub and bottle shop on Lot 3 and food and drink premises on Lot 2, DP 1053945.

The draft Schedule 1 wording is presented below:

5 Use of certain land at 14 George Street, Marulan

- (1) This clause applies to land at 14 George Street, Marulan, being Lot 2, DP 1053945, and identified as Item 5 on the Additional Permitted Uses Map*
- (2) Development for the purpose 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 purpose of motel or hotel accommodation, pub and bottle-shop is permitted with development consent.*

The planning proposal is considered to reinforce the function of Marulan as a highway service town (as opposed to its separate function as a local centre), 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 to provide 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 the sites' location adjacent the Hume Highway.

The proposal seeks to build upon the high traffic uses which are concentrated on the northbound exit on the Hume Highway which collectively provide a range of highway oriented services for road users. This also serves to keep higher traffic volumes from affecting the central section of George Street which predominantly services the local population (thereby having a lesser impact on the amenity of the main street).

Addressing Impacts

The primary constraints relative to this site are Marulan's sewerage capacity, contamination, residential amenity and the potential economic and social impacts of the scheme, including on the viability of Marulan Local Centre.

▪ *Marulan's Sewerage Capacity*

The Marulan sewerage treatment plant is currently at capacity and is unable to accommodate the additional sewerage generated from the proposed uses. The Marulan sewerage treatment plant upgrade is identified in the Council's Operation Plan and is scheduled for completion in 2023.

Any development application to permit construction of the proposed uses would include conditions which prevent disposal of wastewater into the local sewer system until the Marulan sewerage treatment plant has been upgraded and require compliance with an approved Water Cycle Management Plan. These conditions have already been placed on the development consent for stage 1 of the Truckstop redevelopment.

▪ *Contamination*

Ministerial Direction 2.6 Remediation of Contaminated Land requires the planning proposal authority to consider whether the land is contaminated, and the remediation required to make the land suitable for the purpose the land is to be used for.

The site's historic use as a service station indicated potential contamination could be present on site. Subsequent to the initial council report on 6 April 2021 the proponent provided a Preliminary Site Investigation which concluded that contaminants may be present and a Detailed Site Investigation would be required.

The Detailed Site Investigation (DSI) was prepared and submitted in June 2021 which focused on the suitability of Lot 3 for a motel and Lot 2 for food and drink premises.

This suitability was measured against National Environment Protection Measures (NEPM) assessment criteria, specifically against health investigation levels relating to industrial/commercial premises (HIL D).

Upon review of the DSI, Water NSW requested an additional level of assessment which compared the soil test results for Lot 3 (motel and pub) against more sensitive health investigation levels relating to residential with minimal opportunities for soil access (HIL B).

The updated DSI was submitted to Council on 8 October 2021 and forwarded to Water NSW on 12 October 2021. The updated DSI identified some categories of Total Recoverable Hydrocarbons (TRH) present within the soil samples for Lot 3 which exceeded the most sensitive health investigation levels relating to residential with garden/accessible soils (HIL A) (a slightly more sensitive level than requested by Water NSW). The groundwater sampling results identified one sample where copper and zinc exceeded this assessment criteria on Lot 3. 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 groundwater.

The report concluded that the site can be made suitable for the proposed uses on Lots 2 and 3 providing the recommendations outlined are addressed. These recommendations include a Remedial Action Plan for Lot 3 to guide the remediation of the TRH contamination.

The updated DSI was accompanied by the Remedial Action Plan which in summary includes the following remedial actions to address the TRH contamination area:

- Excavate a pit at the sampling location and remove contaminated soil
- Stockpile the soil and physically remove off-site for disposal to an appropriate licensed landfill facility
- Excavated soil must be classified and removed off-site in accordance with the NSW EPA, Waste Classification Guidelines, Part 1:Classifying Waste (2014)

Water NSW confirmed these plans sufficiently addressed the concerns for the planning proposal stage but further comment and or detail maybe required about the remediation at DA stage.

The updated Detailed Site Investigation report is presented in **Attachment 1** and the Remedial Action Plan is presented in **Attachment 2**.

▪ *Residential Amenity*

The site is industrial zoned land which adjoins or is adjacent to existing residential properties to the north and east with vacant R1 Low Density Residential zoned land to the north. The proximity of the proposed uses could present some potential amenity impacts such as noise and light, particularly the evening uses, on the amenity of existing and future residents.

The Goulburn Mulwaree DCP provides a suite of controls relating to non-residential development (Section 4.2) and a specific chapter (Section 6.2) providing tailored controls for Service Centres. These relate to detailed requirements around visual impacts, acoustic impacts, lighting, traffic arrangements and noise amongst others. Any subsequent development application will be assessed against these chapters and other applicable requirements in the Goulburn Mulwaree DCP.

It must also be noted that the potential impacts on amenity for the proposed uses is considered to be of a lesser extent than other potential land uses currently permissible on this industrial zoned site.

▪ *Social Impacts*

Marulan is identified as an area with multiple indices of deprivation with lower than average educational levels and higher levels of disadvantage. The location and density of licensed premises can influence the health and well-being of people in the surrounding area, particularly disadvantaged areas, such as Marulan.

The proponent submitted a Social Impact Assessment to review both the positive and negative potential social impacts of the proposed uses which are listed in **Table 2** below and accompanied by proposed mitigations:

Table 2: Potential positive and negative social impacts and mitigations

Positive Social Impacts	Negative Social Impacts	Mitigations/how to be addressed
Provision of additional short term accommodation which seeks to address the shortage of fly in, fly out accommodation highlighted in the Council's LSPS.	Reliance on private transport as a result of limited public transport options.	Proposed uses primarily seek to serve highway users with reliance on the private vehicle unavoidable. Marulan is considered a more sustainable and accessible settlement than most in the LGA due to existing bus and train services to nearby urban areas.
Increased opportunities for local residents to interact and enhance community cohesion.	Short term reduction in amenity during construction.	Mitigations to be included within a Construction Management Plan at the development application stage.
Creation of locally accessible jobs with opportunities to shorten commutes.	Low risk of an increase in crime and/or disorder.	Implementation of Crime Prevention through Environmental Design principles, ensuring secure access and dispersal of staff and staff training in the responsible service of alcohol.
Additional food and retail expenditure positively impacting livelihoods of residents and business.	Operational noise impacts.	An acoustic assessment submitted with the development application, application of noise mitigations and a Plan of Management for the sites operation.
	Operational traffic impacts.	Mitigations to be included within a Traffic Impact Assessment at the development application stage

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

The saturation of licensed premises within 1km of the site is currently 424.4 per 100,000 (*NSW Liquor LiveData*). The proposed additional use of a pub, when developed and licensed, will initially increase this saturation level due to the addition of a licensed premises within Marulan. This saturation level is expected to reduce alongside the planned increase in Marulan's population over the next 20 years. The population of Marulan is not identified as at relatively higher risk from alcohol related harm. This is especially the case when considered in the context of economic activity and employment created by the proposal.

Overall it is considered that the negative social impacts of the proposed uses can be successfully managed with the implementation of the mitigation measures presented in the Social Impact Assessment and through the application of controls within the Goulburn Mulwaree Development Control Plan.

▪ *Economic Impacts*

The Marulan local centre serves as the commercial core of Marulan and is located approximately 600 metres from the Truckstop site.

The local centre includes around 40 operating business including small retail outlets, post office, bakery, café, pharmacy, pub and accommodation providers as well as large depots for trucks and service based industries.

The proponent has submitted an Economic Impact Assessment to accompany the planning proposal which examines both the positive and negative economic impacts of a new motel and pub with ancillary bottle shop on Marulan local centre. The economic benefits of the proposed uses are listed in **Table 3** below:

Table 3: Proposed economic benefits

Economic benefits of proposed uses on the Truckstop site
• \$23m in total economic activity generated by the construction of the proposed development
• 35 job years directly generated by the construction with the creation of approximately 32 jobs through their operation
• \$1.16m per year in total staff remuneration
• Approximately \$265,000 generated in additional local and state revenue through Section 7.12 levies and payroll tax during construction
• Creation of 13,000 additional room nights generated by the motel
• \$6.2 in gross value added
• Estimated revenue of \$1.56m per year from motel rooms
• Estimated \$900,000 per year additional visitor spend

The negative impacts of the proposed uses on the site are centred around the potential competitive impacts on individual business with a focus on accommodation providers and café's/restaurants within the Marulan local centre.

The Economic Impact Assessment did highlight that the planning proposal would likely increase local competition for some related businesses such as accommodation providers, restaurants and pubs.

It should be noted that competitive impacts arise from most commercial developments and planning only considers such impacts as far as they relate to the overall viability of existing service centres. The role of this planning proposal is to examine the potential impacts of the proposed uses on the overall viability of Marulan local centre.

Whilst some adverse competitive impacts maybe experienced by some related businesses in the local centre, others are likely to experience higher levels of footfall from additional visitor numbers and greater associated levels of spend in the local area. Overall the limited scope of the proposed uses is not considered to result in an adverse impact on the Marulan local centre's viability.

The planned increase in the residential population of Marulan over the next 20+ years, as presented in the *Urban and Fringe Housing Strategy*, will also lead to a greater number of patrons using the services of the local centre. This is expected to further off-set potential adverse competitive impacts on local businesses and further enhance the viability and vitality of Marulan local centre.

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

Consultation and Submissions made in accordance with Act or Regulations

Public Exhibition

The gateway determination included a requirement to exhibit the planning proposal for a minimum period of 28 days and consultation with the following agencies:

- NSW Rural Fire Service
- Water NSW
- Transport for NSW
- Department of Planning, Industry and Environment (Biodiversity and Conservation)

The public exhibition ran for 29 days between 6 September 2021 and 5 October 2021 with a total of five (5) formal submissions received from the public, all of which related to the Marulan Truckstop element of the planning proposal. No public submissions were received relating to 159 Rifle Range Road.

The public exhibition included a:

- notice on the Council website with documents available to view and download;
- notice on the NSW Planning Portal with documents available to view and download;
- notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021;
- notification email to Marulan Chamber of Commerce; and
- notification letter to adjoining and adjacent landowners.

Agency Referrals

Agency referrals were received from NSW Rural Fire Service, Water NSW, Transport for NSW and the Biodiversity and Conservation division of Department of Planning, Industry and Environment.

▪ Water NSW

The Water NSW exhibition response received on 29 September 2021 raised no objections to proposed amendments relating to 159 Rifle Range Road and identified sewerage management and land contamination risks as their main concerns for the Marulan Truckstop.

Water NSW highlight the importance of sewer connectivity for later developments to deliver a neutral or beneficial effect on water quality and believe this issue can be dealt with through the development application phase. This will primarily be achieved through the submission and approval of a Water Cycle Management Plan and a condition preventing the disposal of waste water in the local sewer system until the Marulan Sewerage treatment plant upgrade has been complete. Water NSW raised no objections with this approach.

The issue of potential contamination of the site has been addressed through the submitted Preliminary Site Investigation, the updated Detailed Site Investigation which included assessment of samples against a more sensitive health investigation level and the Remedial Action Plan. After reviewing the revised DSI and the Remedial Action Plan Water NSW consider the documents had sufficiently addressed their concerns for the planning proposal stage but further comment or detail may be required about the remediation plan at the DA stage.

The response reinforced that any future development of the site will need to have a neutral or beneficial effect on water quality and meet or exceed the standards in Water NSW Current Recommended Practices.

Ordinary Council Meeting Agenda

2 November 2021

▪ *Department of Planning, Industry & Environment- Biodiversity & Conservation Division*

The Biodiversity & Conservation Division of Department of Planning, Industry & Environment response received on 21 September 2021 raised no objections to the planning proposal.

In relation to the Rifle Range Road site, the response supported the establishment of the minimum lot size restriction of 74ha to minimise impacts to critically endangered ecological communities.

The referral also recommended the dwelling building envelope and bushfire asset protection zones be located within cleared areas of the site to avoid a future development application exceeding the threshold for the Biodiversity offsets scheme. The extensive area of the site and volume of cleared vegetation enable a dwelling to be sited away from ecologically sensitive parts of the site. The exact location of any proposed dwelling will be addressed in detail through a subsequent development application.

▪ *NSW Rural Fire Service*

The NSW Rural Fire Service exhibition response received on 8 September 2021 raised no objections to the planning proposal.

▪ *Transport for NSW*

The Transport for NSW exhibition response received on 3 September 2021 raised no objections to the planning proposal on the proviso the requirements stipulated in their pre-exhibition response are adequately addressed.

The Transport for NSW pre exhibition response received on 2 August 2021 stipulated no objection to the provisions relating to 159 Rifle Range Road subject to access to and from the Hume Highway being prevented and noise levels identified in the Infrastructure SEPP being satisfied.

These requirements have been addresses through additional subclauses in the draft wording of Schedule 1 of the Goulburn Mulwaree LEP and were subject to this public exhibition.

In relation to the Marulan Truckstop, the pre-exhibition response stipulated that a development application (DA) for the proposed uses must be accompanied by a Traffic Impact Study. This study must include an assessment on the suitability of retention of the current access across the Hume Highway median. It is noted that any future DA for this area would be referred to Transport for NSW under the Infrastructure SEPP.

A copy of all the agency referral responses throughout the planning proposal process are presented in **Attachment 3**.

Public Submissions

No public submissions were received relating to 159 Rifle Range Road.

Five public submissions were received objecting to the additional permitted uses sought for the Marulan Truckstop site.

Summary of responses to Marulan Truckstop

Five (5) formal public submissions were received during the exhibition period including four local residents and a local business owner. All submissions were objections to the proposed uses sought through this planning proposal and a number related to issues which are more appropriately addressed through a DA. Full submissions are available in **Attachment 4**.

Tables 4 to 8 below provide a summary of the five submissions for the Marulan Truckstop.

Table 4: Submission summary and response Donna Ryall

Submitter	Address	Submission date
1. Donna Ryall	15 George Street, Marulan	10 September 2021
Summary of Submission		
<ul style="list-style-type: none"> Concerns raised regarding the driveway location of the proposed uses due to increased traffic resulting in noise and headlights shining into front windows of residential properties opposite Concerns over the provision of adequate on-site parking to avoid the impacts of on-street parking on George Street Existing and additional litter/rubbish generated by the site blowing into residential gardens. High fences proposed to be erected around the fast food site and a request for an increase in the front fence height from the current 1.2m to mitigate this impact and ensure privacy Questions raised over proposed hours of operation of the pub and bottle shop (licensed premises). Statement made that the area is zoned residential, not industrial 		
Council's Response		
<p>The preparation and assessment of planning proposals is dictated by the following legislation, regulation and guidance:</p> <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulations 2000, Local Environmental Plans: A guide to preparing Local Environmental Plans, and Planning Proposal: A Guide to preparing planning proposals <p>A guide to preparing planning proposals` stipulates a planning proposal:</p> <p>` Only relates to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application. `</p> <p>A planning proposal is therefore not able to address detailed considerations such as the location of driveways, the provision of on-site parking, waste management arrangements, boundary fencing and hours of operation. These are all factors which require consideration at the development application stage.</p> <p>A development application will also consider the potential noise impacts of the proposed uses with mitigations sought to reduce a schemes impacts on nearby residential properties. This will however be considered in the context of the existing industrial zoning of the site, its existing operation as a Truckstop and the proximity and existing impacts from the nearby Hume Highway.</p> <p>Any request by the submitter for an adjustment to their fence height which exceeds the 1.2m height permissible as Exempt Development should be submitted as a development application.</p> <p>The submitter's property is zoned R1 General Residential directly opposite the subject site which is zoned IN1 General Industrial- illustrated in Figure 3 of this council report</p>		

Table 5: Submission summary and response Julie Graham

Submitter	Address	Submission date
2. Julie Graham	26 Station Street, Marulan	5 October 2021
Summary of Submission		
<ul style="list-style-type: none"> Impact of the additional noise generated by the motel and pub, particularly at night, both from the venue and patrons travelling to and from the venue with a resulting long term impact on the community. Rooftop bar is something one would expect in a more densely populated community. An additional venue for the sale/consumption of alcohol on top of the two existing venues is considered a disproportionate number for a village location. The applicant showcasing a `hoarders` home in the heritage conservation area is offensive, particularly when the local community has contributed so much to retaining Marulan's beautiful buildings. A series photos are provided illustrating examples of historic Marulan buildings. Goulburn to Marulan train and bus services are limited and not well patronised with 30-45 minute car ride to Goulburn, Moss Vale and Mittagong. 		

<ul style="list-style-type: none"> • The current volume of litter in the local area and its potential increase as a result of this proposal. • Suggestion that renewable energy technologies be integrated with the development. • Reference to Marulan being ranked in the bottom 40% of all localities in the Index of Economic Resources through 2016
Council's Response
<p>As identified in the response above (submitter 1), consideration of the range of potential impacts from a proposed development and suitable mitigations will be considered at the development application stage.</p> <p>The proponent submitted indicative plans and illustrations with their planning proposal submission which included a roof top bar to the pub. These plans only seek to illustrate how a potential scheme could be accommodated on site and represent the early concept stages of a development proposal. Design and siting considerations and the indicative plans do not form part of the determination of this planning proposal. Formal plans and relevant technical studies must be submitted with a development application upon which a determination will be made.</p> <p>The number of licensed premises and the potential impacts on community well-being has been assessed through the Social Impact Assessment submitted with the planning proposal. The site is considered to be at low risk from an increase in levels of crime in an area with very low crime rates.</p> <p>The Social Impact Assessment also examined community vulnerability to alcohol. It concluded that Marulan was not at relatively higher risk of alcohol related harm than the rest of NSW. Community vulnerability to alcohol related harm is considered to be low in the context of the additional economic activity and employment proposed.</p> <p>The number of liquor licenses and associated licensing conditions are a function of Liquor and Gaming NSW.</p> <p>The council prepared the contents of the planning proposal subject to exhibition and provided any photographs included within it. Reference to the 'hoarders' home' relates to Figure 6 of the planning proposal at 42 George Street. This property was illustrated in the planning proposal to identify the heritage item which stands in closest proximity to the site. The photograph selection is in no way seeking to diminish the contribution historic buildings make to the character of Marulan or their importance to the local community.</p> <p>Marulan benefits from bus and train services to local service centres. Whilst they are relatively limited in their frequency their availability contributes to a more sustainable settlement and a wider range of transport options than most other areas in the LGA.</p> <p>Notwithstanding, the proposed uses of a fast food restaurant, motel and pub with ancillary bottle shop directly relate to the operation of the site as an existing highway service station. A highway service centre primarily serves passing highway users reaching the site by car or truck.</p> <p>Waste management considerations, including litter will be considered at the development application stage.</p> <p>Energy efficiency measures are prescribed through Part J of the Building Code of Australia and assessed at the DA stage.</p> <p>The Social Impact Assessment has referred to a number of datasets, including socio-economic indices for areas (SEIFA) provided by the Australian Bureau of Statistics (ABS) to provide an overview of the social and economic well-being of Marulan. This provides the background information to assess potential impacts of the proposal on the community. This is objective, publicly available data is not intended to offend. The 2016 Census is the most definitive dataset available until the 2021 Census data is released.</p>

Table 6: Submission summary and response G. Spicer & S. Atkinson

Submitter	Address	Submission date
3. Gary Spicer & Samantha Atkinson	17 George Street, Marulan	5 October 2021
Summary of Submission		
<ul style="list-style-type: none"> Proposal at 16 George Street (motel and pub) will not benefit the area as there are already two venues for purchasing alcohol in relative close proximity and Marulan is not big enough to warrant another. There are already a number of accommodation providers on George Street which always have vacancies. There are already a number of fast food drive through options in the local area Concerns over additional traffic and noise generated by the proposed uses, particularly affecting the front of residential properties. Concerns over the impact on property prices The location is inappropriate 		
Council's Response		
<p>The commercial viability of the proposed uses is a matter for the proponent. Marulan is located on the Hume Highway and provides a suitable location for roadside services which is reflected in the number of fast food drive thru options and accommodation providers in the area, largely supported by users of the highway.</p> <p>Increasing the choice of potential service providers for road users is only one benefit of the planning proposal. Additional local employment opportunities, increased economic activity and enhancement of an existing under-utilised truckstop are also benefits accrued from the proposed additional uses on this site.</p> <p>The planning system does not take into consideration the impact of development on property prices. Property prices are affected by a wide range of variables, most of which stand outside the scope planning.</p> <p>As identified in the response above (submitter 1), consideration of the range of potential impacts from a proposed development and suitable mitigations will be considered at the development application stage.</p> <p>The subject site already serves as a Truckstop. Its location directly off the Hume Highway is considered a suitable and logical place to further enhance and support this existing use and provide greater choice to roadside users.</p>		

Table 7: Submission summary & response Jos Roberts

Submitter	Address	Submission date
4. Jos Roberts	Not stated	5 October 2021
Summary of Response		
<ul style="list-style-type: none"> Personal wishes and benefits should not influence the overall considerations Regulations should ensure a result which is good for Marulan with consideration for the long term and not just quick returns Proposal will lead to two town centres and result in the hollowing out of the town centre, likely followed by other local spot rezoning's Proposal will create a disincentive for investment and result in a less commercially attractive town/retail centre Residential areas are growing and traffic on the Hume highway is increasing so shopping and employment in a vibrant centre is to be encouraged Concern the proposal will stifle existing offerings. Proposal will have long term negative effects on Marulan as a whole and does not contribute to addressing the current incoherent planning in the area. Council must consider what is best for the town in the longer term Proposal not supported as it seeks to amend regulation to suit this site but not the whole of Marulan. 		
Council's Response		

The purpose of the planning proposal process is to ensure adequate justification and strategic merit of a proposed change to the LEP. The benefits of a scheme contribute to this justification.

The range of benefits of the proposed uses are identified in this council report. A number of these benefits are considered to lead to long term benefits to the Marulan local area including additional local employment opportunities, increased economic activity and the physical enhancement of an underutilised site.

The Marulan local centre enables an extensive range of permissible uses including:

- Commercial uses (broad definition, highly inclusive)
- Community facilities
- Educational establishments
- Entertainment facilities
- Tourist and visitor accommodation

This proposal relates to enabling the permissibility of the specific uses of a motel, pub with ancillary bottle shop and fast food drive thru on this site only. These uses directly relate to and support the services of the existing Truckstop and serve users of the Hume Highway. The site is not able to provide for the same range or concentration of permissible uses as Marulan local centre, thereby ensuring the primacy of the local centre.

The Economic Impact Assessment identifies there may be some competitive impacts on some related local businesses but the overall viability of Marulan local centre would not be adversely affected. The proposed uses, located adjacent the Hume Highway, are tailored to serve highway users whereas the local centre primarily serve the needs of the local resident population. In addition, any competitive impacts are expected to be off-set by the planned increase in Marulan's population and the greater number of patrons using the services of the local centre.

Table 8: Submission summary & response Lee Environmental Planning on behalf of Ken McCourt

Submitter	Address	Submission date
5. Lee Environmental Planning on behalf of Ken McCourt	Landowner of Terminus Hotel, George Street, Marulan	2 October 2021
Summary of Response		
<ul style="list-style-type: none"> • Public engagement process has been unsuccessful as demonstrated by the large proportion of the affected community being unaware of the proposed changes. Council may not have satisfied its obligations to the community which could call into doubt the procedural fairness of the process. • Proposal is an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable, but this does not necessarily translate into solid reason for a planning proposal. • The current land use zoning in the Goulburn Mulwaree LEP reflects Marulan's position as an important service centre along the Hume Highway and a local centre serving the local population. This makes the spot rezoning approach somewhat confusing. • Planning proposal not linked to any strategic study or report and lacks strategic merit. • Current IN1 General Industrial zoning for the site enables a wide range of land uses that can contribute in the long term to the Marulan economy and community and no compelling case has been presented as to why the current zoning is deficient. • The Marulan local centre (B2 zoned land) provides the building blocks for a vibrant and successful town with existing business which can consolidate and expand and sufficient zoned land for new opportunities. Unaware of a case presented that insufficient commercial land is available or current B2 zoned land is unsuitable for the needs of the area. • The support for the dislocation of the motel, pub and bottle shop, which are key town centre uses, outside the town centre is a failure of strategic planning. • Request for Council to pause the planning proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan. • The generation of positive economic numbers is not surprising but such potential benefits should not be stripped out of the town centre as this approach stands at odds with the long term strategic planning for Marulan. • Site suitability is questionable when the potential negative impacts on the town centre are considered. • The social impact assessment is unconvincing. The greatest positive social impact accrues through a 		

<p>strong cohesive town centre which is being undermined by this planning proposal.</p> <ul style="list-style-type: none"> Overall the Planning Proposal lacks strategic merit and should not proceed, particularly without first being subject to meaningful public scrutiny and comment.
<p style="text-align: center;">Council's Response</p> <p>Public engagement requirements for planning proposals are set out in legislation and guidance and required to be undertaken in accordance with the requirements of the Gateway determination. As highlighted in the Council report the public exhibition ran for more than the required timescale and included the following:</p> <ul style="list-style-type: none"> A notice on the Council website with documents available to view and download A notice on the NSW Planning Portal with documents available to view and download A notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021 A direct notification to Marulan Chamber of Commerce A direct notification to adjacent landowners <p>Council has exceeded its regulatory requirements in terms of public engagement, met the conditions of the Gateway determination and satisfied its legal obligations.</p> <p>A planning proposal can be submitted by anyone and Council has a legal obligation to assess any given proposal's merits. The reasons for a change in planning controls is often instigated by a profit motive. A proponents motivations to increase the value of their land is not sufficient justification for a planning proposal. However there are number of benefits of the proposal which extend beyond increased land value and serve to justify the proposed uses on this site.</p> <p>The site's location in relation to a precinct largely dedicated to highway service functions is also a key consideration in this proposal.</p> <p>The proposed uses on this site are not explicitly identified in a strategic study but the planning proposal is consistent with required strategic documents,, SEPP's and Ministerial Directions as outlined in this report and the planning proposal. In addition, Department of Planning, Industry and Environment, through the gateway determination considered the proposal to have some strategic merit to continue in the process. There are no outstanding objections from agencies engaged in the process.</p> <p>The contribution industrial zoned land makes to the Marulan economy is recognised. However Marulan has approximately 291 hectares of vacant industrial zoned land. The proposed additional permitted uses on Lot 3 would reduce the overall available industrial land by approximately 0.18%. This reduction would not reduce the long term contribution industry makes to Marulan's economy.</p> <p>The proposed additional permitted uses do not seek to replace the Marulan local centre as the focus for service provision to the local resident population. The range of permissible uses proposed directly relate to providing supporting services for the existing Truckstop use and users of the Hume Highway. These areas essentially function as different markets with the Truckstop serving highway users and the Local Centre serving local residents. The range of permissible uses on the Truckstop are significantly more commercially limited than the range of uses permissible in Marulan local centre, ensuring the primacy of the local centre for service provision for local residents.</p> <p>It is recognised that Marulan local centre has adequate commercial land and B2 zoned land to accommodate a fast food drive thru, motel and pub. However, the relocation of these uses from the Truckstop site to the local centre would uncouple the operational use of the service station with the ancillary and supporting uses of motel, pub and drive thru restaurant and dislocate their highway supporting function away from direct access to the Hume Highway.</p> <p>The planning proposal and this council report highlight the economic benefits of the proposal. These benefits arise from the proposed uses supporting the existing Truckstop and the sites proximity to the Hume Highway. The proposed uses and the benefits they bring are specific to this site and are not considered transferable to the local centre.</p> <p>The site is considered suitable for the proposed uses due to its proximity to the Hume Highway, its ability to support the existing Truckstop business, alongside the benefits of the scheme and minimal impacts on the viability of Marulan local centre. No evidence has been presented which demonstrates a long term impact on the viability of Marulan local centre or significant adverse impacts on community well-being and social cohesion as a result of this planning proposal.</p>

Addressing Marulan Truckstop public exhibition comments

A planning proposal is not able to address detailed considerations around the siting and design of a scheme nor seek to resolve in detail how potential amenity impacts will be addressed. These detailed considerations would form part of the determination of a subsequent development application. A guide to preparing planning proposals` stipulates a planning proposal:

“Only relates to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application.”

It is the role of the planning proposal to identify relevant environmental, social, economic and other site-specific considerations and to establish whether in principle, adverse impacts can be mitigated and/or justified by the benefits and strategic merit of the proposal.

- *Design, siting and amenity*

A number of the issues raised by the four local residents relate to detailed considerations which should be addressed at the development application stage. These include additional traffic generation which will be examined through a Traffic Impact Assessment (as per Transport for NSW advice), parking provision and boundary fencing as outlined in submitted DA plans and noise implications arising from the final scheme identified and mitigated through an acoustic assessment.

These factors will be considered in the context of the existing industrial zoning of the site, its existing operation as a Truckstop and the proximity and existing impacts from the nearby Hume Highway. All potential impacts will be considered against the requirements of the Goulburn Mulwaree DCP at the development application stage.

Concerns raised over the management of waste and particularly litter from the proposed uses will be addressed through a Waste Management Plan submitted with a subsequent development application.

Hours of operation of the proposed pub/bottle shop have not been established. These would be set out as a condition of a subsequent development application. Licensing hours for the service of alcohol will be determined through a liquor license issued by NSW Liquor and Gaming.

The planning system does not take into consideration the impact of development on property prices. Property prices are affected by a wide range of variables, most of which stand outside the scope planning.

Other issues raised focus on the potential impact the proposed uses may have on the vibrancy and vitality of Marulan local centre and businesses operating with it and concerns the proposal would not lead to long term benefits for Marulan, these are addressed below.

- *Competition & Viability of Marulan Local Centre*

Competitive impacts and the effects on the overall viability of Marulan local centre are examined through the Economic Impact Assessment and addressed under `Addressing Impacts` in this report.

Whilst there are likely to be competitive impacts on some related local businesses the overall viability of Marulan local centre is not considered to be adversely affected as a result of the proposal. Any competitive impacts are expected to be off-set by the planned increase in Marulan`s residential population and the greater number of patrons using the services of the local centre.

These are further off-set by the focus of the proposed uses to serve users of the Hume Highway.

No evidence has been presented which demonstrates a long term, impact on the overall viability of the Marulan local centre.

▪ *Benefits of the proposed uses*

The potential benefits of the proposed additional uses are listed in **Table 2** and **Table 3** of this report. Some of these benefits are short term and/or site specific such as construction employment and revenue generation. However a number of benefits are considered to lead to long term benefits to the Marulan local area including additional local jobs, additional visitor spend, and the physical enhancement of an under-utilised site.

▪ *Public Engagement Process*

The preparation, assessment and public consultation of planning proposals is dictated by the following legislation, regulation and guidance:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000, and
- Local Environmental Plans- A guide to preparing local environmental plans
- Planning Proposal: A guide to preparing planning proposals

These documents require community consultation to be undertaken in accordance with the requirements of the Gateway determination. The gateway determination stipulates a public exhibition be undertaken for a minimum of 28 days and be made publicly available in accordance with section 6.6.2 of *A guide to preparing local environmental plans*. This guide states the following:

Public exhibition of the planning proposal is generally undertaken in the following manner:

- *Notification in a newspaper that circulates in the area affected by the planning proposal*
- *Notification on the website of the PPA (Planning Proposal Authority)*
- *Notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.*

As noted above the public exhibition for this planning proposal ran for 29 days with the following undertaken in accordance with the regulatory requirements:

- A notice on the Council website with documents available to view and download
- A notice on the NSW Planning Portal with documents available to view and download
- A notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021
- A direct notification to Marulan Chamber of Commerce
- A direct notification to adjacent landowners

In addition late submissions were accepted and included within this report up to 28 October 2021 with the public and proponent able to address councillors directly through the 2 November 2021 Council meeting.

The Council has exceeded its regulatory requirements in terms of public engagement on the planning proposal and satisfied its legal obligations. Further community engagement will be undertaken as part of any subsequent Development Application.

▪ *Strategic Merit of Proposal*

The strategic merit of a planning proposal, in large part, relates to the degree to which the proposed amendments are consistent with the objectives and actions within the following:

- South East and Tablelands Regional Plan;
- The Tablelands Regional Community Strategic Plan;
- Goulburn Mulwaree Local Strategic Planning Statement;
- Goulburn Mulwaree Urban and Fringe Housing Strategy;
- State Environmental Planning Policy; and
- Ministerial S.9.1 Directions.

The planning proposal has thoroughly detailed the degree of consistency of the proposal to the objectives and actions with these strategic documents, state policies and Ministerial Directions and these are summarised, as they relate to the Truckstop, in **Table 9**.

Table 9: Applicable strategic documents, State Environmental Planning Policy (SEPP) and s9.1 Ministerial Directions

Applicable Strategic Documents, State Environmental Planning Policy (SEPP) and s9.1 Ministerial Directions	Consistency
South East and Tablelands Regional Plan	Consistent
The Tablelands Regional Community Strategic Plan	Consistent
Goulburn Mulwaree Local Strategic Planning Statement	Consistent
Goulburn Mulwaree Urban and Fringe Housing Strategy	Consistent
Sydney Drinking Water Catchment SEPP	Consistent
SEPP 55 Remediation of land	Consistent
Infrastructure SEPP	Consistent
Direction 1.1 Business and Industrial Zones	Consistent
Direction 2.3 Heritage Conservation	Consistent
Direction 2.6- Remediation of Contaminated Land	Consistent
Direction 3.4- Integrating Land Use and Transport	Consistent
Direction 4.3- Flood Prone Land	Consistent
Direction 5.2- Sydney Drinking Water Catchment	Consistent
Direction 5.10- Implementation of Regional Plans	Consistent
Direction 6.1- Approval and Referral Requirements	Consistent
Direction 6.3- Site Specific Provisions	Consistent

In addition to Council's assessment, it is the role of the gateway determination assessment by the State to ensure there is sufficient justification for a proposal and to stop planning proposals which lack strategic merit early in the process. This planning proposal has thoroughly assessed the consistency of the planning proposal against the above listed strategic documents, policies and directions. In addition the planning proposal was granted its gateway determination in July 2021 with no indication from the Department of Planning, Industry and Environment of a lack of consistency with related strategic objectives and actions.

No information has been presented which provides detail that the proposed uses are not consistent with the above listed documents.

- *Current zoning, availability of commercial land in Marulan, dislocation of Town Centre uses and site suitability*

This planning proposal does not propose to change the current IN1 General Industrial zoning of the site but to include the additional permissibility of a fast food drive thru, motel and pub with ancillary bottle shop on the existing Marulan Truckstop site.

The existing Truckstop operation is sited on Lot 2 and isn't available for industrial development. Lot 3 is vacant with only a derelict residential structure on site. The suitability of Lot 3 for industrial development is questionable. The lot is narrow, 0.5 hectares in size and is located between the existing Truckstop and residential development. The limited size of the lot combined with its location adjoining and adjacent to residential properties lends itself more to the proposed uses than those permissible in the industrial zone.

These uses seek to directly support the redevelopment and enhancement of service provision for an existing business in close proximity to the Hume Highway. The range of uses permissible is specific and limited to those which have a supporting function to the operation of the Truckstop and the Hume Highway. The planning proposal does not enable the range of commercial uses permissible in the B2 zoned Marulan local centre, thereby ensuring the primacy and focus of the local centre for commercial activity and investment.

The proposed uses of a drive thru, motel and pub are considered uses which are most often located with a local centre. The Marulan local centre has sufficient zoned land for a motel, pub and fast food restaurant. However, the relocation of these proposed services/uses from the Truckstop site to 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 and the proximity to the highway. This would have the effect of:

- Not taking full advantage of the sites proximity to the Hume Highway
- Preventing users of the Truckstop and Hume Highway benefiting from direct access to these supporting services
- Would not achieve the objectives of the planning proposal
- Additional off-site provision unlikely to be developed by proponent
- Site likely to remain underutilised

It is also noted that the proposed uses, particularly a motel, seek to serve predominately the needs of highway users with a particular focus on providing short term accommodation for fly in fly out workers. The dislocation of this use to the local centre would likely result in significant additional heavy vehicles traveling up the main thoroughfare of George Street with little opportunity to park their vehicles other than on the street. Highway safety and parking along George Street has already be identified as concern of local residents.

The planning proposal does not seek to provide a compelling case that the current zoning is deficient or require demonstration that other sites zoned B2 are more suitable for the proposal. The Council is required to determine the suitability of the site for the proposed uses and the related strategic merit of the proposed amendment before them. Notwithstanding, Marulan has extensive levels of unoccupied industrial zoned land, providing opportunities for industrial development in more suitable locations, which stand a greater distance from residential properties.

The site is considered suitable for the proposed uses due to its proximity to the Hume Highway its ability to support an existing Truckstop alongside the benefits of the scheme and the minimal impacts on the viability of Marulan local centre. No evidence has been presented which demonstrates a long term impact on the viability of Marulan local centre or significant adverse impacts on community well-being and social cohesion as a result of this planning proposal.

Support for the proposed uses in this location is not a failure of strategic planning but is a flexible response to the needs of a local landowner for the enhancement of an existing business which will generate economic activity and provide local employment.

Internal Consultation

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

- No negative impacts identified that haven't already been addressed. Potential impacts regarding noise, light and construction will be addressed through development applications and these are likely to generate community submissions;
- Proposal would lead to an improved use of an underutilised site which stands at a key entry point to Marulan, in close proximity to the highway;
- Very supportive of the creation of construction and operation roles and the \$900,000 additional visitor spend estimated to be generated. This is considered to have a positive effect on Marulan;

- Concurrence with the proponents consideration of social impacts on the community of Marulan, and
- Likely competitive impacts on other local businesses is noted but it is considered the proposal will attract the vast majority of its customers from the highway and this will have associated benefits for Marulan as identified in the proponents Economic Impact Assessment.

Conclusion

In conclusion the planning proposal presents proposed changes to the Goulburn Mulwaree LEP Schedule 1 (Additional Permitted Uses) for two different sites. This report recommends proceeding with the making of the LEP amendment for each site as follows:

159 Rifle Range Road

The proposed permissibility of a dwelling through an addition to Schedule 1 Additional Permitted uses of the Goulburn Mulwaree LEP on the northern parcel of 159 Rifle Range Road would rectify the current zoning anomaly and address the related action in the *Urban and Fringe Housing Strategy*. The Minimum lot size restriction would ensure no further subdivision of the site and the highway access restriction would ensure highway safety. The large site area at 74.5ha combined with extensive areas of non-native vegetation enables the siting of a dwelling which is able to:

- Avoid adverse impacts on biodiversity
- Accommodate bushfire protection measures
- Accommodate on-site effluent management systems, and
- Be sited away from dangers posed by the adjacent shooting range.

Marulan Truckstop

The proposed additional permissibility within Schedule 1 of the Goulburn Mulwaree LEP for a fast food restaurant, motel and pub with ancillary bottle shop for the Marulan Truckstop site will facilitate the redevelopment of an underutilised existing service station site in close proximity to the Hume Highway.

This proximity to the highway creates a suitable location for these supporting uses and potential amenity, traffic and parking impacts can be adequately addressed at the development application stage.

Concerns relating to Marulan sewer capacity and contamination have been adequately addressed. Whilst some competitive impacts are expected as a result of the proposed uses this is not considered to result in adverse impacts on the overall viability of Marulan local centre. The proposed uses are not considered to result in adverse impacts on the health and well-being of the community. The proposed uses will create jobs locally, generate economic activity and meet the identified shortfall in short term accommodation within the local government area.

Recommendation

That the planning proposal for additions to Schedule 1 Additional Permitted uses of the Goulburn Mulwaree LEP 2009 be endorsed by Council and proceed to finalisation.

FINANCIAL IMPLICATIONS

There are no known financial implications.

LEGAL IMPLICATIONS

There are no known legal implications.

Attachment 2a_Water NSW_Pre-Gateway Referral Response_10 June 2021



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.watarnsw.com.au
ABN 21 147 934 787

10 June 2021

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/66096*

Dear Mr Kiernan,

Planning Proposal for Additional Permitted Uses – REZ/0002/2021

I refer to your email of 7 May 2021 regarding a Planning Proposal for 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn (REZ/0002/2021) that seeks to expand the range of uses allowed at an existing truck stop at Marulan and to facilitate the permissibility of a dwelling on a parcel of land at Goulburn. WaterNSW's concerns relate to the protection of water quality in the Sydney Drinking Water Catchment.

The proposed additional proposed uses for a food and drink premises and hotel/motel accommodation and pub for the Marulan site will require significantly improved sewerage management arrangements. The site is unsewered and the Marulan sewage treatment plant (STP) is currently at capacity. There is also no current site-specific development control plan for the site to address the sewerage management issue. The Proposal flags that a DA will be lodged these uses and that any consent issued will condition the development based on connection to the reticulated sewerage network and completion of the upgrade of the STP. WaterNSW also notes that any DA would need to demonstrate a neutral or beneficial effect on water quality and be referred to WaterNSW for concurrence under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. WaterNSW does not object to the progression of the Planning Proposal on the basis that the sewerage management issue will be addressed at DA stage and prior to any occupation of new development associated with the uses put forward by this Proposal.

We understand that contamination assessments are currently being undertaken for the Marulan site. We have not had the benefit of that information in undertaking our current assessment of the Planning Proposal. As any site contamination may also have implications for water quality, we would ask that the Planning Proposal be referred to us again at exhibition stage with the accompanying contamination assessment reports.

We have no objections to the Proposal with respect to 159 Rifle Range Rd and we support Council's rationalisation of the planning provisions for northern parcel of land at this site

Detailed comments are provided in Attachment 1 while Attachment 2 includes a relevant Strategic Land and Water Capability Assessment map for the 159 Rifle Range Road site.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@watarnsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

ALISON KNIHA
Catchment Protection Planning Manager

ATTACHMENT 1 – Detailed Comments**14 & 16 George Street, Marulan – Marulan Truckstop 31**

The proposal in Marulan is developer-led and seeks to expand the ranges of uses allowed at Truckstop 31 as part of a wider proposed redevelopment of the site. The Marulan Truckstop 31 site comprises two lots, 14 George Street (Lot 2 DP 1053945) and 16 George Street (Lot 3 DP 1053945), occupying a combined area of approximately 4 ha. Both lots are currently zoned IN1 General Industrial under the *Goulburn Mulwaree Local Environmental Plan 2009* (the LEP). An existing service station occurs on Lot 2 and includes a fuel forecourt and restaurant. Lot 3 adjoins Lot 2 but is substantially smaller and contains a small residential property.

The Proposal seeks to make permissible with development consent the use of food and drink premises for Lot 2 and motel/hotel accommodation and pub with ancillary bottle shop for Lot 3. This will be done by amending Schedule 1 of the LEP to allow a fast food restaurant on Lot 2 and a motel, pub and bottle shop on Lot 3. This would overcome the current IN1 zoning restrictions that currently prohibit retail premises and tourist and visitor uses within the IN1 zone.

As noted in the Planning Proposal, the main constraint to the redevelopment of the service station and the associated uses is sewerage connection and management. While the Truckstop area is generally serviced by mains water and infrastructure, the site is not connected to the Marulan sewer network and is currently reliant on the use of on-site septic tanks. Additionally, Marulan sewerage treatment plant (STP) is at capacity and is unable to accommodate additional sewerage generated as a result of the proposed uses. No site-specific development control plan provisions are proposed for the site, leaving the sewerage issue to be managed by means of the development consent process (discussed below). We note the intention to connect the site to the reticulated sewage network once the STP upgrade has been completed.

The Planning Proposal identifies that the site redevelopment is being staged to coincide with the STP upgrade. A current development application (DA) is being progressed on part of the service station upgrade which omits Lot 3 (intended for motel/hotel and pub) and that part of Lot 2 where the fast food restaurant is anticipated to be sited. Further DAs will be submitted for the remaining areas subject to successful progression of this Planning Proposal. It is intended to manage the 'sewerage' constraint by conditioning any future development consent so that the operation/occupation of any premises will be subject to completion of the STP upgrade and connection to the reticulated sewerage network. Additionally, under the provisions of the SDWC SEPP, any future DA will be required to have a neutral or beneficial effect (NorBE) on water quality and will require the concurrence of WaterNSW.

Given the above intent and provisions, we believe that the sewerage management issue can be addressed at DA stage and are generally supportive of Council's proposed approach regarding the conditioning of the redevelopment to align it with the upgrade of Marulan STP. Any proposed conditions on the sewerage management issue will need to reasonably relate to the development and have appropriate certainty and finality. These are matters that can be addressed through the DA assessment and consent process.

159 Rifle Range Road, Goulburn

The Planning Proposal includes amendments to the LEP to rectify a planning anomaly that has resulted from the construction of the Hume Highway across 159 Rifle Range Road, Goulburn, which has given rise to divergent zonings and planning controls across the land. This is a council-initiated component of the Planning Proposal.

159 Rifle Range Road is a single large lot of approximately 119 ha which is bisected by the Hume Highway. The northern parcel of the Lot is about 76 ha and zoned E2 Environmental Conservation with a Minimum Lot Size (MLS) of 100 ha. The southern parcel is about 46 ha and zoned RU6 Transition with a MLS of 20 ha and includes an existing dwelling house. The main issue is that the northern E2 portion of the land prohibits a residential use while the 100 ha MLS prevents a dwelling entitlement. The Proposal seeks to amend Schedule 1 of the LEP to permit development for the purposes of a dwelling house with consent and to adopt a MLS of 70 ha for the site. This would

enable the land to be subdivided and facilitate the establishment of a single dwelling house on the northern portion, thereby enabling each parcel to be managed under separate ownerships.

We note that the area is unsewered. A non-perennial natural drainage flows from the North-West to the South-East through the site, with minor tributaries extending northward. The Planning Proposal notes that the large allotment size and the location of the drainage path enables a dwelling to be sited away from watercourses/drainage paths and that there is sufficient land area to accommodate on-site wastewater facilities without adversely affecting water quality. WaterNSW has also conducted a Strategic Land and Water Capability Assessment (SLWCA) for the site which confirms that the site has sufficient land of LOW or MODERATE risk to accommodate a dwelling house (see Attachment 2). There is also sufficient area to meet required effluent management area (EMA) buffer distances from waterways for any proposed on-site sewage treatment system.

WaterNSW has no objection to this aspect of the Planning Proposal and supports Council's approach of reconciling the planning provisions applying to 159 Rifle Range Road.

Contamination Risk

The potential risk of land contamination is a relevant matter with respect to the Truckstop 31 site. While the Planning Proposal notes that the subject site is not identified on the Council's local contaminated land register or identified as significant contaminated land, the service station has been present on Lot 2 for approximately 50 years. The Planning Proposal notes that for Lot 2, a degree of contamination is likely but that the level of contamination is unknown. However, the Proposal infers that Lot 3 is unlikely to be contaminated.

The current Planning Proposal infers that further contamination assessment of the site is not required. However, having spoken with a relevant Council officer, we now understand that a contamination assessment is underway. WaterNSW's main concern is the potential effect of contaminated land on water quality, and the effect of leaching and mobilisation of contaminants during construction of the sites. We support a precautionary approach that further explores the potential for contamination risk associated with Lots 2 and 3.

We ask that the Planning Proposal be updated to reflect the contamination assessments being undertaken. We also ask that further background information be provided with respect to past land uses for Lot 3 and to clarify whether further detailed contamination assessments are proposed for this Lot. As we do not have the benefit of the contamination assessments at this time of this referral, we ask that the Planning Proposal be referred back to us during the public exhibition phase so that we may further understand the contamination risk associated with the site and the potential implications for water quality.

Strategic Land and Water Capability Assessments

The current Planning Proposal does not include information relating to SLWCAs.

For 14 and 16 George Street Marulan, appropriate SLWCAs for 'restaurants' or 'food and drink premises' have not been produced by WaterNSW, and there are no provisions for SLWCAs for hotels/motels or tourist and visitor accommodation. However, these uses will require appropriate amenities and will be a concentration point for visitors. As the site is currently unsewered, any development of the site to give effect to the said uses should be based on connection to the reticulated sewer and upgrade of the STP as indicated by the Planning Proposal.

For 159 Rifle Range Road, the most applicable SLWCA for the proposed dwelling and building entitlement is 'Residential unsewered Lots 4,000 sqm to 2 ha' (see Attachment 2). This SLWCA shows that the water quality risk for the site varies from LOW to EXTREME, with areas of HIGH and EXTREME risk being associated with waterways and drainage features. Areas of LOW and MODERATE risk occur in the north-west and MODERATE risk areas occur in the north. There is sufficient room for a dwelling house to be accommodated on site and for any EMA to meet the required 100 m EMA buffer distance requirements from waterways. Under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, any future development of the site will need to have a NorBE on water quality and be required to comply with relevant WaterNSW current recommended practices (CRPs) or standards at least equivalent to these.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Planning Proposal responds to the SEPP, noting the sewerage constraints to the Marulan Truckstop 31 as previously described. We believe 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 STP. We generally agree with the statements made regarding 159 Rifle Range Road. The section on the SEPP currently references the need for developments to have a NorBE on water quality. It would also benefit by recognising that new development should incorporate WaterNSW's CRPs or otherwise apply standards at least equivalent to those. The section could also reference that development in the Catchment requires the concurrence of WaterNSW.

Direction 5.2 Sydney Drinking Water Catchment

The Planning Proposal includes a response to the provisions of section 9.1 Direction Sydney Drinking Water Catchment. The Direction requires Planning Proposals to be consistent with the SEPP, give consideration to the outcomes of any relevant SLWCA, and zoned Special Areas as stated in the Direction. No Special Areas are affected by this Proposal, so this matter is not relevant.

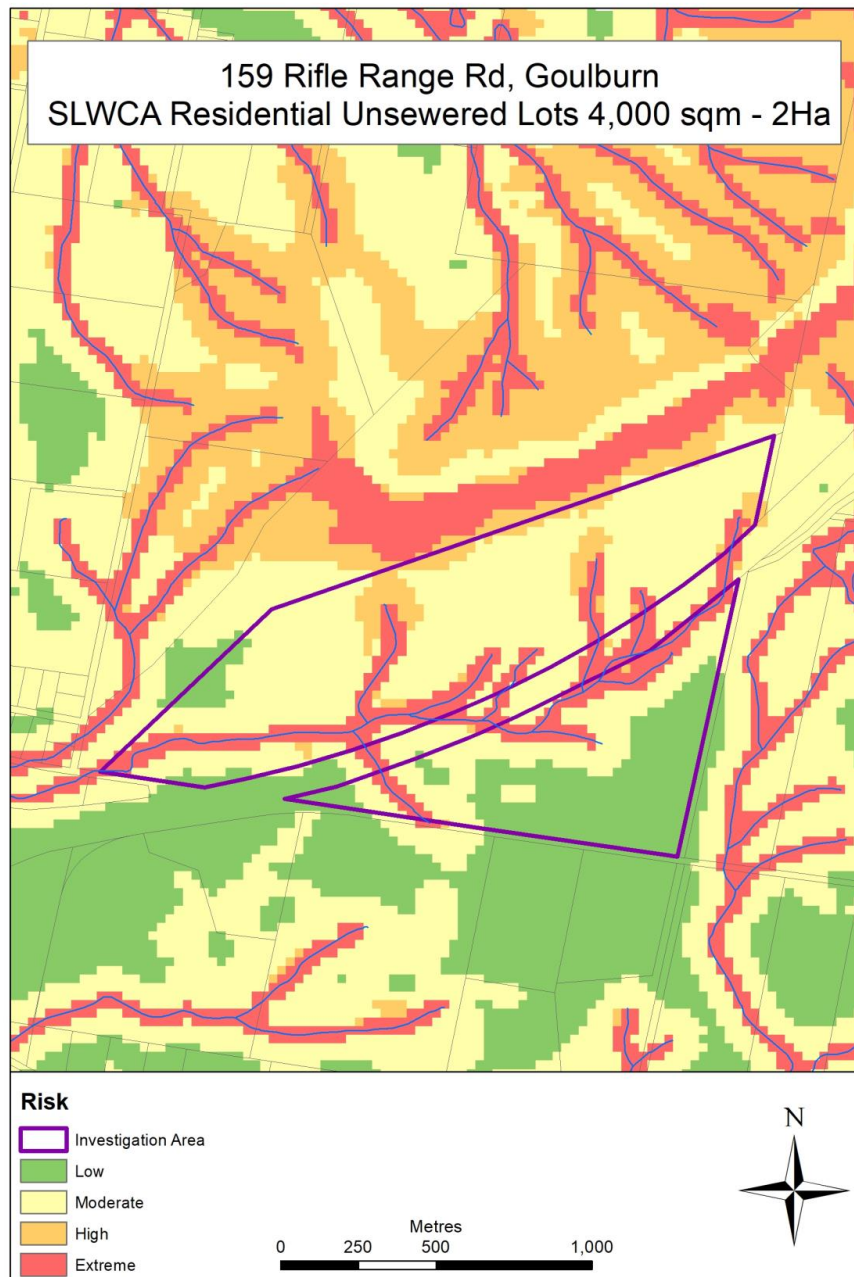
The response discusses the sewerage constraints of the Marulan site, as previously described, and the staging of the redevelopment to coincide with the STP upgrade. It also gives consideration to 159 Rifle Range Road, Goulburn being unsewered.

This section recognises that the SEPP applies to DAs for the permissible uses sought under the Planning Proposal and that any DA will need to have a NorBE on water quality. We support these statements. We provide a relevant SLWCA for 159 Rifle Range Road (see Attachment 2). The outcomes of that SLWCA are described above. SLWCAs are not relevant for Marulan Truckstop 31 for the reasons previously discussed. We ask that the information we have provided on the SLWCAs be included in this section.

Other

Council may wish to check the sewer and water map for the Marulan site to confirm that the annotations and attribution identified in the key accords with the symbology used on the map.

ATTACHMENT 2 – Strategic Land and Water Capability Assessment



Map 1. 159 Rifle Range Road, Goulburn: Strategic Land and Water Capability Assessment (SLWCA) for 'Residential unsewered Lots 4,000 sqm to 2 ha.

Attachment 2b_Water NSW_Post-Gateway Referral Response_23 August 2021



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

23 August 2021

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/92979*

Dear Mr Kiernan,

Planning Proposal for Additional Permitted Uses – Marulan Truckstop 31 and 159 Rifle Range Road, Goulburn (REZ/0002/2021)

I refer to the Post-Gateway Referral of the Planning Proposal for Additional Permitted uses at 14 & 16 George Street, Marulan (Marulan Truckstop 31) and 159 Rifle Range Road, Goulburn (REZ_0002_2021). WaterNSW provided initial comment on this Proposal in our letter of 10 June 2021 (our ref: D2021/66096). However, at that time we did not have the benefit of the Contamination (Site Investigation) reports relating to Truckstop 31. The current Proposal includes those reports, which we have now included in our assessment.

Our main concern relates to the Truckstop 31 site with respect to sewerage availability and potential contamination risks. Our concerns over the sewerage management issue have largely been addressed in our previous correspondence, which is addressed in the Proposal. However, we believe that more conservative Health Investigation Levels may be more relevant to future use of Lot 3 DP 1053945 for overnight accommodation, to help support the suitability of the site for the proposed development.

Our detailed comments are provided in Attachment 1. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

ALISON KNIHA
Catchment Protection Planning Manager

ATTACHMENT 1 – Detailed Comments**Truckstop 31 – 14 & 16 George St Marulan**

The Proposal seeks to expand the permissibility provisions for the Truckstop 31 (Lots 2 & 3 DP 1053945) site to include a fast food restaurant (food and drink premises) on Lot 2 (14 George Street) and motel accommodation and pub with ancillary bottle shop on Lot 3 (16 George Street). The proposed additional uses of motel, pub and food and drink premises will require significantly improved sewerage management arrangements as the site is currently unsewered and the Marulan sewage treatment plant (STP) is at capacity.

Sewerage Management

We understand that upgrading the Marulan STP is a priority for Council, with the upgrade expected to be online by the end of 2023. The Proposal notes Councils intention of conditioning any proposed consent to a development application (DA) preventing operation of operation/ occupation of the development until the upgrade of Marulan STP has been completed. WaterNSW does not object to the progression of the Planning Proposal so long as the sewerage management issue is addressed at DA stage and prior to any occupation of new development associated with the uses put forward by this Proposal. As raised in our previous submission, any condition will need to reasonably relate to the development and have sufficient finality and certainty. Any DA for the site is required to have a neutral or beneficial effect (NorBE) on water quality and be referred to WaterNSW for concurrence under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. The ability to meet the NorBE test is heavily dependent upon the ability to connect to the sewer and the capacity of the STP.

Contamination Risk

Since providing our initial comments in June, both a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) report have been prepared for the Truckstop 31 site (Appendices 12 and 13). The PSI report examined the potential for contamination across Lots 1, 2 and 3 DP 1053945. It found numerous areas of potential contamination concern but that the contaminants were considered to be of low to moderate risk. The report identified that a DSI was required to confirm the presence and extent of contamination to determine the suitability of the site for the proposed development.¹

The subsequent DSI was undertaken focusing on Lots 2 and 3 DP 1053945 (i.e. the subject area of the current Planning Proposal) and included both soil and groundwater sampling. The chemical analysis targeted Contaminants of Potential Concern, which may have impacted the site based on past and present activities.

The soil results for Lots 2 and 3 have been compared against the National Environment Protection Measures (NEPM) Health Investigation Level (HIL) limits using the HIL D limits which relate to commercial/industrial premises. While this may be appropriate for Lot 2 with respect to the fast food restaurant, Lot 3 involves the creation of a motel involving overnight accommodation. Based on information contained in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, we believe that the soil analysis results for Lot 3 need to be further examined against the limits set by the HIL A (residential with garden accessible soils) or HIL B (residential with minimal opportunities for soil access) criteria to help demonstrate the suitability of the site for the intended motel use.² A supplementary comparison of the Lot 3 soil test results against the HIL A or HIL B limits should be provided.

¹ The PSI included land in Lots 1-3, DP 1053945 with Lot 1 occurring to the west of, but adjoining, Lot 2. The DSI was limited to Lots 2 and 3 DP 1053945. Lot 1 is not the subject of this Planning Proposal and is not discussed further.

² Section 3.2.4 of Schedule B7 (Volume 19) of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* advises, with respect to HIL D values, 'the land use scenario does not include more sensitive uses that may be permitted under relevant commercial or industrial zonings. These more sensitive uses include childcare, educational facilities, caretaker residences and hotels and hostels, etc.

In terms of the soil sampling results, based on the HIL D limits used, TRH, BTEX, PAH OCP/OPP, Metals and Asbestos were found not to exceed the NEPM for all soil samples collected.³ However, Sites 2 and 3 both had metals above the Level of Reporting (LOR) but below the NEPM HIL D limit, with Site 3 recording all metals above the LOR for all samples. However, these are well below the HIL D limits. Certain Total Recoverable Hydrocarbons were also above the LOR for Site 3 but were well below relevant NEPM HIL D limits. For a water quality impact perspective, the main concern is the mobility of potential contaminants when soils are disturbed such as during excavation. Managing this risk is a matter more relevant to the later development application (DA) stage.

Groundwater was sampled using groundwater monitoring wells, established in both Lots 2 and 3, and a further well on Lot 2 downgradient of the UPSS. The DSI report found only that Copper and Zinc were found in concentrations that slightly exceeded Groundwater Investigation Levels (GILs), however this was attributed to naturally occurring levels within the groundwater; such metals are not directly associated with the service station operations. Our understanding is that none of the proposed development for the site will include excavations beyond the water bearing zone.

The DSI report concludes that current and past service station operations have not impacted the groundwater in the sampling locations. It also concludes that the site is suitable for the proposed development provided that the recommendations of the DSI report are implemented. We believe that the stated recommendations of the DSI report should be implemented as stated in the Planning Proposal, but this can occur through the DA and consent process.

Other - Land Use Permissibility

We envisage that for the Truckstop 31 site, the proposed motel or pub might include a caretaker's residence. We note that under the *Goulburn Mulwaree Local Environmental Plan 2009*, residential accommodation is prohibited on land zoned IN1 General Industrial. Council may wish to consider how the proposed motel, bottle shop and pub is to be managed to ensure that any accommodation envisaged for the proprietors of those establishments is within the remit of the change in the land uses being sought.

159 Rifle Range, Goulburn

Regarding the 159 Rifle Range Road site, we note that the Proposal has taken into account our earlier comments on this site, including providing the relevant Strategic Land and Water Capability Assessment (SLWCA). We support Council's approach of reconciling the planning provisions applying to 159 Rifle Range Road and have no objections to this aspect of the Proposal.

Direction 5.2 Sydney Drinking Water Catchment

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. The response discusses the sewerage constraints of the Marulan site, making any development contingent upon and subject to the completion of the STP upgrade. As reflected in the information, SLWCAs are not relevant for Marulan Truckstop 31 as WaterNSW does not hold appropriate SLWCAs for 'restaurants' or 'food and drink premises' or for hotels/motels or tourist and visitor accommodation.

The response also recognises that the 159 Rifle Range Road Goulburn site is unsewered but that there is sufficient area to accommodate a new dwelling while keeping the associated effluent management area (EMA) 100 m distant from waterways and drainage paths. The response also includes a copy of the relevant SLWCA for the site and incorporates our earlier advice that that land has sufficient land of LOW or MODERATE risk to accommodate a dwelling and meet appropriate EMA buffer distances from waterways.

Information on uses permitted under local council zoning schemes for commercial/industrial land use can be obtained from local council planning zones/schemes. Should these more sensitive uses be permitted, then HIL A or HIL B values should be considered'. See:

https://www.legislation.gov.au/Details/F2013C00288/Html/Volume_19#_Toc351713629.

³ TRH: Total Recoverable Hydrocarbons (TRH); BTEX: Benzene, Toluene, Ethylbenzene and Xylene; PAH: Polycyclic Aromatic Hydrocarbon; OCP: Organochlorine Pesticides; OPP: Organophosphate Pesticides.

The Proposal also generally notes that DAs for the permissible uses sought through the Planning Proposal will need to have a NorBE on water quality. We support this statement.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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 reference comments made in our previous response including the importance of sewer connectivity and STP upgrade to achieve a NorBE for later developments. 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.

The responses to both Direction 5.2 and the SEPP will need to be further updated based on our submission herewith.

Attachment 2c_Water NSW_Exhibition Response_29 Sept 2021



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

29 September 2021

Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/107109*

Dear Mr Bennett,

Additional Uses Planning Proposal – REZ/0002/2021 – Marulan Truckstop 31 and 159 Rifle Range Road, Goulburn: PP-2021-4197

I refer to the Exhibition of the Planning Proposal for Additional Permitted uses at 14 & 16 George Street, Marulan (Marulan Truckstop 31) and 159 Rifle Range Road, Goulburn (PP-2021-4197). The Proposal seeks to amend Schedule 1 – Additional Permitted Uses of the Goulburn-Mulwaree Local Environmental Plan 2009 (GM LEP) to permit with development consent, a 'food and drink premises' at 14 George St, Marulan (Lot 2 DP 1053945), a 'motel or hotel accommodation, pub and bottleshop' at 16 George St, Marulan (Lot 3 DP 1053945), and a dwelling house at 159 Rifle Range Road, Goulburn (part Lot 1 DP 706477).

WaterNSW has provided previous comments to Council regarding the Proposal on 10 June 2021 (our ref: D2021/66096) and 23 August 2021 (our ref: D2021/92979). Our main concern has been in relation to the Marulan Truckstop 31 site with regard to the separate issues of sewerage management and land contamination risk.

Marulan Truckstop 31

With regard to the Marulan Truckstop 31 Site, the Proposal takes into account and responds to our previous concerns regarding sewerage management and the importance of sewer connectivity and the Marulan sewage treatment plant (STP) for later developments to be able to deliver a neutral or beneficial effect (NorBE) on water quality as required under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP). We stand by those previous comments but believe that these issues can be dealt with in the development application (DA) phase and in the timing of development construction and occupation. These issues need not inhibit the Planning Proposal from proceeding.

Our most recent August correspondence took account of the Contamination Assessment Reports but noted that the Health Investigation Levels (HILs) needed to be more conservative for Lot 3 DP 1053945 (the motel site) having regard to the future use of the site for overnight accommodation. The Proposal notes that an update is currently being prepared for the Detailed Site Investigation (DSI) report comparing the soil test result for Lot 3 against the HIL B limits (which relate to residential uses with minimal opportunities for soil access). This comparison will further help inform the suitability of the site for the intended motel use. The Planning Proposal notes the intention for the update to be provided through a post-exhibition report to Council after the current public exhibition of the Proposal has been completed. **Once the updated DSI report is available, and before the Proposal is finalised, WaterNSW would like an opportunity to examine the updated DSI report regarding the comparison of the soil test results against the HIL B limits.** As reflected in our previous correspondence, we believe that the stated recommendations of the DSI report should be implemented but this can occur through the DA and consent process.

159 Rifle Range Road Goulburn

We note and support Council's proposal to reconcile the planning provisions applying to 159 Rifle Range Road, Goulburn. The site is bisected by the Hume Highway and cannot currently be subdivided due to zoning and minimum lot size (MLS) restrictions. It is proposed to amend the provisions that apply to the northern parcel (E2 Environmental Conservation) to allow a dwelling house and reduce the applicable MLS provisions to enable that portion to be subdivided from the southern parcel (zoned RU6 Transition). Council's preferred approach to the matter is to effect the change through the inclusion of a clause within Schedule 1 – Additional Permitted Uses of the GM LEP rather than changing the zoning to a more relaxed E3 Environmental Management or E4 Environmental Living. We support this approach as it will limit the range of land uses available for development at the site. We also note that the proposed provisions for Schedule 1 include an updated MLS from 70 ha to 74 ha. WaterNSW has no objection to this change.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (SDWC SEPP)

The Proposal (pp. 19-21) provides a thorough response to the SDWC SEPP, taking into account our previous concerns and issues raised in both the pre- and post-Gateway consultation. We support the information provided and have nothing further to add. We also note that section 3.6.6 Direction 2.6 – Remediation of Contaminated Land takes into account comments made by us in our August correspondence.

Direction 5.2 Sydney Drinking Water Catchment

The Proposal provides a strong consideration of Direction 5.2 Sydney Drinking Water Catchment (pp. 39-41), reflecting comments made in our June advice. However, the response to Direction 5.2 should be updated to reflect comments made in our August correspondence, particularly with respect to the contamination risk issue for the Marulan Truckstop 31 site. Cross-reference could also be made to Section 3.6.6 as that section addresses the contamination risk and takes into account our August advice on that matter. The response to Direction 5.2 includes our previously provided Strategic Land and Water Capability Assessment (SLWCA) and associated advice for the 159 Rifle Range Road Goulburn site. As indicated in the Planning Proposal, we do not hold appropriate SLWCAs for uses such as food and drink premises or tourist and visitor accommodation which would be relevant to the Marulan component of the Proposal. Apart from the need to update the section to reflect our August advice as described above, we support the information with respect to Direction 5.2.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@watnsw.com.au.

Yours sincerely



ALISON KNIHA
Catchment Protection Planning Manager

Attachment 2d_Water NSW_Additional Response to updated DSI_21 Oct 2021



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

20 October 2021

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/113008*

Dear Mr Kiernan,

**Marulan Truck Planning Proposal Progress & Detailed Site Investigation (DSI) Request-
REZ/0002/2021**

I refer to your email of 12 October 2021 providing an updated Detailed Site Investigation (DSI) report and accompanying Remedial Action Plan in relation to potential contamination at the Marulan Truckstop site in relation to planning proposal REZ/0002/2021 (PP_2021_4107).

The updated information has been provided in response to our request of 23 August 2021 (our ref: D2021/92979) where we indicated that more conservative Health Investigation Levels (HILs) would be appropriate for Lot 3 DP 1053945 given its intended use as a motel providing overnight accommodation. In a follow-up email to Council on 23 August 2021, we indicated that the HIL-B limit (which relate to residential uses with minimal opportunities for soil access) could be used. The Planning Proposal was exhibited while the updated DSI report was still being prepared. Our correspondence of 29 September 2021 on the exhibited Planning Proposal sought for the updated DSI report to be made available to us before the Proposal was finalised (our ref: D2021/107109).

The updated DIS report includes soil test results for Lot 3 based on HIL-A limits and the HSL-A Health Screening Levels (HSLs) for petroleum compounds, which are more conservative than the HIL-B limit initially sought by us and take a precautionary approach to the contamination risk. The updated report reveals that several forms of hydrocarbons exceed the HSL-A limits and/ or the Ecological Screening Level (ESL) for Urban, Residential and Public Open Space area leading the preparation of a Remedial Action Plan for Lot 3.

The preparation of the updated DSI Report and Remedial Action Plan has sufficiently addressed our concerns for the Planning Proposal stage of this matter. We may need to make further comment or seek more detail about the remediation at DA stage. Under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, any future development of the site will need to have a neutral or beneficial effect on water quality, meet standards equal or better than those required by WaterNSW Current Recommended Practices, and will require the concurrence of WaterNSW. We also ask that Council keep us informed about any proposed demolition or remediation activity proposed for the site.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

ALISON KNIHA
Catchment Protection Planning Manager

Attachment 2e_Water NSW_Re-exhibition Response_22 Dec 2021



PO Box 398, Parramatta NSW 2124
Level 14, 169 Macquarie Street
Parramatta NSW 2150
www.waternsw.com.au
ABN 21 147 934 787

22 December 2021

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/131875*

Warwick Bennett
General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attn: David Kiernan

Dear Mr Bennett,

Re-exhibition of a Planning Proposal for Additional Permitted Uses at 14 & 16 George St, Marulan and 159 Rifle Range Road, Goulburn Marulan (REZ/0002/2021)

We refer to the re-exhibition of the above Planning Proposal. WaterNSW provided comment on the Proposal in June and August, and then when the Proposal was exhibited in September 2021 (our refs: D2021/66096, D2021/92979, and D2021/107109, respectively). We also provided comment on 20 October 2021 on the updated Detailed Site Investigation (DSI) report undertaken for 14 & 16 George St (Marulan Truckstop 31) (our ref: D2021/113008). The updated report took a more cautious approach to the health investigation and other levels used in examining the soil test results for the proposed hotel/ motel accommodation site (Lot 3 DP 1053945).

We note that the Planning Proposal (dated August 2021) takes into account our advice of August and June, but not the most recent correspondence provided in September and October. As indicated in our October correspondence, for this Planning Proposal stage of the development, the preparation of the updated DSI Report and accompanying Remedial Action Plan has sufficiently addressed our concerns in identifying and responding to the hydrocarbon contamination risk on Lot 3. However, we may need to make further comment or seek more detail about the remediation at Development Application (DA) stage.

As conveyed in our response to first exhibition of the Proposal, we maintain our earlier comments made in June and August in relation sewerage management, the importance of sewer connection and the timing of development with respect to the Marulan Sewage Treatment Plant upgrade. These matters can be addressed in the DA stage, and in the timing of construction and occupation of the development. They do not inhibit the Proposal from proceeding.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

ALISON KNIHA
Catchment Protection Planning Manager



Attachment 2f_TfNSW_Post-Gateway Referral Response_2 Aug 2021

Our ref: STH21/00014/02
Contact: Andrew Lissenden 0418 962 703
Your ref: REZ/0002/2021

2 August 2021

David Kiernan
Goulburn Mulwaree Council
BY EMAIL: council@goulburn.nsw.gov.au

PLANNING PROPOSAL (REZ/0002/2021) – ADDITIONAL PERMITTED USES AT LOT 2 AND 3 DP 1053945 (NO.14-16) GEORGE STREET, MARULAN AND LOT 1 DP 706477 (NO.159) RIFFLE RANGE ROAD, GOULBURN – PUBLIC AUTHORITY CONSULTATION

Dear David

Transport for New South Wales (TfNSW) refers to the notification it received on 27 July 2021 and the subsequent phone discussion regarding the above planning proposal (PP).

TfNSW has reviewed the information provided while focusing on the impact to the state road network (i.e. the Hume Highway). TfNSW notes:

- the PP seeks to amend the provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) for two different sites (Refer to **Attachment 1**);
- each is seeking an additional permissible use beyond those already allowed under the GM LEP 2009. For Lot 2 DP 1053945 (No.14) George Street, Marulan the PP is seeking the additional permissibility of a fast-food restaurant (food and drink premises). For Lot 3 DP 1053945 (No.16) George Street, Marulan the PP is seeking the additional permissibility of motel accommodation and pub with an ancillary bottle shop. For Lot 1 DP 706477 (No.159) Rifle Range Road Goulburn the PP is seeking the additional permissibility of a dwelling within the E2 zoned portion of the site; and
- consultation is required in accordance with the Gateway Determination issued by the NSW Department of Planning, Industry and Environment.

Having regard to the above, TfNSW provides the comments in **Attachment 2** for Council's consideration and information.

If you have any questions please contact me on 0418 962 703.

Yours faithfully

Andrew Lissenden
Development Case Officer
Community and Place | South Region
Cc: david.kiernan@goulburn.nsw.gov.au

Transport for NSW

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

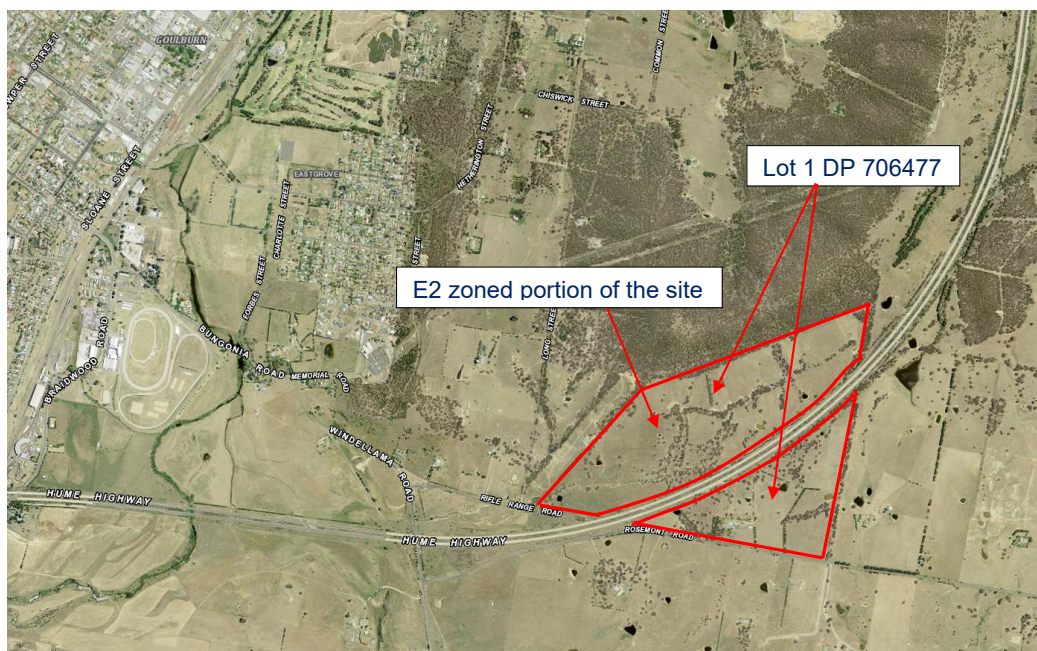
1 of 3

Attachment 1

Lots 2 and 3, DP 1053945 (No.14-16) George Street, Marulan



Lot 1 DP 706477 (No.159) Rifle Range Road, Goulburn



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2 of 3

Attachment 2

1. Comments for consideration at PP Stage

a) Lots 2 and 3 DP 1053945 (No.14-16) George Street, Marulan

TfNSW does not object to the PP as it applies to Lot 2 and 3 DP 1053945 in principle, subject to the requirements in Point 2a) below being able to be adequately addressed as part of any future development application(s).

b) Lot 1 DP 706477 (No.159) Rifle Range Road Goulburn

TfNSW does not object to the PP as it applies to the northern portion of Lot 1 DP 706477 in principle, subject to the requirements in Point 2b) below being able to be adequately addressed as part of any future development application or complying development application lodged.

2. Advisory comments for consideration at subsequent development stages

a) Lots 2 and 3 DP 1053945 (No.14-16) George Street, Marulan

Noting the development types proposed, TfNSW has concerns with the access across the Hume Highway median that is currently available. Any additional development on these sites will require a Traffic Impact Study (TIS) to be prepared that in part assesses the suitability of this access point to be retained as well as the applicable requirements in Table 2.1 of the *RTA's Guide to Traffic Generating Developments* and *Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development* and *Part 3: Traffic Studies and Analysis*.

b) Lot 1 DP 706477 (No.159) Rifle Range Road Goulburn

- i) No access to and from the Hume Highway will be allowed. All access will need to be gained via the local road network (i.e. access to Lot 1 DP 706477 will need to be via Rifle Range Road for the section north of the Hume Highway or Rosemont Road for the section south of the Hume Highway). In this regard a 'Restriction as to User' via an 88B Instrument shall be included on the title of Lot 1 DP 706477 to restrict access to/from the Hume Highway.
- ii) Clause 102 of the *State Environmental Planning Policy (Infrastructure) 2007* (SEPP 2007) would apply to the future residential development of the PP site (i.e. construction of a single dwelling house) as it is adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles. Council will need to satisfy itself as part of any future DA lodged or complying development application for a dwelling that the requirements of Section 102 of SEPP 2007 can be satisfied.

**Transport
for NSW**

Attachment 2g_TfNSW Exhibition Response_3 Sept 2021

Our ref: STH21/00014/03
Contact: Andrew Lissenden 0418 962 703
Your ref: REZ/0002/2021

3 September 2021

Megan Trotter
Goulburn Mulwaree Council
BY EMAIL: council@goulburn.nsw.gov.au

PLANNING PROPOSAL (REZ/0002/2021) – ADDITIONAL PERMITTED USES AT LOT 2 AND 3 DP 1053945 (NO.14-16) GEORGE STREET, MARULAN AND LOT 1 DP 706477 (NO.159) RIFFLE RANGE ROAD, GOULBURN – PUBLIC EXHIBITION

Dear Megan,

Transport for New South Wales (TfNSW) refers to your email dated 31 August 2021 regarding the public exhibition of the above planning proposal (PP).

TfNSW has reviewed the information provided while focusing on the impact to the state road network (i.e. the Hume Highway). TfNSW notes:

- it has previously provided comments on the PP (i.e. post gateway - refer to the TfNSW letter dated 2 August 2021 – **Appendix 1**);
- the PP, in terms of the amendments to the provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) for the two different sites (i.e. the allowance of additional permissible use beyond those already allowed under the GM LEP 2009), has not significantly changed from when TfNSW provided its previous advice; and
- To address the comments that TfNSW previously made concerning 159 Rifle Range Road, Council has included in draft Schedule 1: Additional Permitted Uses, Clause 7 of the GM LEP 2009, two additional subclauses relating to access and noise.

On the basis that the above is correct, TfNSW does not object to the PP as it applies to both sites subject to the requirements in Point 2a) and Point 2b) in Attachment 2 of the TfNSW letter dated 2 August 2021 being adequately addressed as part of any future development applications lodged.

If you have any questions please contact me on 0418 962 703.

Yours faithfully

Andrew Lissenden
Development Case Officer
Community and Place | South Region
Cc: Megan.Trotter@goulburn.nsw.gov.au

Transport for NSW

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

1 of 2

Appendix 1

Please see the document titled **Appendix 1 – TfNSW response 2.08.21**.



Transport
for NSW

Attachment 2h_TfNSW Re-exhibition Response_18 Nov 2021

Our ref: STH21/00014/04
Contact: Andrew Lissenden 0418 962 703
Council ref: REZ/0002/2021

18 November 2021

Megan Trotter
Goulburn Mulwaree Council
BY EMAIL: council@goulburn.nsw.gov.au

PLANNING PROPOSAL (REZ/0002/2021) – ADDITIONAL PERMITTED USES AT LOT 2 AND 3 DP 1053945 (NO.14-16) GEORGE STREET, MARULAN AND LOT 1 DP 706477 (NO.159) RIFFLE RANGE ROAD, GOULBURN – PUBLIC RE EXHIBITION

Dear Megan,

Transport for New South Wales (TfNSW) refers to your email dated 17 November 2021 regarding the public re-exhibition of the above planning proposal (PP) and the subsequent phone discussion had with Council staff.

TfNSW has reviewed the information available on the NSW Planning Portal while focusing on the impact to the state road network (i.e. the Hume Highway). TfNSW notes:

- it has previously provided comments on the PP (i.e. post gateway - refer to the TfNSW letter dated 2 August 2021 – **Appendix 1** and during its previous public exhibition – refer to TfNSW letter dated 3 September 2021);
- the PP, in terms of the amendments to the provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) for the two different sites (i.e. the allowance of additional permissible use beyond those already allowed under the GM LEP 2009), has not significantly changed from when TfNSW provided its previous advice;
- the PP is being re-exhibited in line with the resolution from Council at its meeting on 2 November 2021; and
- to address the comments that TfNSW previously made concerning 159 Rifle Range Road, Council has included in draft Schedule 1: Additional Permitted Uses, Clause 7 of the GM LEP 2009, two additional subclauses relating to access and noise.

On the basis that the above is correct, TfNSW does not object to the PP as it applies to both sites subject to the requirements in Point 2a) and Point 2b) in Attachment 2 of the TfNSW letter dated 2 August 2021 being adequately addressed as part of any future development applications lodged.

If you have any questions, please contact me on 0418 962 703.

Yours faithfully

Andrew Lissenden
Development Case Officer
Community and Place | South Region

Cc: Megan.Trotter@goulburn.nsw.gov.au; and
david.kieman@goulburn.nsw.gov.au

Transport for NSW

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

1 of 2

Appendix 1

Please see the document titled **Appendix 1 – TfNSW response 2.08.21**.



Planning,
Industry &
Environment

Attachment 2i_DPIE Biodiversity & Conservation Division Post-Gateway Referral
Response_5 Aug 2021

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Our ref: DOC21/663378-1

Your ref: REZ/0002/2021

Council@goulburn.nsw.gov.au

Attention: David Kiernan

5 August 2021

Dear Mr Kiernan

Subject: Planning Proposal - Ref-690 - PP-2021-4107- Additional Permitted Uses at 14 & 16 George Street, Marulan and 159 Rifle Range Road, Goulburn

I refer to your request for Biodiversity and Conservation Division's (BCD) review of the above planning proposal which seeks additional permitted uses (restaurant, motel and bottle shop) at George Street, Marulan, and at 159 Rifle Range Road, Goulburn that seeks a split subdivision and the use of a local clause to permit a dwelling.

BCD have considered the planning proposal against the ministerial planning directions set out below:

- 2.1 Environment Protection Zones
- 4.3 Flood prone land
- 5.10 Implementation of Regional Plans

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.

However, we recommend that the Minimum Lot Size (MLS) for 159 Rifle Range Road, Goulburn, reflect the size of the lot, which means that rather than being 70ha, it should be 76ha. This would reduce the likelihood of the block being further subdivided in the future, and minimise the potential for development to impact the critically endangered ecological community of *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box-gum woodland) located on the site.

In order to avoid future development applications exceeding the threshold for entry into the Biodiversity Offsets Scheme (BOS), we recommend the proposed building envelope including Asset Protection Zone (APZ) be located within the cleared areas (exotic pastures) that are identified in Appendix 24.

If you wish to discuss this matter further, please contact Lyndal Walters, Senior Regional Biodiversity Conservation Officer, on 6229 7157.

Yours sincerely,

ALLISON TREWEEK
Senior Team leader Planning South East
Biodiversity and Conservation

cc George Curtis – DPIE – Planning and Assessment

11 Farrer Place Queanbeyan NSW 2620 | PO Box 733 Queanbeyan NSW 2620 | dpi.e.nsw.gov.au | 1



Planning,
Industry &
Environment

Attachment 2j_DPIE Biodiversity & Conservation Division Exhibition Response_21 Sept 2021

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580
Council@goulburn.nsw.gov.au

Our ref: DOC21/782191-2

Your ref: REZ/0002/2021

Attention: David Kiernan

21 September 2021

Dear Mr Kiernan

Subject: Updated Planning Proposal - PP-2021-4107– Additional Permitted Uses at 14 & 16 George Street, Marulan and 159 Rifle Range Road, Goulburn

I refer to your request for Biodiversity and Conservation Division's (BCD) review of the above updated planning proposal which seeks additional permitted uses (restaurant, motel and bottle shop) at George Street, Marulan, and at 159 Rifle Range Road, Goulburn that seeks a split subdivision and the use of a local clause to permit a dwelling.

BCD have considered the updated planning proposal against the ministerial planning directions and we are satisfied that it has adequately addressed them. As such we do not object to the planning proposal:

In addition, we are pleased that our recommendation to have the Minimum Lot Size (MLS) for 159 Rifle Range Road, Goulburn, reflect the size of the lot, which has been recently re-calculated to be approximately 74.5ha by Council, and that the MLS will now be 74ha. This will reduce the likelihood of the block being further subdivided in the future, and minimise the potential for development to impact the critically endangered ecological community of *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box-gum woodland) located on the site.

As advised in our previous letter, in order to avoid future development applications exceeding the threshold for entry into the Biodiversity Offsets Scheme (BOS), we recommend the proposed building envelope including Asset Protection Zone (APZ), be located within the cleared areas (exotic pastures) that are identified in Appendix 24.

If you wish to discuss this matter further, please contact Lyndal Walters, Senior Regional Biodiversity Conservation Officer, on 6229 7157.

Yours sincerely,

ALLISON TREWEEK
Senior Team Leader Planning South East
Biodiversity and Conservation

cc George Curtis – DPIE – Planning and Assessment



Planning,
Industry &
Environment

Attachment 2k_DPIE Biodiversity & Conservation Division Re-exhibition Response_3
Dec 2021

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

Council@goulburn.nsw.gov.au

Attention: David Kiernan

3 December 2021

Our ref: DOC21/1036920-4

Your ref: REZ/0002/2021

Dear Mr Kiernan

Updated Planning Proposal - PP-2021-4107– Additional Permitted Uses at 14 & 16 George Street, Marulan and 159 Rifle Range Road, Goulburn – November 2021 exhibition

Biodiversity and Conservation Division (BCD) have reviewed of the above updated planning proposal. We note this version of the planning proposal has not changed from the previously exhibited version in September 2021, we do not need to provide any additional comments. As such, we refer Council to our previous advice from our letter dated 21 September 2021, reference number DOC21/782191-2.

If you wish to discuss this matter further, please contact Lyndal Walters, Senior Regional Biodiversity Conservation Officer, on 6229 7157.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Allison Treweek'.

ALLISON TREWEEK
Senior Team Leader South East
Biodiversity and Conservation
cc George Curtis – DPIE – Planning and Assessment



Attachment 2I_NSW Rural Fire Service Post-Gateway Referral Response_3 Aug 2021

NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Your reference: (REF-688) REZ/0002/2021
Our reference: SPI20210725000111

ATTENTION: David Kiernan

Date: Tuesday 3 August 2021

Dear Sir/Madam,

Strategic Planning Instrument Rezoning – Planning Proposal

The planning proposal involves 2 distinct sites. The Marulan Truckstop is seeking the permissibility of a fast food restaurant on lot 2 at 14 George Street and motel and pub with ancillary bottle shop on lot 3 at 16 George Street. 159 Rifle Range Rd is seeking the permissibility of a dwelling with a restriction of minimum allotment size.

I refer to your correspondence dated 23/07/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has reviewed 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*.

The objectives of the direction are:

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

The direction provides that 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.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Anna Jones
**Supervisor Development Assessment & Plan
Built & Natural Environment**

2



Attachment 2m_NSW Rural Fire Service_Exhibition Response_8 Sept 2021

NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Your reference: REZ/0002/2021 / PP-2021-4107
Our reference: SPI20210901000143

ATTENTION: Megan Trotter

Date: Wednesday 8 September 2021

Dear Sir/Madam,

Strategic Planning Instrument Draft LEP

Goulburn Mulwaree Council gives notice of the public exhibition of a Planning Proposal under Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*. The intended outcome of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009, Schedule 1: Additional Permitted Uses* by including the following as additional permissible uses:

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan.
- Dwelling house on part of Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn

I refer to your correspondence dated 31/08/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
**Supervisor Development Assessment & Plan
Built & Natural Environment**

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Attachment 3a: Public Exhibition Submission_Donna Ryall_10 September 2021

To the General Manager

Good afternoon,

I am writing in regard to the **Planning Proposal – Additional Permitted Uses at 14 & 16 George Street, MARULAN, 2579**, more specifically the proposal for a motel or hotel accommodation, pub and bottle shop at Lot 3 DP 1053945 at 16 George Street, Marulan.

I reside directly opposite this address at 15 George Street, Marulan. Whilst I am keen to see the area tidied up and am not against development, my concerns are:

1. Where the driveway or entrance to the proposed motel/hotel, pub and bottle shop would be located. If located directly opposite my own driveway I strongly object on the grounds that it would cause an increase in traffic, both noise and headlights shining directly into the front room of my premises from vehicles exiting the location.
2. I have concerns where the parking for the proposed motel or licenced premises would be. The area is already quite busy with vehicles being parked in the street both on my footpath and across the road in front of 16 George St when people are attending the Marulan Medical Centre.
3. I am concerned as to the extra amount of rubbish that would be generated. Already the truck stop at 14 George St generates a lot of rubbish that blows across into my yard. I am constantly having to pick up rubbish and use my own bins for it. This also relates to the proposal for a fast food restaurant in front of the current truck stop at 14 George Street, Marulan. I would propose that high fences be erected around any fast food premises in order to stop the rubbish from blowing across into my yard.
4. If this proposal is to go ahead, I seek your approval to increase the allowed front fence height of my property from the current 1.2m to much higher than that so that I may have some privacy.

I would also like to know what the proposed hours of operation would be for any licenced premises at 16 George Street, Marulan and depending on this, I may make further submissions. I bought the land and built the house on it as a residential property, not an industrial property and believe this area, and my specifically my property, is zoned residential. Please correct me if this is not the case.

I look forward to your response.

Attachment 3b_Public Exhibition Submission_Julie Graham_5 October 2021

Julie Graham
26 Station Street
Marulan NSW 2579

05 October 2021

The General Manager
Goulburn Mulwarree Council
Bourke Street
Goulburn NSW 2580

Dear Sir/Madam

Re: **Additional Uses Planning Proposal - REZ/0002/202**

I am writing in response to the Proposed Development at 14-16 George Street Marulan with submissions closing this afternoon.

I have reviewed the proposed submission and although not against progress I request you consider my points below.

I have serious concerns regarding the height and roof to facilities proposed within the hotel. The proposed development is the adjacent property to our town's family doctors clinic and then our residential area. The report acknowledges noise and traffic considerations however noise carries a considerable distance at night and while one can adjust to the slow drone of traffic. Noise produced from alcohol is loud often high pitched and sudden. Noise from patrons travelling from a venue which is well supported such as this will certainly have a long term impact on our community.

A roof top bar area is something I would expect to see in a more densely populated community and while I acknowledge this will be targeted at growth. I question if council would approve such an item with a development proposal if it was placed next door to their property. Why Marulan we are growing yes, and need services yes, but with consideration.

We already have alcohol available at two venues within our town- the Terminus and IGA and while this development appears to be targeting travellers it is a third venue for our village and while the opening hours are not yet proposed it is still a disproportionate amount of alcohol for a village location.

Heritage: How offensive it was for the applicant to select a 'horders' home to showcase our heritage area. Not only as this is an ongoing concern and has been referred to Goulburn Mulwarree Council with fire concerns and also the impact on the heritage church next door but because it is well known the Marulan Community has worked continuously to support our local businesses who have contributed so much to retaining our beautiful buildings. Please see the attach photos of our town centre where the new shopping centre is integrated and supported by locals.

Transport: Marulan has a train/bus service for those working north of Marulan mostly. Unfortunately Goulburn to Marulan services are limited and not well patronised. Private car from Marulan 30 minutes to Goulburn – 30-45 minutes Moss Vale and 45 Minutes Mittagong.

Waste waste waste.. Oh my goodness it's amazing how this impacts the entrance to Marulan. The Council street area from the BP to the roundabout and the fence area of the Meridian Park is continuously littered with takeaway rubbish. People literally drive away throwing their waste out the vehicle window. A drive though takeaway will not change people's behaviour and I can only see this issue becoming a major problem without it being seriously addressed by Council. Not only for the takeaway and Hotel Motel proposed development but the whole stretch as mentioned above. It is the older people in the community who collect the loose waste not young people or those to drive through...

Electricity Grid: This winter we noticed the substantial difference in our cooking. Is sustainable energy and solar option to be integrated within the development? I would have thought this was an extremely important conversation to have pre development and would assist with any submission.

Demographics: Well wasn't this enlightening! Marulan has had considerable growth within the last five years and development is active in all directions. I would like to point out the most recent census should have us above the 40% so proudly quoted, so we can be assisted to improve ourselves. Offense completely!! Our population has changed considerably over the last five years and families and retirees are finding a beautiful village atmosphere which was supported through the difficult years by the previous volunteers and older residents yes the 40%. The Lions Club, Marulan Progress Association and Chamber of Commerce and Marulan Volunteers.

Thank you for reading.

Kind regards
Julie Graham

[REDACTED]

















Attachment 3c_Public Exhibition Submission_Gary Spicer & Sam Atkinson_5 October 2021

Attention Ryan Gill

I have been advised of your name and email address to email you in relation to the amended proposal for 14 -16 George street.

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan

I don't agree with the works that are being suggested for 16 George street. I don't believe this is something that will benefit our area as there is already a number of locations in Marulan that alcohol can be purchased. Marulan already has a pub located on the main street and a tavern not even 200m from the proposed location. Our town is not big enough to warrant 2 pubs and a tavern. As for the accommodation there is also a number of locations in George street Marulan. The Marulan Motor Inn 200 meters down the road. And we also have the Terminus pub and Marulan Stayz that are on George street as well and I'm pretty sure that they always have vacancies.

As I live at 17 George street Marulan I also have 3 young children and am concerned of the possibility of increased traffic on the road and an increase in noise. We already have issues with trucks using their Jake breaks at all hours of the day and night. We are a trucking family so we are all for trucks in the area however my bedroom is at the front of the house. How will the increase in noise and traffic affect us?

How will this affect the residential property prices around and near this site?

In regards to the fast food. Marulan already has a number of fast food drive through options in and around town. With KFC, 2x Hungry Jack's, 2x subways, an Indian restaurant as well as the numerous cafes throughout town. We also have McDonald's only a short drive out of town in either north or south directions.

I honestly do not believe that Marulan's town or population warrants any of these proposed ideas and the location is inappropriate

Regards

Gary Spicer and Samantha Atkinson

Attachment 3d_Public Exhibition Submission_Jos Roberts_5 October 2021

Development at 14-16 George Street Marulan

I write as a member of the Marulan community who has focussed much effort to develop the town as a coherent community. Personal wishes and benefits should not influence the overall considerations. Marulan has great potential, but I believe that a bigger picture should be maintained.

What is good for the town is key and the regulations should ensure that result; the regulations are not an end in themselves. Having two town centers in the town creates division. This proposal will commence the hollowing out of the town retail centre doubtless to be followed by other local spot rezonings unless these are done on a first in best dressed basis. It will benefit some but detract from the town's master plan. We all need to think in the 25-year term not just a quick returns.

Due to the hollowing out the retail centre it will become less commercially attractive to develop that centre. Why remodel the Terminus pub when there is another new competitor down the road taking trade away? I am hoping for more and varied retail businesses to open in the centre – its beginning to develop having been asleep for years. A new Garden Centre and a new Café are proposed in the Marulan Village Center – a new hire shop has opened adjacent. The pub has changed hands and has a huge block of land behind enabling it to develop and become a social magnet. The town is just beginning to falteringly develop and has new blood and owners are seeing the potential. The existing center still needs investment and this proposal will be create a disincentive.

The residential areas around the town are growing – they need to be serviced and not solely rely on Goulburn and Mittagong. We know the traffic on the Hume is going to become much heavier as more and more quarry trucks will roll by, so local shopping and employment in a vibrant centre is to be encouraged.

The pub type establishment close by this site, part of the existing motel, has been empty for a long time – the Duck Inn opened there for a brief period but did not survive. Marulan Rural Supplies seems to be doing well. KFC is already there. The BP station now serves fast food. Will another fast food outlet stifle the current offerings? The local area planning/architecture has had no apparent master plan, there are roads everywhere; its all been designed on a component basis, not as a whole. It's a mess. I believe this proposal has long term negative effects for the town as a whole and does not contribute to cleaning up the current incoherent planning in that area. The long term costs may be felt for years.

I ask the Council to consider what is best for the town in the longer term. I do support appropriate development contributing to this area but I believe this proposal seeks to alter the regulations to suit this component of the town, not the whole.



Attachment 3e_Public Exhibition Submission_Lee Environmental Planning
on behalf of Mr Ken McCourt

P 0408 473 857
E lep.planning@gmail.com
W www.lepplanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

Ken McCourt

Dear Ken,

RE: Planning Proposal for additional permitted uses at 14 & 16 George Street, Marulan

As requested, I am writing to you in regards to the above Planning Proposal that has only recently been drawn to your attention by Goulburn Mulwaree Council. Your interest arises as a landowner of commercial property on George Street within the town centre of Marulan.

You forwarded a copy of a Council report that I understand will be presented shortly to a meeting of Goulburn Mulwaree Council. It follows from an earlier planning report of April 2021.

Whilst this report deals with both the George Street site and Rifle Range Road site, your concerns relate directly to George Street and my comments are confined to that aspect of the Planning Proposal. (Council's Reference PP-2021-4197).

I believe the following comments should be presented to the Council's Strategic Planning department as soon as possible to ensure your concerns are properly considered, either before the matter is reported to Council or at the very least at that meeting so Councilors are aware of your concerns and the potentially divisive nature of the report recommendation.

Consultation

You have advised that the existence of the Planning Proposal has come as a surprise not only to yourself, but also to many other of the landowners within the Marulan town centre.

I am unaware of what processes Council has undertaken to make people aware of the Planning Proposal to ensure comprehensive and meaningful involvement with the community. Clearly if a large proportion of an affected community is unaware of imminent changes to planning controls, then whatever public engagement process was undertaken has been unsuccessful. Council may not therefore have satisfied its obligations to its community. Such a failure could call into doubt the procedural fairness of the process.

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· Land and Environment Court · Local Government specialist



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P 0408 473 857
E lep.planning@gmail.com
W www.lepplanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

Intention of the Planning Proposal

The stated intended outcome of the Planning Proposal for the property at 14-16 George Street Marulan is to allow certain land uses that are not currently permissible, namely a motel, pub and bottle shop.

It is intended to do so through providing an 'exception' for the site through listing in Schedule 1 of the GMLEP2009. This in effect keeps the underlying zoning of the land (IN1 General Industrial) but allows other uses which presumably, have been handpicked by the proponent.

The report confirms that this aspect of the Planning Proposal has not emanated from any strategic study or direction. In that sense it is not unfair to call it simply an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable.

A land owner cannot be criticized for seeking profitable land uses, however that desire does not necessarily translate into a solid reason for a Planning Proposal.

Marulan is a recognised and important service centre along the Hume Highway corridor, but it is also a local centre servicing a local population. The current land use zoning of the GMLEP2009 reflects this. This makes this 'spot rezoning' approach to the site somewhat confusing.

Strategic merit

It is necessary for all Planning Proposals to demonstrate strategic planning merit. At this stage it is not apparent to me as to what the strategic merit is for this Proposal.

As noted above, the Council report recognizes that the Planning Proposal is not linked to any strategic study or report.

At this point in time, the best guide to long term strategic outcomes for Marulan are viewed through the existing land use zoning and the range of land uses that those zones allow. For the subject land, the prevailing zone is IN1 General Industrial. This zone allows for a wide range of land uses that can be long term contributors to the broader Marulan economy and community. The report makes no compelling case as to why the current zoning is deficient. The argument that other non industrial type uses are more profitable is not a planning reason of any substance.

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P 0408 473 857
E lep.planning@gmail.com
W www.lepplanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

Conversely, there is a defined Marulan town centre that is within the B2 Local Centre zone. This area contains the building blocks for a vibrant and successful town. This is through both the existing businesses that can consolidate and/or expand and sufficient zoned land to allow for new opportunities. I am unaware that there is a case that insufficient commercial land is available, or that the current B2 zoned land is ill equipped to cater for the needs of the locality.

There can be no argument that uses such as motel, pub and bottle shop should be seen as key town centre uses. I am unsure why Council would support dislocating the town centre by encouraging such key uses to leak outside of the town centre. This would be a failure of strategic planning,

The lack of strategic merit is concerning and coupled with the apparent lack of community involvement in this Planning Proposal, it would not be unreasonable to request Council to pause on this specific Planning Proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan.

Economic Impact

The Council report states that the Planning Proposal was supported by an Economic Impact Statement. I have not viewed that report, but Council's report includes information on some of its conclusions.

It is not surprising that the proposed development that would result from the Planning Proposal would generate positive economic numbers. However, the more critical question is why Council would believe such potential benefits should be stripped out of the identified Marulan town centre to a site outside of the town centre. That would appear to be an outcome at complete odds with the preferred long term strategic planning for the Marulan town and a question not answered within the Council report.

Site Specific merit

It is also necessary for a Planning Proposal to exhibit site specific merit. No doubt that through a Development Application process, it could be demonstrated that the site has the physical capacity to accommodate the proposed uses.

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P 0408 473 857
E lep.planning@gmail.com
W www.leppanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

However, it is questionable as to the site suitability when the potential negative impacts on the town centre are considered. The economic viability of a project is a different question to the economic impact of development. As already noted, it is unclear as to why Council would redirect development that acts as a town centre stimulus, away from the actual town centre.

Similarly, the social impact assessment as presented in the Council report is unconvincing. The greatest positive social impact must accrue through a strong cohesive town centre, which is being undermined by this Planning Proposal.

Summary

Please note that these comments are on the basis of the limited information available and the time frame in which to make a submission to Council.

My initial conclusion is that the Planning Proposal lacks strategic merit and on that basis alone it should not proceed and certainly not without first being the subject of meaningful public scrutiny and comment. Clearly that is a decision for the Council to make.

Yours Faithfully,

Scott Lee

2 October 2021

Providing a range of Planning and Development services including:

· Planning Proposals · Statement of Environmental Effects · Strategic Planning and Development advice · Advocacy and problem solving
· Land and Environment Court · Local Government specialist



Attachment 3f_Public Exhibition Submission_LATE ITEM_Lee Environmental Planning on behalf of Mr Ken McCourt_27 October 2021 1

P 0408 473 857
E lep.planning@gmail.com
W www.leppanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

Goulburn Mulwarree Council
Attention: Kate Wool

Dear Kate,

RE: Planning Proposal for additional permitted uses at 14 & 16 George Street, Marulan

Firstly, thank you to yourself and David Kiernan for taking the time to discuss this matter with myself and my client, Mr Ken McCourt on 15 October 2021.

As discussed, I am writing to you in regards to the above Planning Proposal that has only recently been drawn to our attention. My clients interest arises as a landowner of commercial property on George Street within the town centre of Marulan.

I have read the Council report that I understand will be presented to the meeting of Goulburn Mulwaree Council on Tuesday 2 November. I have registered to speak at that meeting, but as discussed with you, it would be appreciated if this letter could be circulated with the Business Papers.

Whilst the report deals with both the George Street site and Rifle Range Road site, our concerns relate directly to George Street and my comments are confined to that aspect of the Planning Proposal.

I believe the following comments are not properly covered in the Council report but they should be presented to the Council meeting by the Strategic Planning department to ensure our concerns are properly considered, so that Councilors are fully aware of our concerns and the potentially divisive nature of the report recommendation.

Consultation

You have advised that the Planning Proposal has been properly exhibited for the public to comment upon. However its existence has come as a late surprise not only to my client but also to many other landowners within the Marulan town centre.

I am unaware of what processes Council has undertaken to make people aware of the Planning Proposal to ensure comprehensive and meaningful involvement with the community. Clearly if a large proportion of an affected community is unaware of imminent changes to planning

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- Land and Environment Court · Local Government specialist



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P 0408 473 857
E lep.planning@gmail.com
W www.lepplanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

controls, then whatever public engagement process was undertaken has been unsuccessful. Council may not therefore have satisfied its obligations to its community. Such a failure could call into doubt the procedural fairness of the process.

The potential changes contemplated by the Planning Proposal are significant and in my opinion, it is incumbent upon the Council to ensure the whole of the community is firstly fully aware of the Planning Proposal and secondly, fully satisfied with their opportunity to be involved in the process. Neither of these is true in this case. When this becomes obvious, it becomes untenable for Council to continue to argue that it carried out its obligations to exhibit the changes in accordance with legal requirements.

We strongly argue that the Planning Proposal cannot proceed until such time as all stakeholders have had a proper opportunity for involvement.

Intention of the Planning Proposal

The stated intended outcome of the Planning Proposal for the property at 14-16 George Street Marulan is to allow certain land uses that are not currently permissible, namely a motel, pub and bottle shop.

It is intended to do so through providing an 'exception' for the site through listing in Schedule 1 of the GMLEP2009. This in effect keeps the underlying zoning of the land (IN1 General Industrial) but allows other uses which presumably, have been handpicked by the proponent.

The report confirms that this aspect of the Planning Proposal has not emanated from any strategic study or direction. In that sense it is not unfair to call it simply an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable.

In fact, through our discussion on 15 October, it became apparent that a significant driver of the Planning Proposal was the fact that the site was being outperformed by other existing highway service centre sites and the Planning Proposal was a 'solution' to making it more competitive.

With respect that is not a sound basis for the Planning Proposal.

A landowner cannot be criticized for seeking profitable land uses, however that desire does not necessarily translate into a solid reason for a Planning Proposal.

Providing a range of Planning and Development services including:

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· Land and Environment Court · Local Government specialist



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P 0408 473 857
E lep.planning@gmail.com
W www.lepplanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

The reason for the Planning Proposal has not been effectively argued by Council.

Marulan is a recognised and important service centre along the Hume Highway corridor, but it is also a local centre servicing a local population. The current land use zoning of the GMLEP2009 reflects this. This makes this 'spot rezoning' approach to the site somewhat confusing and in our view unjustified.

Strategic merit

It is necessary for all Planning Proposals to demonstrate strategic planning merit. At this stage it is not apparent to me as to what the strategic merit is for this Proposal.

As noted above, the Council report recognizes that the Planning Proposal is not linked to any strategic study or report.

At this point in time, the best guide to long term strategic outcomes for Marulan are viewed through the existing land use zoning and the range of land uses that those zones allow.

For the subject land, the prevailing zone is IN1 General Industrial. This zone allows for a wide range of land uses that can be long term contributors to the broader Marulan economy and community. The report makes no compelling case as to why the current zoning is deficient. The argument that other non industrial type uses are more profitable is not a planning reason of any substance.

Conversely, there is a defined Marulan town centre that is within the B2 Local Centre zone. This area contains the building blocks for a vibrant and successful town. This will be achieved through the existing businesses that can consolidate and/or expand and through the availability of sufficient B2 zoned land to allow for new opportunities. I am unaware that there is a case that insufficient commercial land is available, or that the current B2 zoned land is ill equipped to cater for the needs of the locality.

There can be no argument that uses such as motel, pub and bottle shop should be seen as key town centre uses. However, I am unsure why Council would support dislocating the town centre by encouraging such key uses to leak outside of the town centre.

This would be a failure of strategic planning.

Providing a range of Planning and Development services including:

· Planning Proposals · Statement of Environmental Effects · Strategic Planning and Development advice · Advocacy and problem solving
· Land and Environment Court · Local Government specialist



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E lep.planning@gmail.com
W www.lepplanning.com.au
A 33 Holly Street, Bowral NSW 2576
ABN 16 820 474 487

In our discussion you emphasized the highway service centre role of the subject site and how the Planning Proposal would support this in a way that the town centre could not. However, if highway travellers are demanding the services of a motel, pub and bottle shop, they can be serviced from the town centre.

The lack of strategic merit is concerning and coupled with the apparent lack of community involvement in this Planning Proposal, it is considered that it would only be reasonable for Council to pause on this specific Planning Proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan.

Economic Impact

The Council report states that the Planning Proposal was supported by an Economic Impact Statement. I have not viewed that report, but Council's report includes information on some of its conclusions.

It is not surprising that the proposed development that would result from the Planning Proposal would generate positive economic numbers. However, the more critical question is why Council believes such potential benefits should be stripped out of the identified Marulan town centre and given to a site outside of the town centre. That would appear to be an outcome at complete odds with the preferred long term strategic planning for the Marulan town and a question not answered within the Council report.

Site Specific merit

It is also necessary for a Planning Proposal to exhibit site specific merit.

No doubt a Development Application could demonstrate that the site has the physical capacity to accommodate the proposed uses. It is after all a large site with a good network of road access.

However, it is questionable as to the site suitability when the potential negative impacts on the town centre are considered.

The economic viability of a project is a different question to the economic impact of development. As already noted, it is unclear as to why Council would redirect development that should act as a town centre stimulus, away from the actual town centre.

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· Planning Proposals · Statement of Environmental Effects · Strategic Planning and Development advice · Advocacy and problem solving
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Similarly, the social impact assessment as presented in the Council report is unconvincing. The greatest positive social impact must accrue through a strong cohesive town centre, which is being undermined by this Planning Proposal.

Summary

Please note that these comments are on the basis of the limited information available and the time frame in which to make a submission to Council.

My initial conclusion is that the Planning Proposal lacks strategic merit and on that basis alone it should not proceed and certainly not without first being the subject of meaningful public scrutiny and comment. Clearly that is a decision for the Council to make **at its meeting on 2 November.**

Yours Faithfully,

Scott Lee

27 October 2021

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· Planning Proposals · Statement of Environmental Effects · Strategic Planning and Development advice · Advocacy and problem solving
· Land and Environment Court · Local Government specialist

Attachment 3g_Public Exhibition Submission_LATE ITEM_Holding Redlich on behalf of Mr Ken McCourt_28 October 2021



28 October 2021

Attention: Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
184 Bourke St,
GOULBURN NSW 2580

Special Counsel Peter Holt
Direct Line (02) 8083 0421
Email Peter.Holt@holdingredlich.com
Partner Thomas Kwok
Our Ref PEH 19750387

By email

Dear Mr Bennett

Planning Proposal – PP-2021-4197 – Additional permissible uses at 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn

We act for Mr Ken McCourt (**our client**) in relation to planning proposal PP-2021-4197 described on Goulburn Mulwaree Council's (**Council's**) website as "additional permitted uses at 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn" (the **planning proposal**).

A failure to comply with the Guide to preparing LEPs

The Gateway Determination requires the planning proposal material to be exhibited in accordance with part 6.5.2 of the Department of Planning and Environment's *a guide to preparing local environmental plans*. Relevantly, part 6.5.2 requires a written notice to:

1. Give a brief description of the objectives or intended outcomes of the planning proposal; and
2. Give the name and address of the PPA for the receipt of submissions.

The notice published on Council's website and in the *Goulburn Post* on 1 September 2021 incorrectly and insufficiently describes the planning proposal. The notice is required to describe the objectives and intended outcome of the planning proposal. Instead, the notice published on Council's website and in the *Goulburn Post* only:

1. describes the *mechanism* by which the change is proposed (that is an amendment to Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan 2009*; and
2. fails to stipulate that the 'additional permitted uses' on the subject land will be permitted *with development consent*.

Additionally, the notice on display on Council's website fails to specify a name and address for the receipt of submissions and is further lacking in this way.

The proposal is difficult to reconcile with the stated aims

The reason given for the planning proposal would appear to be to augment highway uses in that part of Marulan to provide accommodation for truck drivers, travellers and those who would use the site as a

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ABN 15 364 527 724

28 October 2021 Page 2
PP-2021-4197

base to work in the wider region. Currently highway service centres are permitted within the zone but various forms of tourist and visitor accommodation are prohibited.

The planning proposal would allow a hotel a pub and a bottle shop. The more appropriate use may be a motel rather than a hotel and the zoning already allows restaurants which would include the service of alcohol with a meal. Those uses would appear more consistent with the Council's stated strategic aims rather than a hotel, pub and bottle shop which are far more appropriate within the town centre.

Conferral of a windfall gain with no strategic planning merit

Beyond the deficiency of the notice we say that this planning proposal lacks any sort of merit. Additional permitted uses are typically used where a pre-existing lawful use would be subsequently prohibited by the adoption of the relevant Standard Instrument LEP zoning appropriate for the land. Here identifying hotel and motel accommodation and pub and bottle shop on land zoned Industrial is inconsistent with the objectives of the zone and is inconsistent with the strategic planning of the area and represents nothing more than the conferral of a windfall gain to the owner to allow them to add considerable value to what we understand is a failing enterprise.

Action required to be taken by Council

Community consultation needs to be robust, and the way in which the planning proposal has been exhibited is severely deficient, having regard to the current COVID restrictions, the nature of this proposal and the reasons set out above.

Here the Council chose to only do the bare minimum and the level of engagement has been poor. Other opportunities to engage identified in the Council's Community Participation Plan which could have included the use of pamphlets or posters, media releases, contact with key stakeholders and individuals (beyond the adjoining landowners) affected by the proposal were not adopted by the Council as part of a wider community consultation strategy on the planning proposal.¹

Accordingly, we request that the Council resolve to re-notify the planning proposal for another 28 days and notify key stakeholders and individuals affected in an attempt to cure the deficiencies set out above and give people a reasonable opportunity to prepare and make submissions in response to the proposal.

Our client otherwise reserves his rights to take action in relation to the matters set out in this letter, and will rely on this correspondence as necessary in any future costs claim.

Please contact Peter Holt, Special Council at peter.holt@holdingredlich.com should you wish to discuss this letter.

Yours sincerely



Holding Redlich

¹ Goulburn Mulwaree Council Community Participation Plan adopted by Council on 5 November 2019.

Attachment 3h_Public Exhibition Submission_LATE ITEM_Local Petition_29 October 2021

SIGNIFICANT CHANGES FOR MARULAN

Did you know Council is changing the planning rules for one land owner without talking to other land owners? *who*

The changes could have a dramatic effect on the existing businesses in Marulan town center.

Why has the local community not had a proper opportunity to be heard on this important to be heard on this important question?

If you believe council should stop and talk to the local community, please sign....

NAME	CONTACT	SIGNATURE
Katie McCallum		
Lesia Humphries		
Rich Wellow		
Kate Opa		
Tanya Winters		
KARIN MARSHALL		
Julie Brown		
Ashleigh Hogan		
KIM STEWART		
Tim Winter		
Dennis Sainsbury		
Daniel Goodheart		
Adam Cordingley		
PAUL SKIPWES		
Tom Penegar		
D. TOWNSON		
Peter Dinsdale		
Ray Watering		
Sean Hannon		
ROBERT LATHAM		
OLIE ASPEVIN		
Top Gurr		
John Wym		
David Bradley		
Paul McEwen		

SIGNIFICANT CHANGES FOR MARULAN

Did you know Council is changing the planning rules for one land owner without talking to other land owners?

The changes could have a dramatic effect on the existing businesses in Marulan town center.

Why has the local community not had a proper opportunity to be heard on this important to be heard on this important question?

If you believe council should stop and talk to the local community, please sign....

NAME	CONTACT	SIGNATURE
G. McGRATH		
L. JONES		
D. JONES		
J. McGRATH		
C. Cinnitt		
R. TURNER		
D. DEEGAN		
M. TURNER		
S. LUND		
P. DAY		
SUSIE EDWARDS		
HENRIK LUND		
MARIE PENDER		
Jayne Shafter		
OLIE FLINKE		
ELIZABETH BRADLEY		
Samantha van der Meer		
Logan Knightley		
Joanne Walsh		
JOHN DELANEY		
Renee Potter		
JEAN LOUIS		
SPS ROBERTS		
JOHN WIGGAM		
CAROLYN HAWES		

SIGNIFICANT CHANGES FOR MARULAN

Did you know Council is changing the planning rules for one land owner without talking to other land owners?

The changes could have a dramatic effect on the existing businesses in Marulan town center.

Why has the local community not had a proper opportunity to be heard on this important to be heard on this important question?

If you believe council should stop and talk to the local community, please sign....

NAME	CONTACT	SIGNATURE
Dawn Hogan		
Sarah Smith		
Ben Falk		
leigh Seffrey		
Jeremy Potter		
Chris Hayward		
Nick Hammond		
Jasmyne Deegan		
AYLA + CLINT		
Matthew Vreman		
Gary Lidgard		
Warick Lidgard		
Kiley Lidgard		
Stacey Stephenson		
Dane Stephenson		
Debby Lingard		
David Humphrey		
Stephen Lichtenberger		
Keely Lichtenberger		
CHARLIE SPITZER		
LINDA BLICHARZ		
JEFF HUDSON		
John Blinch		
David Blissett		

Attachment 3i_Public Re-exhibition Submission_Nick Smith_26 November 2021



Fri 26/11/2021 3:49 PM

Marulan Motor Inn.

To Council

Paul

For Attention of, David Kiernan and Council General Manager,
Regarding REZ/0002/2021

Nick Smith is my name and I have bought the Marulan Motor Inn,
18 months ago.

I read the Planning Proposal for lot 14 and 16 George Street Marulan,
and I like things the way they are , preferably,

I have got the restaurant on this premises and would like a big
chain to go into there but a fast food Chain at 14 George St. can be tolerated,
But as for the proposal for a Hotel or Motel at 16 George Street
That is definitely out , 100% against that , I have got a Taven /Hotel
at the front of this Premises, and 22 room Motel here, with occupancy
rate at probably 5% or less. I am making sure you know I am dead against
any Hotel or Motel anywhere.

Thank you,

Regards Nick Smith.

Attachment 4a_Public Exhibition Notice_6 Sept 2021- 5 Oct 2021

Public Exhibition of a Planning Proposal –

Additional Permitted Uses at:

14 & 16 George St, Marulan and 159 Rifle Range Road, Goulburn

Goulburn Mulwaree Council gives notice of the public exhibition of a Planning Proposal under Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*. The intended outcome of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009*, *Schedule 1: Additional Permitted Uses* by including the following as additional permissible uses:

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan.
- Dwelling house on part of Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn

Goulburn Mulwaree Council is the delegated plan making authority for the Planning Proposal under the conditions of the gateway determination (available for viewing with the Planning Proposal).

The Planning Proposal and supporting information will be on public exhibition from **Monday, 6 September, 2021 until close of business Tuesday, 5 October, 2021**. It will be available to view at the Civic Centre (184 Bourke Street Goulburn), the Goulburn Mulwaree Library during business hours or online on the Goulburn Mulwaree Council web site www.goulburn.nsw.gov.au under the “Public Exhibition” section.

Submissions shall be made in writing addressed to the General Manager, with the subject heading **‘Additional Uses Planning Proposal’** including the planning proposal number **(REZ/0002/2021)**, in person at the Civic Centre, via post to Locked Bag 22 Goulburn, NSW, 2580 or emailed to council@goulburn.nsw.gov.au

Alternatively the Planning Proposal and supporting information is available to view and comment on through the NSW Government Planning Portal website www.planningportal.nsw.gov.au/ppr, using reference **PP-2021-4107**.

Please note, submissions may be made public in accordance with the *Government Information (Public Access) Act 2009* including both the substance and the identity of the author. Submissions may be provided or published in Council reports and correspondence, on Council’s website, to government agencies, in court proceedings or to any person seeking a copy. The onus is on anyone making a submission to advise if they have made any political donations within the last two (2) years.

Contact Details: If you would like to speak with a Council officer about the proposed amendment, please contact Council’s Strategic Planning Team on (02) 4823 4444 during business hours.

Attachment 4b_Public Re-exhibition Notice_22 Nov 2021- 14 Jan 2022

Public Re-exhibition of a Planning Proposal –

Additional Permitted Uses at:

14 & 16 George St, Marulan and 159 Rifle Range Road, Goulburn

Goulburn Mulwaree Council gives notice of the public exhibition of a Planning Proposal under Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*. The intended outcome of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009*, *Schedule 1: Additional Permitted Uses* by including the following as additional permissible uses:

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan.
- Dwelling house on part of Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn

Goulburn Mulwaree Council is the delegated plan making authority for the Planning Proposal under the conditions of the gateway determination (available for viewing with the Planning Proposal).

This planning proposal is being re-exhibited in accordance with Council resolution on 2 November 2021 to provide additional opportunity to make comment on the proposal.

The Planning Proposal and supporting information will be on public exhibition from **Monday, 22 November, 2021 until close of business Friday, 14 January, 2022**. It will be available to view at the Civic Centre (184 Bourke Street Goulburn), the Goulburn Mulwaree Library during business hours or online on the Goulburn Mulwaree Council web site www.goulburn.nsw.gov.au under the “Public Exhibition” section.

Submissions shall be made in writing addressed to the General Manager, with the subject heading **‘Additional Uses Planning Proposal’** including the planning proposal number **(REZ/0002/2021)**, in person at the Civic Centre, via post to Locked Bag 22 Goulburn, NSW, 2580 or emailed to council@goulburn.nsw.gov.au

Alternatively the Planning Proposal and supporting information is available to view and comment on through the NSW Government Planning Portal website www.planningportal.nsw.gov.au/ppr, using reference **PP-2021-4107**.

Please note, submissions may be made public in accordance with the *Government Information (Public Access) Act 2009* including both the substance and the identity of the author. Submissions may be provided or published in Council reports and correspondence, on Council’s website, to government agencies, in court proceedings or to any person seeking a copy. The onus is on anyone making a submission to advise if they have made any political donations within the last two (2) years.

Contact Details: If you would like to speak with a Council officer about the proposed amendment, please contact Council's Strategic Planning Team on (02) 4823 4444 during business hours.