



Planning Proposal

Prepared for:

Airservices Australia



Lot 2, DP 746614 Brayton Road, Marulan

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LandTeam Australia Pty Ltd

Goulburn Office
36 Montague Street
Goulburn NSW 2580
PH 02 4821 1033
FAX 02 4821 7238
goulburn@landteam.com.au

Bowral Office
357 Bong Bong Street
Bowral NSW 2576
PH 02 4861 2467
FAX 02 4861 4975
bowral@landteam.com.au

Warilla Office
Unit 5/97 Shellharbour Road
Warilla NSW 2528
PH 02 4296 7055
FAX 02 4297 1163
wollongong@landteam.com.au

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1.0 INTRODUCTION

This Report represents the formative phase in the development of a Planning Proposal geared toward the rezoning of the land, described and shown below (Figure 2), at Brayton Road, Marulan from *SP2 Infrastructure* to *R1 General Residential* and introduce a 700m² minimum subdivision lot size and an eight (8) metre height limit as detailed in Section 4 below.

The Planning Proposal is necessary as the land is surplus to the needs of the landholder and the current zone is inappropriate for alternative land uses. As a consequence of a rezoning, there is an opportunity to improve the supply of housing in the Goulburn-Mulwaree Local Government Area, and more specifically the village of Marulan.

The locational advantages of this infill site close to the centre of Marulan; other regional centres including Goulburn; existing employment, infrastructure and public transport are expected to make this an attractive and desirable location for residential housing.

Development of the subject site for urban purposes will increase the choice and range in housing for households in Goulburn Mulwaree LGA consistent with Council's Strategy, 2020. This is addressed in detail in this Planning Proposal.

Development of the site has the potential to offer in the order of 45 - 50 dwellings. Importantly, it can also be comparatively self-contained and self-sufficient, with access to a wide range of education, community, recreation and retail and commercial services (and associated local employment) for residents in district. Adoption of contemporary technologies and design can ensure water quality objectives and other environmental considerations can be readily met.

The close proximity of the Hume Highway and Main Southern Rail Line provides the opportunity for a contemporary response to promoting public transport use, and correspondingly can achieve sustainability and quality of life objectives.

The owners of the subject site have recognised these locational attributes, and it is this opportunity that is the genesis of this Planning Proposal for Council's consideration.

The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment, it being proposed to amend Goulburn Mulwaree Local Environmental Plan (LEP) 2009 by the introduction of an amending LEP.

The landowner is prepared to work cooperatively with Goulburn Mulwaree Council to review and address the opportunity for an integrated and coordinated approach to this rezoning so as to facilitate this infill development.

1.1 Context

This report has been prepared to support the development of a Planning Proposal for the rezoning of land known as Lot 2, DP 746614, Brayton Road Marulan for residential purposes. The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment of the Goulburn Mulwaree Local Environmental Plan 2009 (as amended).

Subject site

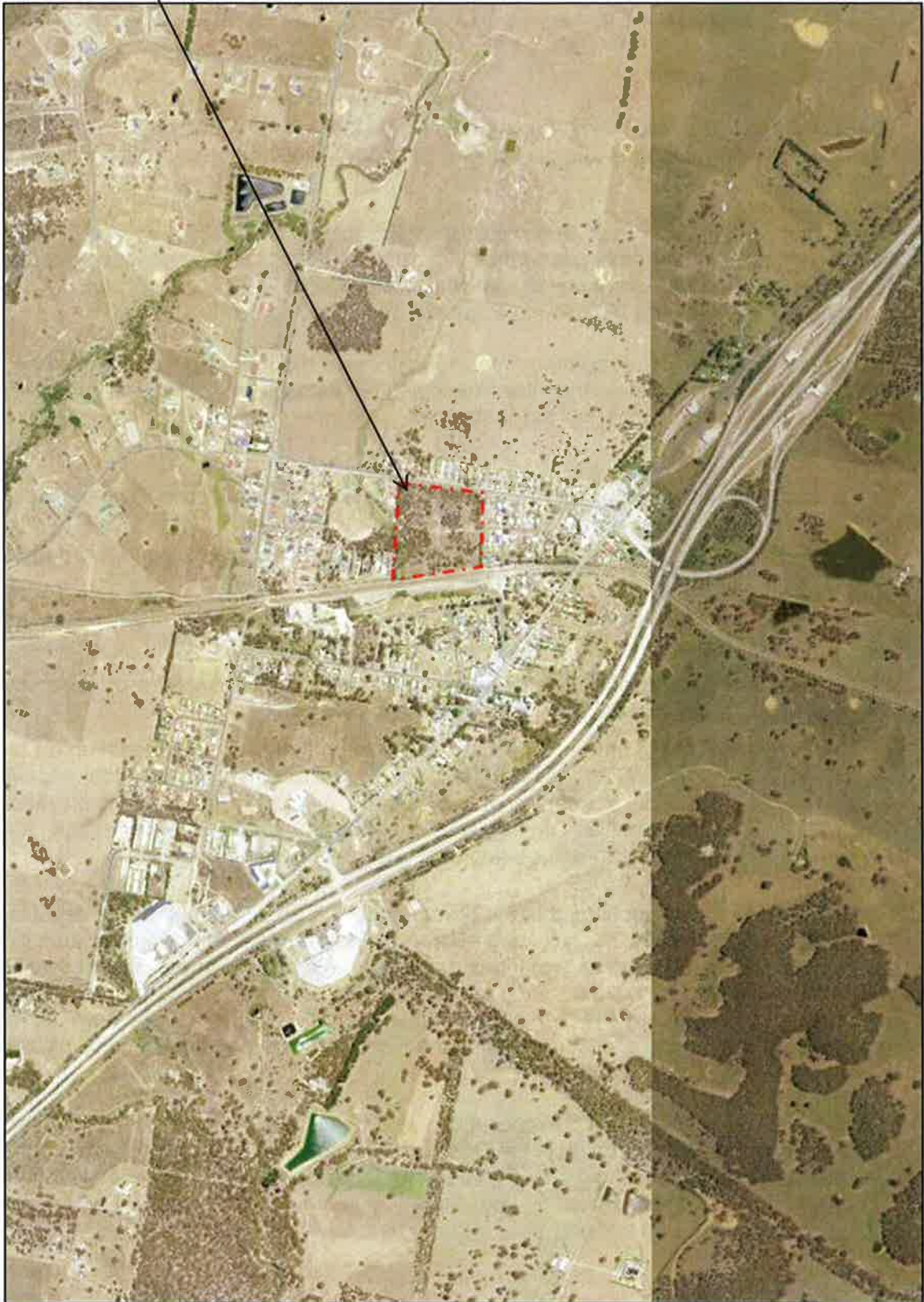


Figure 1: Location Plan (SIX Maps)

1.2 Scope of Report

The preparation of a local environmental plan now starts with a Planning Proposal. This Planning Proposal explains the objectives, intended effect of, and justification for the rezoning proposal.

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and relevant Department of Planning and Infrastructure Guidelines including *"A Guide to Preparing Local Environmental Plans"* and *"A Guide to Preparing Planning Proposals"*.

As outlined in *'A Guide to Preparing Planning Proposals'* the Planning Proposal will evolve throughout the course of preparing the amending LEP as relevant sections will be updated and amended in response to the outcomes of further technical investigations and consultation.

The 'Guide' requires the Planning Proposal to be provided in four (4) specific parts, being:

- *Part 1* – A statement of the objectives or intended outcomes of the proposed LEP;
- *Part 2* – An explanation of the provisions that are to be included in the proposed LEP;
- *Part 3* – The justification for those objectives, outcomes and provisions and the process for their implementation; and
- *Part 4* - Details of the community consultation that is to be undertaken on the Planning Proposal. This report confirms that the development will provide a number of benefits for the LGA, including employment opportunities during the construction phase of the roads and infrastructure, including construction of buildings.

This Planning Proposal confirms that the development will provide a number of benefits for the Goulburn Mulwaree LGA, including short-term employment opportunities during the construction phase of the roads and infrastructure, as well as the construction of dwellings and ancillary buildings. Longer term, an additional 45-50 new dwellings will generate employment prospects in the service industries, as well as encouragement for new families to develop in the district stimulating the local economy and providing full utilization of existing hard and soft infrastructure.

The justification for the Planning Proposal can also be understood in the context of recent trends towards population growth in the Goulburn Mulwaree LGA, the demographics of the area and decreasing household size. The need for increased housing provision is reflected in housing targets aspired too by the State Government for supply of appropriate, affordable and connected housing.

Subject site



Figure 2: Existing Subdivision Pattern in Marulan

2.0 THE SUBJECT LAND

2.1 Background

The subject site is a single parcel of land located on the south-western corner of the intersection of Brayton Road and Wollondilly Street in Marulan within the Goulburn Mulwaree Local Government Area. Approximately 5.722ha in area, its real property description is Lot 2, DP 746614.

In the late 1880's the subject land formed part of a much larger private land holding which was cleared and used for grazing and agricultural purposes. On the 1 January 1948, the then local owner (Mr. Holt) fenced and leased a 14-acre parcel of the land to the Commonwealth Department of Civil Aviation for the purposes of housing a non-directional beacon. The beacon was used to assist air traffic movements on the route between Sydney and Tasmania. Between 1948 and 1984, the subject site remained under lease to the Commonwealth. In 1984, and upon the death of Mr. Holt the subject land was bequeathed to the University of Sydney. In 1990, the University sold the land to the Civil Aviation Safety Authority (CASA).

In 2005, CASA officially turned off the beacon and the existing aircraft guidance infrastructure was subsequently removed. Since 2012, the land has been vacant and the regular and comprehensive program of vegetation control necessary for the beacon to safely function has ceased. This has resulted in uncontrolled regrowth of native and exotic vegetation on the land. In 2012 a decision was made by its current owners (Airservices Australia) to investigate the rezoning and subsequent disposal of the land.

2.2 Context

The township of Marulan is located on the Hume Highway, approximately 160 kilometres south of Sydney and 31kilometres north of Goulburn. Primarily residential in character, Marulan also functions as a strategic highway service centre.

It is noted in Council's Strategy 2020, that Marulan provides local community services and utilities, including a primary school, shops, a hotel, a police station, and bushfire and medical services. Key employment activities include several existing significant industrial activities such as the Lynwood Quarry and the Marulan Waste Management Facility, as well as a number of other small industries located within the industrial zone.

Marulan provides an important employment base for the local government area and will be of key importance to the future growth of Goulburn Mulwaree particularly within the mining and industry sectors¹.

The aerial photograph below provides a contextual overview of the area and its relationship with properties in the immediate environs. Apart from the scattered vegetated areas and the minor riparian corridor in the far southwestern corner of the site, the land is largely unconstrained for urban development in terms of landform.

¹ Goulburn Mulwaree Strategy 2020, August 2006, Pg. 5.



Figure 3: Aerial photograph of the subject site and surrounding development
(LandTeam Ref 206625-02)

The subject land has substantial frontages to Brayton Road to the north and Wollondilly Street to the east, which facilitate easy access and connectivity, and allows the lands to be developed in stages. The Main Southern Rail Line abuts the sites southern boundary alignment. To the west lies a Crown Land reserve.

The subject land is surrounded principally by urban development comprising *R1 General Residential* zoned land (with the exception of the Crown Land Reserve) with minimum subdivision lot size of 700m² and maximum 8.0m height limit.

Under the current *SP2 Infrastructure* zone, there are no minimum lot size, or building height controls in place.

2.3 Locational Advantages

This infill site offers a number of locational and environmental advantages for future residents. The site:

- Is within the existing township of Marulan, just north of its small local commercial precinct. Development can capitalise on the regional education, community, retail, health, public transport (rail), recreation and employment opportunities provided within Marulan and other nearby major centres, such as Goulburn. Development can similarly reinforce the viability and role of facilities and services;
- Is conveniently located within a short distance to existing major transport nodes (rail and highway). The patronage of such transport systems can be improved with increased population;
- Is surrounded by existing urban development, which has significant public and private investment in infrastructure, facilities, employment and services. Marulan is identified to accommodate some of Goulburn Mulwaree LGA's planned growth leading to an increase in demand for housing, employment lands and services;
- Enjoys proximity and access to the required range of infrastructure services (transport, road, data and power) that can be delivered effectively and sustainably to the site, offering low cost development and competitively priced housing that can achieve housing affordability objectives;
- Can provide local employment, as well provide opportunities for, and capitalise on the established and active construction industry in the area (i.e. economic multiplier effects); and
- Provides additional supply of land and housing reinforcing a competitive sales environment, and improving supply and choice for households in the Goulburn Mulwaree LGA

2.4 Topography & Drainage

Figure 3 depicts the topography and natural drainage pattern of the subject land.

The sites topography falls in an east-to-west direction, down from the Wollondilly Street frontage towards the adjoining active open space area and sports fields. Over a distance of 252.47m, the fall is in the order of 10m.

This gradient is steady, regular and represents the existing unchanged natural surface levels of the land. A feature of the site is a small-unnamed watercourse that traverses the

far south-western corner of the property and generally drains surface water in a north-western direction towards the adjoining sports fields and active open space area.

2.5 Geology

The Geological Map of Moss Vale (Geological Series Sheet 8928, Scale 1:100,000, September 2010) indicates the site's geological profile comprises Barrallier Ignimbrite in the Bindook Group.

This landscape coupled with the prevailing topography and drainage regime generally pose few challenges for future urban development; the exception being the small area of land in proximity to the unnamed watercourse. Avoidance of this small area for urban development purposes and the adoption of appropriate construction and soil/water management techniques for the balance of the lands should ensure sustainable land development outcomes and a healthy catchment.

2.6 Ecology

The site was originally cleared in the late 1800's to facilitate its use for grazing and agricultural purposes. Due to a number of favourable locational characteristics, the site was selected in the late 1940's to be used for air traffic control purposes. It was initially leased to the Commonwealth Government and the facility constructed. The operational parameters for the equipment required that the site be cleared of all vegetation with the exception of the retention low ground cover species, predominantly grasses.

The facility ceased operations in 2012 and today; the site presently supports scattered stands of regrowth saplings, shrubs and areas of native grasses. Limited riparian vegetation exists along the line of the small-unnamed watercourse traversing the far south-western corner of the site. Since the decommissioning of the site, it has not been the subject of any planned rehabilitation or re-vegetation programs, the regrowth that has occurred over the last 4 years is a result of the previous regular programs of vegetation maintenance control ceasing.

It is noted that the subject site does not contain '*environmentally sensitive land*' as identified on the "Natural Resources Sensitivity Map – Biodiversity (Sheet BDV-003)" and '*Biodiversity*' as identified on the "Terrestrial Biodiversity Map – Sheet BIO_003" both of which maps are annexed to GMLEP 2009.

However, the regrowth vegetation that is presently evident on the subject site has been identified in the *Goulburn Mulwaree Biodiversity Strategy 2007*. Whilst it is difficult to accurately determine from the mapping accompanying the Strategy as to its conservation value, as an indicator it is noted it comprises a mixture of both high and low conservation values. The mapping further indicates that this includes 'grassy woodland' and 'Dry Sclerophyll Forest (shrubby sub formations)' and the vegetation types are noted as likely being 'Tableland Grassy Box-Gum Woodland' and 'Secondary Grassland'.

It is apparent from the Strategy that there appears to be no identified 'flora hot spots' or known 'conservation value hotspots' on the subject land.

The Strategy notes limitations in the accuracy and reliability of the information used and that

the mapping should not be employed as a replacement for on-ground assessment.

A search of the Office of Environment and Heritage's Atlas of NSW Wildlife has indicated that only one (1) species of endangered fauna has been detected in proximity to the site that being a *Vombatus ursinus* (Common Wombat).

A comprehensive assessment of the ecological communities existing on the subject land including habitat for native fauna and flora will be completed should a positive Gateway Determination be received.

It is noted that there are no regional corridors, proposed reserves or NPWS reserves on the subject land, adjoining or in close proximity to the subject land. Additionally, the Department of Primary Industries - Office of Water will have input in relation to the treatment of the unnamed watercourse.

2.7 Bushfire Hazard

The site is not identified as bushfire prone land on the Goulburn Mulwaree Bushfire Prone Land Map.

2.8 Noise

As The Southern Railway Line directly abuts the southern boundary alignment of the property, noise and vibration impacts need to be duly considered. Such a study will also examine other noise sources that could impact on the amenity for future residential use of the land including heavy vehicle movements along Brayton Road. Should a positive Gateway Determination be received then the studies will be undertaken as the Planning Proposal progresses.

2.9 Site contamination

The site has been used since 1948 solely for the purposes of an air navigation facility. This largely comprised Distance Measuring Equipment (DME), which is an electronic device based on radar principals, and which displays to a pilot in digital form the distance from a DME beacon. To house and operate the equipment required that the land be cleared of all trees and with ground vegetation kept to a minimum to eliminate risk from bushfire, and ensure clear visibility and emergency access. The use of the site for the purposes of accommodating a non-direction air traffic control beacon is not a use that entails any potentially contaminating activities.

Prior to 1948, the site had been cleared and used for the purposes of grazing. However, it is noted that the site immediately adjoining to the south comprises The Southern Railway Line and this use is considered a potentially contaminating activity. As it is now proposed to use the subject land for residential purposes, it is recommended that a Phase 1 investigation be undertaken following a positive Gateway Determination, moving to a Phase 2 investigation if required for the areas that directly abut the southern boundary. Should any areas of environmental concern be detected in a Phase 2 investigation, appropriate remediation works will be planned and implemented so that the land becomes suitable for residential purposes.

2.10 Heritage

The site contains no items of local, State or National heritage significance and is not located within a defined conservation area pursuant to the provisions of Goulburn Mulwaree LEP 2009. (Schedule 5 and Heritage Map – Sheet HER-021). It is noted that the Marulan Railway Station and Yards are identified as locally significant in terms of their cultural heritage value. These lie approximately 150m to east for the subject site and any future urbanisation is not likely to adverse impact upon their significance or diminish their cultural heritage values.

2.11 Mineral Resources

The site contains no known deposits of mineral resources and is not located directly adjoining identified resources or existing extractive industries. However, it is noted that 'Lynwood Quarry' is located approximately 5.3 kilometres to the south-east of the subject land along Marulan South Road.

Lynwood Quarry is a hard rock mine operated by Holcim Australia and its proximity to the township of Marulan has resulted in the subject land (as well as significant parts of the rest of the township) being mapped as a 'Transition Area' in the Mineral Resources Audit of Goulburn Mulwaree prepared by NSW Trade & Investment. Whilst consultation with the NSW Department of Primary Industries will be necessary due to its location within the Transition Area, the physical distance between the quarry and the subject land is likely to provide a significant buffer to mitigate any likely adverse effects on the quarry's operations or the future amenity for residents on the subject land.

2.12 Flood Planning

The site is not identified as being flood prone, but the small-unnamed watercourse area in the south-western corner of the site will need to be managed. This can be achieved through the establishment of a buffer area with passive impact uses such as reserves and the like. Additionally, management could be implemented with thoughtful design of the development and the implementation of WSUD practices.

2.13 Traffic and Access

The proposed development site can be readily accessed from Brayton Road to the north, and Wollondilly Street to the east. Both thoroughfares are public roads, bitumen sealed and appropriately line marked and signposted. Their current design and condition reflects their usage as local roads.

The immediate road network has capacity to accommodate the likely additional traffic movements arising from an urbanisation of the subject land.

A detailed traffic assessment will be undertaken as this proposal advances through the Gateway process to establish final design elements, and at that stage some projected upgrades may become necessary. The costs of which should be met fully by the developers responsible for the intensification. In the event that such enhancements also cater for regional traffic demand, the cost should be apportioned.

2.14 Physical Infrastructure

The township of Marulan is serviced by reticulated sewerage and a town water supply. Preliminary enquiries and investigations indicate that the current water infrastructure is of a sufficient capacity and design to accommodate the likely increased demand associated with future urbanisation of the subject land.

Marulan is served by a common effluent disposal system that involves each lot having a septic tank with the effluent overflow going into the mains sewerage system. At this stage (pending more detailed investigations) servicing of the land will likely require connection to the common effluent disposal system, a new main along Brayton Road and any required upgrades to Brayton Road sewerage pump station including inlet main, pumps, and rising main as direct works. More detailed investigations will be required following a positive Gateway Determination.

Design and implementation of a simple stormwater management system, based on the principles of Water Sensitive Urban Design (WSUD), will likely be further canvassed as the Gateway process is advanced. An integrated stormwater management system will address stormwater management and achieve acceptable water quality outcomes. Further analysis and design will need to be undertaken in the detailed planning phase.

Preliminary investigations indicate that the estimated electrical demand arising from an urbanisation of the subject land can be accommodated within the existing system. New mains from existing substations would need funded by the developer. Servicing in this context is merely a case of meeting the relevant charges with the preferred supplier.

Marulan is currently serviced with adequate telecommunications infrastructure, including 3G network with sufficient capacity to service further urban development on the site.

In summary, the proposed development site can be economically serviced. The required physical infrastructure currently servicing the township of Marulan appears to have the spare capacity to meet the likely demands of this development. Some enhancement and amplification of existing systems will be required, and these will need to be funded by the developer.

3.0 EXISTING PLANNING CONTROLS

3.1 Current Zoning

The subject land is currently zoned '*SP2 Infrastructure (Public Utility Undertaking)*' under the provisions of Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009. The objectives of the current zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The land use table for the SP2 zone permits the development of 'Roads' as the only use permissible within this zone without consent. The uses permitted with development consent include "*any development that is ordinarily incidental or ancillary to development for that purpose*".

Land directly adjoining to the north, east and south of the subject site is currently zoned '*R1 General Residential*'. Land directly adjoining to the west of the subject site is zoned in part '*R1 General Residential*' and part '*RE1 Public Recreation*'. As such, the development site is surrounded by urbanization and the proposal can be considered an infill development. (Refer Figure 3)

3.2 Development Control Plans

The land is subject to the provisions of '*Goulburn Mulwaree Development Control Plan 2009*', which aligns and supports the GMLEP 2009 in providing more detailed controls and guidelines, including:

- Desired future character statements for localities;
- General development controls which relate to most forms of development – such as vehicular access and parking requirements, landscaping, and tree and vegetation preservation;
- Principal development controls – for urban and rural development;
- Controls for special development types – including dual occupancies, large lot residential development, outdoor dining, advertising and signage, telecommunication facilities, wind farms and extractive industries; and,
- Site-specific development controls – for particular areas within the LGA, such as the town of Marulan.

The residential development controls in the DCP will not need to be amended as a result of this Planning Proposal.

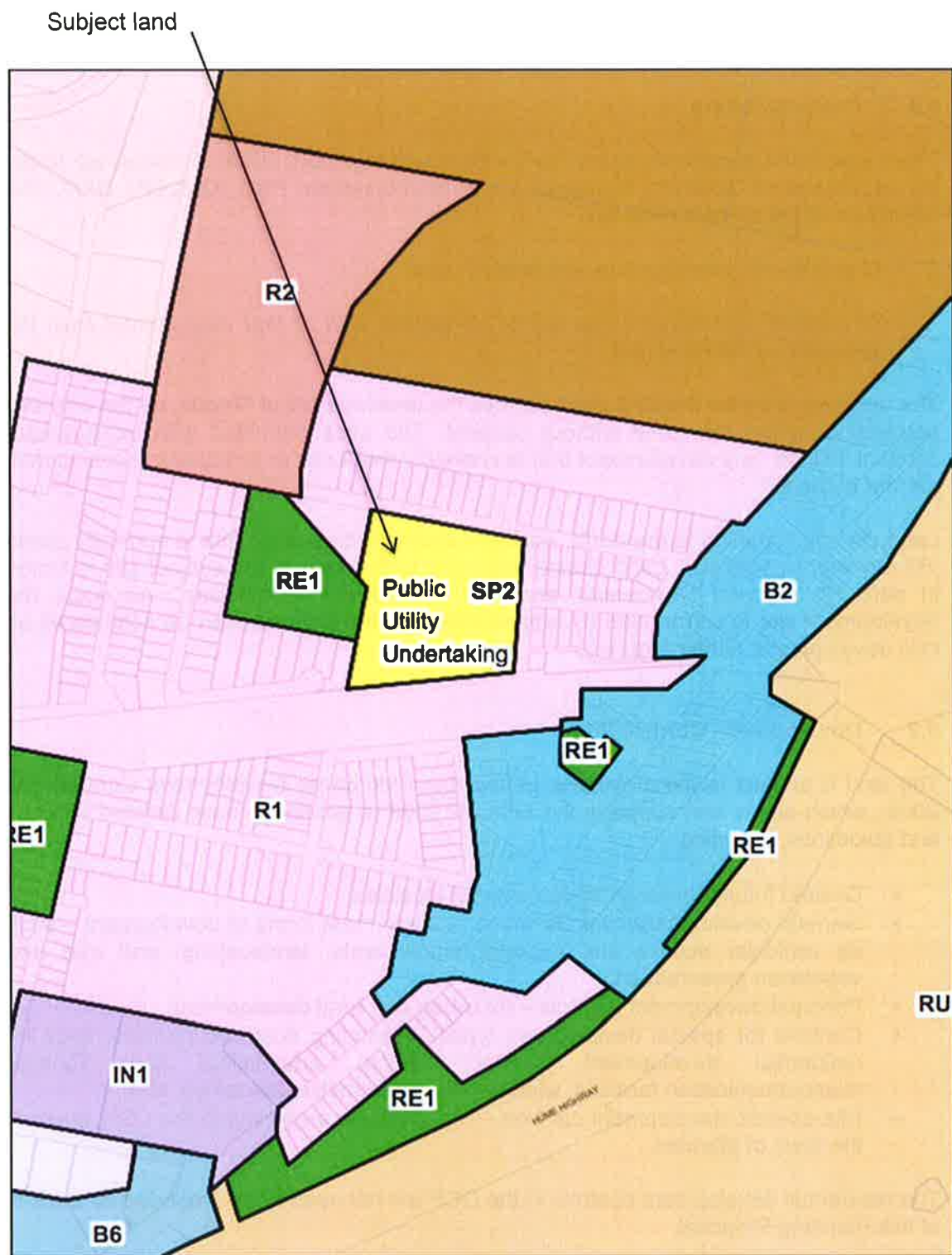


Figure 4: Existing Zoning Map extract from GMLEP 2009.

4.0 INTENT AND PROVISIONS (Parts 1 & 2)

4.1 Part 1 – Objectives and Intended outcomes

This Planning Proposal has the express purpose of facilitating the development of Lot 2, DP 746614 for urban housing purposes.

Objective

To facilitate urban development on the lands for residential purposes in an integrated manner in accordance with its environmental capacity and capitalizing on existing infrastructure.

Outcomes

A coordinated and integrated approach to infill development on Lot 2, DP 746614 commensurate with its natural constraints and development opportunities.

4.2 Part 2 – Explanation of Provisions

The objective is to achieved by amending the Goulburn Mulwaree LEP 2009 for Lot 2, DP 746614 (Brayton Road) as follows:

- a) Amending the Land Zoning Map in accordance with the proposed zoning map shown at Annexure 1, which will change the zoning of the site from SP2 Infrastructure to R1 General Residential.
- b) Amending the Minimum Lot Size Map in accordance with the proposed minimum lot size map shown at Annexure 2, which indicates a minimum lot size of 700m² on the site.
- c) Amending the Height of Building Map in accordance with the proposed height map shown in Annexure 3, which indicates a maximum permissible height of 8 metres for the site.

5.0 JUSTIFICATION (Part 3)

5.1 Introduction

This overview establishes the case for the zoning change proposed in the LEP amendment. It should be noted that the level of justification is commensurate with the impact of the rezoning proposal and an acknowledgement of the need for future preparation of the specific studies required by the Gateway Determination.

The rezoning of the land to *R1 General Residential* via this Planning Proposal will enable:

- a) The facilitation of a planned and integrated approach to infill development within the township of Marulan;
- b) An increase in housing choice, diversity and location that respond to the needs of Marulan community;
- c) A sustainable and coordinated expansion of local employment opportunities;
- d) Elements of the natural systems being respected, conserved and enhanced;
- e) Existing physical and human infrastructure being utilized and embellished;
- f) A framework established for more detailed planning; and
- g) The growth and development objectives of GMLEP 2009 and Goulburn Mulwaree Strategy 2020 being enhanced.

The land has been in the ownership of Airservices Australia for many years, but following a review of assets, it is now considered surplus to their strategic and operational needs. A subsequent analysis of the sites constraints and opportunities concluded that the best and most efficient use of the land was for residential housing.

5.2 Need for the Planning Proposal

5.2.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal has its origins in the principles contained in the Goulburn Mulwaree Strategy 2020, which was adopted by Council in 2005. This strategy noted, *“Marulan will continue to operate as a key town servicing surrounding rural areas and villages. Based on a detailed assessment of Marulan and its function as a rural centre within Goulburn Mulwaree, the Strategy proposes to reinforce the status of Marulan and support modest growth”*².

The Strategy further noted that some “extension of the existing Village to the north is proposed to enable growth of the town” and “Although Marulan has capacity for growth, the existing Village would enable some capacity absorption through infill development”³.

² Goulburn Mulwaree Strategy 2020, Parsons Brinckerhoff, 2005, Pg. 23.

³ Goulburn Mulwaree Strategy 2020, Parsons Brinckerhoff, 2005, Pg. 23

The subject land is not specifically identified in the Goulburn Mulwaree 2020 Strategy but is centrally located within the heart of the township of Marulan. It is surrounded by established residential development, as well extensive active and passive recreational areas. The site can be efficiently serviced with existing infrastructure and is within walking distance to public transport, commercial, educational, medical and cultural facilities.

Other land identified in the Strategy for possible rezoning for residential development, mainly located to the north of town would necessitate significant capital expenditure by Council to enhance and extend urban services including roads, water, sewer and the like. As such, it is considered that the Planning Proposal is consistent with the Strategy objectives of providing increased housing opportunities, employment opportunities particularly as an expansion of existing urban areas in a sustainable approach.

This Planning Proposal will give effect to this Strategy by enabling a large vacant parcel of land in the middle of the township to be infilled with quality, affordable and sustainable development that compliments the established character and nature of the surrounding built environment.

5.2.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current zoning permits only roads, public utility undertakings and any development that is ordinarily incidental or ancillary to development for that purpose.

The proposed rezoning to *R1 General Residential* represents the most logical way of achieving the intended objective and outcomes, as there is no appropriate alternative under the prevailing legislation.

The proposed *R1 General Residential* zoning will achieve an efficient utilization of the land resource and provide opportunities for future residential development with minimal environmental impacts. It will provide opportunity for flexibility in housing choice, whilst also enabling the existing small riparian area along the unnamed watercourse to be sustainably managed.

On the 7 March 2008, the NSW Department of Planning issued LEP practice note PN 08-002 to provide guidance to Councils on zoning public infrastructure land in standard local environmental plans. The practice note suggest that as a principal, where it is proposed to rezone surplus public land that is currently zoned 'special use', then:

- All the land should be zoned the same (i.e. the zone boundary should not run down the middle of the site), unless there is an exceptional circumstance (e.g. large sites with multiple infrastructure uses), and
- Adopt a zone that is compatible with surrounding land uses, having regard to:
 - existing adjacent land uses and preferred future uses
 - regional strategy priorities
 - availability of services and infrastructure to support new land uses
 - environmental impacts and risks.

It is considered that rezoning the subject land to *R1 General Residential* and introducing development standards similar to the immediate adjoining residential land is compatible and consistent with this practice note. The environmental impacts and risks of the proposed use of the infill site for residential purposes will be more thoroughly assessed should a positive Gateway Determination be achieved.

5.2.3 Is there a community benefit?

The following Table addresses the evaluation criteria for conducting a “net community benefit test” assessment under the criteria set out in the Department of Planning and Infrastructure's Draft Centres Policy (2009), as required by the guidelines for preparing a Planning Proposal.

There is unlikely to be a negative community impact arising out of these circumstances as the proposal provides additional housing opportunities to meet the demands for the growing population of Marulan and the wider LGA.

The other community benefits have been espoused in a number of sections of this Planning Proposal.

TABLE 1: Evaluation of Community Benefits

No.	Evaluation Criteria	Yes/No	Comment
I.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The subject land is located within 800m of the Hume Highway and 150m of Marulan Railway Station on The Main Southern Railway line.
II.	Is the LEP location in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes	Marulan is not a global/regional city, strategic centre or corridor nominated with any Strategy. Goulburn is a major regional centre under the Sydney-Canberra Corridor Regional Strategy.
III.	Is the LEP likely to create a precedent or create a change in expectations for the landowner or other landowners?	No	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the site, as it is an infill rezoning.

No.	Evaluation Criteria	Yes/No	Comment
IV.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	This Planning Proposal will result in a positive contribution to urban expansion in the following ways: • By increasing the density and diversity of housing close to the existing urban centre of Marulan; and • By improving the economies of scale to deliver infrastructure and utility services for the residential expansion of Marulan
V.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes	The site is not currently zoned to facilitate employment, so there will be no loss of employment land. The proposal will create employment through the construction jobs to install the infrastructure, and build the homes, therefore delivering an economic benefit to the community. Further, an increase in population creates demand for commercial services that leads to increased employment opportunities. Some modest home business opportunities and tradesman residency opportunities will accrue.
VI.	Will the LEP impact on the supply of residential land and therefore housing supply and affordability?	Yes	The proposal is an infill development and address surplus infrastructure lands. The proposal will have a positive impact on the residential land supply by adding to the amount of available and appropriately serviced residential land. The proposal will assist in increasing the housing choice and type, and contribute to meeting local residential housing targets and accommodation needs.
VII.	Is the existing public infrastructure (Roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	The existing road, rail and bus infrastructure in Marulan is adequate to meet the needs of the proposal. The site has access to reticulated water and sewer services (to be investigated further following a positive Gateway Determination). Pedestrian and cycling facilities within the subject site can be provided as part of the future development.
VIII.	Will the proposal resulting changes to the car distances currently	Yes	The residential development will support the Marulan town centre. Local

No.	Evaluation Criteria	Yes/No	Comment
	travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?		bus services in the area are limited and primarily cater for school children. Nevertheless, increased patronage through population growth will increase the viability of additional bus services.
IX.	Are there any significant Government investment in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	The proposal does not require significant further investment in public infrastructure. It will utilize the existing infrastructure and services. The developer will extend and upgrade infrastructure where necessary to service the needs of the development, at no cost to Council or relevant agencies.
X.	Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values)? Or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	The site has not been identified for conservation purposes. Some conservation initiatives are likely to be focused on the small riparian area along the unnamed watercourse (to be investigated further following a positive Gateway Determination). The land is not mapped as flood prone. However, it will be a likely Gateway requirement that further investigations in relation to potential flooding of the unnamed watercourse be undertaken in conjunction with other studies.
XI.	Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the domain improve?	Yes	The site immediately adjoins existing residential development to the north and east. To the west is open space, and the south the Main Southern Railway corridor. The site is not an isolated parcel of land and is well serviced and in close proximity to the Marulan town centre.
XII.	Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	The development will, however, contribute to the improved trade of nearby facilities through increased patronage, due to the increase in population.
XIII.	If a stand-alone proposed and not a centre, does the proposal have the potential to develop into a centre in the future?	No	The proposal is not a stand-alone site as it is contiguous with other lands zoned residential in the township of Marulan.

No.	Evaluation Criteria	Yes/No	Comment
XIV.	What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at this time?	Yes	The proposal will provide additional housing to assist in meeting the housing growth and dwelling mix in the Goulburn Mulwaree LGA, and more specifically Marulan. If the rezoning were not supported, the provision of additional housing would not be realized. Further, the consolidation of urban development in the town would not be realised, resulting in incremental fragmented urban development occurring on the town's fringe.
XV.	Will the public domain improve?	Yes	Section 94 contributions and/or a Developer Agreement commitment will be required to offset increased demands generated by urban infill development. These would include community services, open space & facilities, and service infrastructure.

Overall the proposal will provide a net community benefit for the following reasons:

- It establishes a balanced and considered use of land and is in keeping with the existing established residential character for housing in the township of Marulan.
- It will support Council's aspirations to facilitate new sustainable urban growth in Marulan, in accordance with the *Strategy 2020* objectives.
- It provides opportunities for a range of dwelling types that encourage social mix and provides opportunities for housing choice to meet the needs of the local community.
- It comprises infill development utilising existing infrastructure services, minimising additional capital expenditure required when developing on the urban fringe.
- It will not result in any significant adverse environmental impacts.
- It will create local employment opportunities through the construction jobs associated with the civil and building work, as well as longer-term jobs created through increased demand for local businesses derived from population growth.
- It will reinforce the viability of the Marulan and its existing community, social and engineering services

This is consistent with a number of Strategies discussed below.

5.3 Relationship to Strategic Planning Framework

5.3.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Sydney Canberra Corridor Regional Strategy

"The Sydney–Canberra Corridor Regional Strategy applies to the local government areas of Wingecarribee, Goulburn Mulwaree, Upper Lachlan, Yass Valley, Palerang and Queanbeyan, and is one of a number of regional strategies prepared by the Department of Planning.

The strategy notes "Marulan also has some potential for growth consistent with its identified role as a town"⁴. The strategy also sets-out sustainability criteria against which all new future urban settlement in the corridor is to achieve. The following Table (2) addresses this criterion:

TABLE 2: Evaluation Criteria Sydney-Canberra Corridor Regional Strategy

Criteria	Yes/No	Response
Infrastructure Provision		
Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	Yes	The proposed development is consistent with this Strategy, all sub-regional strategies, the State Infrastructure Strategy & relevant Section 117 Directions. The provision of infrastructure connection for the development (utilities, transport, open space and communications) is available and economically feasible based on government methodology for determining infrastructure development contributions. The proponent is prepared to enter into development agreements if necessary.
Access		
Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	Yes	The proposal is consistent with relevant provisions. Accessibility of the area can be achieved by public transport and/or appropriate road access in terms of location/land use; network; catchment, or capacity. The proposal will have no net negative impact on the performance of existing subregional road, bus, and rail and freight network.
Housing Diversity		
Provide a range of housing choices to ensure a broad population can be housed	Yes	The proposal will contribute to the geographic market spread of housing supply, including opportunity for government targets established for aged, disabled or affordable housing.
Employment Lands		

⁴ Sydney-Canberra Corridor Regional Strategy, NSW Dept. Planning, 2008, Pg.33.

Criteria	Yes/No	Response
Provide regional/local employment opportunities to support the Sydney– Canberra Corridor's expanding role in the wider regional and NSW economies	Yes	The development will maintain or improve the existing level of subregional employment self-containment and meets subregional employment projections.
Avoidance of Risk		
Land use conflicts, and risk to human health and life, avoided	Yes	No residential development is proposed to occur within any within the 1:100 floodplain and will avoid any physically constrained land on the site. The site is not bushfire prone.
Natural Resources		
Natural resource limits not exceeded/ environmental footprint minimised	Yes	The demand for water for the development is within the capacity of the existing infrastructure and does not place unacceptable pressure on environmental flows. The proposal is considered the most efficient / suitable use of land. There will be no conflicts with agricultural land or productive resource lands– extractive industries, mining and forestry.
		The likely future energy demands for the development will not place unacceptable pressure on existing infrastructure capacity to supply energy and can be provided in an efficient and sustainable manner.
Natural resource limits not exceeded/ environmental footprint minimised	Yes	The demand for water for the development is within the capacity of the existing infrastructure and does not place unacceptable pressure on environmental flows. The proposal is considered the most efficient / suitable use of land. There will be no conflicts with agricultural land or productive resource lands – extractive industries, mining and forestry. The likely future energy demands for the development will not place unacceptable pressure on existing infrastructure capacity to supply energy and can be provided in an efficient and sustainable manner.
Environmental Protection		
Protect and enhance biodiversity, air quality, heritage and waterway health	Yes	The proposal is consistent with all relevant government-approved regional conservation plans. Preliminary investigations indicate that there may be some limited areas of regionally significant biodiversity on the site, but this is yet to be verified on ground. Further assessment will be undertaken with regards to biodiversity, critical habitat, threatened species, population, ecological communities and their habitats should a positive Gateway Determination be received.

Criteria	Yes/No	Response
		The proposal will not adversely impact on existing environmental condition for air quality and will maintain or improve existing environmental condition for water quality consistent with: • Community water quality objectives for recreational water use and river health (DECC and CMA); • Catchment and stormwater management planning (CMA and council); and • Sydney Drinking Water catchments. There are no areas or items of Aboriginal cultural heritage value on the development site.
Quality and Equity in Services		
Quality health, education, legal, recreational, cultural and community development and other government services are accessible	Yes	The development has appropriate access to a range of physical, cultural, educational, health and social services commensurate with the scale and nature. Adequate services exist in the subregion to meet the increased demands likely to arise from this infill residential development.

5.3.2 Is the Planning Proposal consistent with the local council's community strategic plan or other local strategic plan?

This Planning Proposal is entirely consistent with the intended outcomes and actions of all applicable strategic plans. The following Table (3) identifies the actions that are directly relevant to the Planning Proposal and discusses whether the Planning Proposal is consistent with those actions.

TABLE 3: Consistency with Strategic Plans

No.	Criteria	Response
State and Regional Strategies and Policies		
a)	NSW State Plan, Metro Strategy, Sub-Regional Strategy	Yes - The proposal's consistent with relevant provisions.
b)	State Planning Policies	Yes - The proposal's consistent with relevant provisions.
c)	Ministerial Directions	Yes - Consistent with relevant provisions, or where not consistent is justified.
d)	LEP Framework	Yes - The proposal's consistent with relevant provisions.
Local Strategies and Policies		
e)	Goulburn Mulwaree Strategy	Yes - The proposal's consistent with relevant

No.	Criteria	Response
	2020	provisions. Council adopted the Goulburn Mulwaree Strategy 2020 in 2005. Its purpose and objectives are to <i>'document the pressures for growth and identify current and future opportunities for sustainable growth across the local government area'</i>.⁵ The Strategy noted that Goulburn Mulwaree is expected to experience modest population growth in selected areas, including Goulburn and Marulan with lower levels of growth expected in Tarago and the rural villages. The Strategy further noted that although <i>"Marulan has capacity for growth, the existing Village would enable some capacity absorption through infill development"</i>⁶ although the subject site is not specifically identified in the Strategy.
f)	Goulburn Mulwaree Community Strategic Plan 2030	Yes - The proposal's consistent with relevant provisions.
Preserving Rural Land & Character		
g)	Character Setting	Yes - The proposal is consistent with future expectations for the land. It is an extension of the existing residential settlement of Marulan
h)	Visual Attributes	Yes - as the existing site is currently vacant, the construction of housing will noticeably alter the visual attributes of the land. However, the proposal would not impact unduly on the visual character of the locality by reason that: (i) The proposal will result in future residential development of a similar scale, form and density that characterises the surrounding urban landscape of Marulan; and (ii) Would not cause the removal of significant landscape features.
i)	Rural & Resource Lands	Yes - The land is not currently used for agricultural purposes or extractive resource activities. It is also unlikely to be considered for these purposes in the future given its close proximity to existing residential development. The proposal will not restrict opportunities for future rural or extractive industry uses on adjacent lands.
Environmental Sustainability		
j)	Protection & Conservation	Yes - The proposal will not require the removal of

⁵ Goulburn Mulwaree Strategy 2020, Parsons Brinckerhoff, 2005, Pg. 2.

⁶ Goulburn Mulwaree Strategy 2020, Parsons Brinckerhoff, 2005, Pg. 23.

No.	Criteria	Response
		significant remnant vegetation. Remnant vegetation along the small-unnamed watercourse will be retained where possible and this will be the subject of a riparian management plan as the proposal advances.
k)	Water Quality & Quantity	Yes - The scale nature of the proposal would be unlikely to cause unmanageable water quality impacts, subject to the implementation of a Water Sensitive Urban Design (WSUD) strategy.
l)	Flood Hazard	Yes - The unnamed small watercourse will be investigated for potential flooding as part of the post-Gateway suite of specialist studies.
m)	Geotechnical/Resources/Subsidence	No - The subject land is not located within a mine subsidence district.
n)	Buffers & Spatial Separation	Yes - The proposal is consistent with adjacent and adjoining established residential and recreational development to the north, east and west. Directly abutting the site to the south is the Main Southern Railway corridor and it will be necessary to make an assessment of potential noise and vibration impacts as part of the post-Gateway suite of specialist studies.
o)	Bushfire Hazard	Yes – The subject site is not bushfire prone.
p)	Resource Sustainability	Yes - Opportunities for energy efficiency, water recycling and reuse and waste minimization can be readily applied to future residential development arising.
q)	Heritage	No – there are items of indigenous or European significance identified on the subject site or on adjoining lands.
Infrastructure		
r)	Efficient Use & Provision of Infrastructure	Yes - The proposal will result in more efficient use of existing infrastructure including water, sewer, electricity, telecommunications and data. Preliminary investigations indicate it is feasible to undertake these extensions.

No.	Criteria	Response
s)	Transport Road & Access	The site enjoys direct frontage to two bitumen sealed local public roads, being Brayton Road and Wollondilly Street. The frontage to these thoroughfares is sufficient to provide a number of safe and efficient access points into the site. Any works to existing road system necessitated by the proposal would be undertaken at the development stage, at full cost to the developer. Public transport in Marulan comprises trains (providing access to Campbelltown and Sydney CBD, as well as south to Goulburn and Canberra), school buses and taxis.
t)	Open Space	Directly adjoining the site to the west is a large active and passive recreation area that currently serves the open space needs of the town. Potential open space provisions are likely to be managed through Council's s.94 Plan.
u)	Location/Area/Type	The proposal is consistent with the objective for development in the LGA as identified in: • Goulburn Mulwaree LEP 2009 • Goulburn Mulwaree DCP 2009 • Goulburn Mulwaree Strategy 2020 Goulburn Mulwaree CSP 2030
Residential Lands		
v)	Social Integration	A gated community is not proposed and a variety of housing is achievable by a mix of lot sizes. The existing street network servicing the subject site provides good opportunity informal social interaction and community connectivity, once developed.
w)	Urban on Town Edge	The site is an infill development and contiguous with existing urban land and within walking/cycling distance of town services. The development will: • Allow a mix of small and large residential lot sizes, which will cater for a mix of housing types; and • The scale of the proposal does not warrant the inclusion of community land or facilities, separate from the usual s.94 contributions

NSW State Plan 2021

The following goals from the Strategy are relevant:

Goal 19 of the NSW State Plan is to 'invest in critical infrastructure'. A relevant target to

deliver this goal is to 'Increase investment in regional infrastructure'. □ A priority Action to achieve this target is to 'Establish a local infrastructure renewal scheme that will provide interest subsidies to local councils to assist in unlocking resources for councils to upgrade urban and economic infrastructure for roads, community halls, libraries, parks, sports grounds and water infrastructure'. □

Goal 20 of the NSW State Plan is to 'Build liveable Centres'. A relevant target to deliver this goal is 'Planning policy to encourage job growth close to where people live and to provide access by Public transport'. □

Goal 21 of the NSW State Plan is to 'Secure Potable Water Supplies' with a target to 'Secure long term potable water supplies for towns and cities supported by effective effluent management.' □

Goal 22 of the NSW State Plan is to 'Protect our Natural Environment' with a target to 'Protect and restore priority land, vegetation and water habitats'. □

Goal 23 of the NSW State Plan is to 'Increase opportunities for people to look after their own neighbourhoods and environments' with a target to increase the devolution of decision making, funding and control to groups and individuals for local environmental and community activities. □

Goal 24 of the NSW State Plan is to 'Make it easier for people to be involved in their communities' with relevant targets to increase community participation and improve our sense of community. □

Goal 27 of the NSW State Plan is to 'Enhance cultural, creative, sporting and recreation opportunities' with a target to 'Increase participation in sport, recreational, arts and cultural activities in Sydney from 2010 to 2016 by 10%'. □

Goulburn Mulwaree Community Strategic Plan 2030

The Goulburn Mulwaree Community Strategic Plan (GMCSP) 2030 defines a sustainable vision for the local government area and sets out six key themes and goals that Council will follow to achieve the needs of the community over the next 20 years. The six key strategic themes and goals are:

1. Quality Infrastructure
2. Business and Industry
3. Community Needs
4. Environment
5. Culture and Leisure
6. Image and Influence

Each is supported by a series of objectives and associated strategies that form the actions that will deliver progress over the next 20 years towards successful completion.

The GMCSP notes that the LGA enjoys a steady average annual growth rate of 0.7%⁷ and there is desire to see well planned environmentally sustainable growth and development in all towns and villages.

All six key directions in the GMCSP have some degree of relevance to this Planning Proposal. More specifically, there is significance in:

Key Direction 1: Quality Infrastructure with the objective to be proactive in planning for changes that come from technological change and growth, and to continue to aim for the enhancement of the area's infrastructure through strong advocacy partnerships with government and private enterprise and direct provision of appropriate assets.

This direction has strategies specifically centred on infrastructure including water supply, sewerage, roads, transport, waste management, public places and asset management. This Planning Proposal does not conflict with how these strategies are to be achieved or their timing.

Key Direction 2: A Strong Economy with the objective of promotion of a healthy and strong economy that will enhance the general wealth of the community. In addition, for Council to work with a range of stakeholders to increase economic development and employment prospects and improve the capacity of local residents and businesses to effectively participate in this growth.

This direction has a number of supporting strategies, but those pertinent to this Planning Proposal include economic development, incentives, education and jobs, town and village enhancement. Of particular note is the strategy for residential development that seeks:

"2.4.1. - To provide opportunity for residential and rural residential development and encourage affordable housing"

This Planning Proposal does not conflict with how these economic strategies are to be achieved or their timing.

Key Direction 3: Community Needs where the objective for Council is the importance of continuing to improve the lifestyle options, care services and community support structures available to its residents. In addition, it's for Council to endeavour to facilitate the provisions of a safe living environment and quality educational opportunities.

The strategies relevant to this Planning Proposal under this direction include education, community safety, communications, culture; and strategies, policies & development control. Of particular note are the strategies for:

"3.4.1. - To extend improved access to telecommunications and broadband services"

⁷ Goulburn Mulwaree Community Strategic Plan 2030, Goulburn Mulwaree Council, 2013, Pg. 9.

“3.7.1. - To provide a balance between environmental protection, population growth and development”

This Planning Proposal does not conflict with how these particular strategies are to be achieved or their timing. Further, the proposal will actively assist in attaining these goals by ensuring that new development will be connected and sustainable.

Key Direction 4: Sustainable Environment where the objective is Council's commitment to balancing the community's need to use and enjoy our natural resources with their protection, enhancement and renewal.

This direction has a number of strategies, but those pertinent to this Planning Proposal include waterways, biodiversity, climate change, amenities and waste minimisation. Of particular note are the strategies for:

“4.1.1. - To care for and protect our waterways and catchments”

“4.2.1. - To protect, maintain and improve the diversity of our native fauna and flora provided there is a balance between environmental protection, population growth and development”

“4.4.1. - To improve and maintain urban, rural and village character”

“4.5.2. - To ensure land use development compiles with water quality protection principles”

This Planning Proposal will actively assist in attaining the goals of key direction 4.

Key Direction 5: Retained Heritage with the objective being Council commitment to balancing the community's need to use and enjoy our natural resources with their protection, enhancement and renewal.

The strategies underpinning key direction 5 pertinent to this Planning Proposal include heritage and culture. This Planning Proposal aligns with how these particular strategies are to be achieved and their timing.

Key Direction 6: Leading Organisation with the objective that Council to be a leading organisation of which its citizens, visitors and other stakeholders are proud. This is to be reflected in how it responds to its community, how it governs and performs its statutory roles. Furthermore, that Council to have a strong commitment to measuring and evaluating its performance and reporting the results to the community it governs. The strategies in support of this direction focus on improving Council's image and influence.

This Planning Proposal supports how these strategies are to be achieved and their timing. Additionally, the proposal could actively assist in attaining these goals though capitalising on the skills and knowledge brought about through increased population and growth in the area.

The Goulburn Mulwaree CSP also outlines a series of actions and priorities for the future of the towns and villages across the LGA. For Marulan, and this Planning Proposal in particular, there is an emphasis on:

- Fostering of local skills and products
- Promotion of local businesses
- Encouragement of investment
- Access to current and reliable communications systems
- Maintenance and extension of town green spaces
- Clear and concise guidelines for development applications
- Environmentally friendly development

5.3.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The lands are subject to the provisions of a raft of State Environmental Planning Policies (SEPP). The subject policies are noted in Table 4 below and importantly do not prohibit and/or significantly constrain the Planning Proposal.

TABLE 4: Applicable State Policies

State Policies	Response
State Environmental Planning Policy (Sydney Drinking Water Catchment)	Not inconsistent. The rezoning will permit the development of housing on the subject land that can be undertaken without adversely impacting upon the water quality of the catchment. Additional management practices and processes can be put in place along the minor riparian corridor that can also assist in benefiting existing water quality and the overall maintenance of the natural system.
State Environmental Planning Policy No 33 – Hazardous and Offensive Development	Not inconsistent. The existing use of the subject land as an aircraft directional facility and its proposed use for residential development is not considered to be hazardous or offensive development.
State Environmental Planning Policy No 55 – Remediation of Land	An initial investigation reveals that the subject land has not been used for a potentially contaminating purpose or activities in the past. Previous uses have been grazing and as an aircraft guidance installation.

State Policies	Response
State Environmental Planning Policy No 6 – Number of Storeys in a Building	Not inconsistent. There is currently no maximum height limit applicable and it is proposed to introduce a maximum 8.0m limit.
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not inconsistent. Once the land is rezoned to <i>R1 General Residential</i> , this SEPP will become applicable and can be used to facilitate streamlined assessment processes with future development on the subject site.
State Environmental Planning Policy (Infrastructure) 2007	Not inconsistent. The subject land is currently zoned for infrastructure (aircraft directional beacon) but with the introduction of new guidance and monitoring technologies, the land is surplus to the needs of its government owners (Airservices Australia). Its rezoning and disposal will enable the subject land to be used for a more efficient purpose. The subject land also adjoins The Main Southern Railway and the infill development of housing on it will not adversely affect or compromise its efficiency.
State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)	No inconsistent. Rezoning the land to R1 General residential will enable infill development of low density multi-unit housing which can be easily serviced by existing public infrastructure, transport and community facilities.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not inconsistent. Once the land is rezoned to <i>R1 General Residential</i> , it can be utilised for the purposes of accommodating affordable rental housing.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not inconsistent. Whilst the subject site and all adjoining and adjacent lands do not encompasses specific activities or land uses, there is a large quarry located approximately 5.3 klms to the east and truck movement pass by the site on a regular basis. The traffic movement is unlikely to impact on the future amenity of the residents of the site as appropriate mechanisms can be readily and easily incorporated into the development to minimise any adverse noise, dust and vibration affects.

State Environmental Planning Policy No. 36 – Manufactured Home Estates	Not inconsistent. Once the land is rezoned to <i>R1 General Residential</i> , it can be utilised for the purposes of accommodating a manufactured home estate thereby assisting the local community as an alternative to traditional housing forms.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not inconsistent. Once the land is rezoned to <i>R1 General Residential</i> , it can be utilised for the purposes of accommodating housing for seniors or people with a disability thereby assisting the local community.

Overall, the Planning Proposal is not inconsistent with the general direction or specific requirements of any of the State Environmental Planning Policy as made pursuant to the EPA Act 1979.

5.3.4 Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

Section 117 Directions details matters to be addressed in LEPs so as to achieve particular principles, aims and objectives or policies.

All relevant Directions can be adequately accommodated or departures justified in the preparation of an LEP amendment of the nature foreshadowed in this Planning Proposal.

Considerations of the relevant Section 117 Directions is summarised below:

TABLE 5: Applicable Section 117 Directions

s.117 Direction	Valid	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	No	The objectives of this direction are to: • Encourage employment growth in suitable locations, • Protect employment land in business and industrial zones, and • Support the viability of identified strategic centres.	The Planning Proposal does not include or affect business or industrial zones.

s.117 Direction	Valid	s.117 Direction	Comments
1.2 Rural Zones	No	The objective of this direction is to protect the agricultural production value of rural land. 1.2 (4) (a) states a Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. 1.2 (4) (b) states a Planning Proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	There are no existing or proposed rural zones to be affected by this proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	N/A	The site contains no known deposits of mineral resources and is not located directly adjoining identified resources or existing extractive industries. south-east of the subject land along Marulan South Road. However, it is noted that 'Lynwood Quarry' is located approximately 5.3 kilometres to the Lynwood Quarry is a hard rock mine and its proximity to the township of Marulan has resulted in the subject land (being mapped as a 'Transition Area' in the Mineral Resources Audit of Goulburn Mulwaree. Whilst consultation with the NSW Department of Primary Industries will be necessary due to its location within the Transition Area, the distance from the quarry and the subject land is likely to provide a significant buffer to mitigate any likely adverse effects on its operations or the future amenity of residents on the subject land.
1.4 Oyster Aquaculture	No	N/A	No oyster or aquaculture industries proposed or impacted upon by this development
1.5. Rural Lands	No	N/A	No rural zoned land is included in this development.

s.117 Direction	Valid	s.117 Direction	Comments
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	No environmental protection zoned land is included in this development.
2.2 Coastal Protection	No	N/A	No coastal protection zoned land is included in this development.
2.3 Heritage Conservation	No	N/A	No heritage conservation items or Conservation Areas are included in this development. There are no items of cultural heritage significance located on the subject land or on land adjacent to the subject site. It is noted that the Marulan Railway Station and Yards are heritage listed under the provisions of GMLEP 2009 and these is located approximately 150m to the east. It is considered that the use of the subject land for the purposes of residential development is not likely to diminish or despoil the significance of this item or physically impact upon its setting or fabric.
2.4 Recreation Vehicle Areas	No	N/A	No recreational vehicle areas are included in this development.
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones 3.1 Residential Zones	Yes	The objectives of this direction are: - To encourage a variety and choice of housing types to provide for existing and future housing needs; - To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and - To minimise the impact of residential	It is proposed to rezone land from special purposes to permit the development of the land for residential purposes. The proposal is essentially an infill development and will assist in the efficient and effective use of existing infrastructure that surrounds and services the adjoining residential areas.

s.117 Direction	Valid	s.117 Direction	Comments
		development on the environment and resource lands. 3.1 (5) (b) state a Planning Proposal must not contain provisions, which will reduce the permissible residential density of land.	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	No caravan parks or manufactured home estates are included in this development.
3.3 Home Occupations	Yes	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Home occupations would be a permissible land use under the proposed <i>R1 General Residential</i> zone
3.4 Integrating Land Use and Transport	Yes	The objective of this direction is to ensure that urban structures, building forms, land use locations, development subdivision designs, street the planning and achieve layouts following objectives: • Improving access to housing, jobs and • services by walking, cycling and public transport, • Increasing the choice of available transport and reducing dependence on cars, • Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, • Supporting the efficient and viable operation of public transport services, and • Providing for the efficient movement of freight.	The Planning Proposal seeks to provide additional housing in areas serviced by public transport (train and school bus services). The proposal is consistent with Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001) as it encourages the use of public transport, walking and cycling.

s.117 Direction	Valid	s.117 Direction	Comments
3.5 Development near Licensed Aerodromes	No	N/A	The development is not located adjacent too, or adjoining an aerodrome.
3.6 Shooting Ranges	No	N/A	The development is not located adjacent too, or adjoining a shooting range.
4.Hazard & Risk			
4.1 Acid Sulphate Soils	No	N/A	The land not known to encompass acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	No	N/A	This direction applies to all councils that contain a mine subsidence district proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961 or that contain unstable land.
4.3 Flood Prone Land	Yes Yes	The objectives of this direction are: - To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and - provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 4.3 (5) states a Planning Proposal must not rezone land within the flood planning areas from Special Use, Special purpose, Rural Recreation, or To ensure that the Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The land is not identified as being flood prone. However, it is possible that flooding could occur along small sections adjacent to the far south-western corner of the site where it adjoins an existing unnamed creek. The likely flood affectation will be minimal due the catchment size and the natural topography of the land. Appropriate management strategies will need to be devised to ensure any likely impacts from flooding are minimised. Similarly, strategies will need to be prepared to address potential overland stormwater flows following a positive Gateway Determination being issued.

s.117 Direction	Valid	s.117 Direction	Comments
4.4 Planning for Bush Fire Protection	No	N/A	The land is not designated as being bushfire prone.
5. Regional Planning			
5.1 Implementation of Regional Strategies	Yes	N/A	The subject land is located within, and the proposal is entirely consistent with the provisions of the Sydney-Canberra Corridor Strategy.
5.2 Sydney Drinking Water Catchments	Yes	N/A	The land is within the Sydney Drinking Water Catchment. Due to a combination of favourable environmental factors, it is considered that the infill rezoning from special purposes to residential can be achieved without adversely impacting upon catchment. This can be achieved by the preparations of site specific strategies, controls and performance standards addressing the primary activities and uses including stormwater management, erosion and sediment control, urban run-off, roads and the development in the area directly adjoining the riparian zone in the south-western corner of the site. These strategies, controls and performance standards can ensure that all future residential development on the subject land has neutral or beneficial effect on water quality and overall catchment health. It is noted that the subject site is not an identified "Special Area" as per the <i>Sydney Water Catchment Management Act 1998</i> and the proposal is consistent with the provisions of the relevant 2011 Sydney Drinking Water Catchment SEPP.
5.3 Farmland State & Regional Significant on the NSW Far North Coast	No	N/A	The land is not located on the Far North Coast of NSW.

s.117 Direction	Valid	s.117 Direction	Comments
5.4 Commercial and Retail Development along the Pacific Hwy North Coast	No	N/A	The land is not located along the Pacific Highway, North Coast.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock)	No	N/A	The land is not in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	The land is not adjoining or adjacent to the Second Sydney Airport: Badgerys Creek
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not impose concurrence or referral requirements.
6.3 Site Specific Provisions	Yes	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. 6.3 (4) (c) states a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: • Allow that land use to be carried out in the zone the land is situated on, or • Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or	It is proposed to introduce standard land use controls for the future development on the land that align with existing controls imposed by Goulburn Mulwaree through its LEP, DCP and other relevant policies. The three (3) principal statutory controls to be introduced through the LEP amendment include: I. R1 General Residential zone; II. 700m² minimum lot size; and III. 8.0m maximum height limit. The subject site is currently zoned <i>SP2 Infrastructure</i> and does not have either a minimum lot size or building height control in place.

s.117 Direction	Valid	s.117 Direction	Comments
		Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	As noted previously, all the surrounding land except for the Crown Reserve parcel comprising active open space is zoned <i>R1 General Residential</i> with a minimum lot size of 700m ² and 8.0m height limit. Accordingly, it is considered that the proposed LEP controls recommended are consistent and compatible with the surrounding built environment.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy	No	N/A	The development site is not within the Metropolitan Strategy.

Overall, the Planning Proposal is not inconsistent with the general direction or specific requirements of any of the Section 117 Directions. Further, this Planning Proposal has addressed all Section 117 Directions prescribed by the Minister as contained within the Environmental Planning & Assessment Act 1979 (as amended) and associated land use planning instruments.

5.4 Environmental, Social and Economic Impact

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

There are no known areas on the site that are of critical habitat, threatened species, populations or ecological communities affected by this Planning Proposal. However, further threatened species investigations will occur as the Planning Proposal is advanced following a positive Gateway Determination. Consultation with the Office of Environment and Heritage (OEH) is likely to occur as part of the exhibition and community consultation of this Planning Proposal.

5.4.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The proposal is for an infill development adjacent to existing established residential and recreational areas within the township of Marulan. A summary of the environmental impacts is outline in Table 6 below:

TABLE 6: Summary of Environmental Impacts

No.	Impact	Comment
I.	Water Quality	The Planning Proposal is for the development of the subject land with a minimum lot size of 700m ² . The entire development will be connected to a reticulated sewer system, which eliminates the major cause of potential degradation of water quality. A stormwater strategy will be undertaken in accordance with the principles of WSUD.
II.	Water	A reticulated water supply is available and would be extended to service all lots within the development.
III.	Bushfire	The site is not identified as bushfire prone land.
IV.	Drainage	The land not identified as being flood prone. However, it is possible that flooding could occur along sections adjacent to the far south-western corner of the site where adjoins an existing unnamed creek. Appropriate management strategies will need to be devised to ensure any likely impacts from flooding are minimised. Similarly, strategies will need to be prepared to address potential overland stormwater flows following a positive Gateway Determination being issued.
V.	Waste	Wastes generated from the development can be managed at the Marulan Waste Management Centre.
VI.	Noise	A detailed noise assessment will be undertaken as this Planning Proposal is advanced through the Gateway process. The assessment will determine an appropriate separation distance from the Main Southern Railway corridor that abuts the sites southern boundary. The noise assessment will also examine likely noise impacts associated with traffic, particularly heavy vehicles associated with the Lynwood Quarry using Brayton Road.
VII.	Air Quality	A detailed air quality assessment will be undertaken as this Planning Proposal is advanced through the Gateway process. The assessment will determine an appropriate separation distance from the Main Southern Railway corridor that abuts the sites southern boundary.
VIII.	Traffic	The likely traffic generation from this development is well within the existing capacity of the surrounding local road network. A local traffic assessment will be undertaken as this Planning Proposal is advanced through the Gateway process. Any potential impacts are manageable and will inform the final design and development and implementation of management guidelines. Whilst a proposed subdivision design for the land has not yet been prepared, it is estimated that once fully developed, the site could house up to 50 new dwellings. It is calculated that this density has the potential to generate an additional 400 local traffic movements on the surrounding road network per day.

5.4.3 How has the Planning Proposal adequately addressed any social and economic effects?

The Proposal will increase the supply of residential land in proximity to the Marulan town centre.

The Planning Proposal will have a positive economic impact upon the local building and construction industry, increasing of the prospects of local employment on many fronts, both in design and construction. The local businesses at Marulan and Goulburn are likely to benefit through enhanced trade and commerce.

The new residential population will have a positive impact on key employment industries such as schools and education centres, cafes, restaurants and takeaway food services and will generate increased demand for these services, thereby providing an economic benefit to the area.

The proposal has positive social and economic contributions as discussed above in the various Strategies by providing much needed housing choice in the LGA. Indeed, under the proposed scenario, no adverse social and/or economic impacts are foreshadowed, but rather positive impacts will accrue in this regard.

5.5 State and Commonwealth Interests

5.5.1 Is there adequate public infrastructure for the Planning Proposal?

Public infrastructure will be required to be augmented to support the urbanisation of the subject land, as communicated in this Planning Proposal.

The nature and extent of augmentation will be finally determined having regard to more detailed investigations as part of the continued evolution of this Planning Proposal and subsequent detailed subdivisional planning processes.

As a minimum, the existing reticulated town water system and sewerage system in the adjoining urban area will need to be extended to service a new housing and further liaison will need to occur with the service provider in this regard, namely Goulburn Mulwaree Council.

The logistics (physical and economic) of providing such requisite infrastructure are considered economically and physically achievable as the subject land is contiguous with existing well-established urban residential development and the subject site has minimal physical constraints and natural hazards.

The catchment and nature of the land is such that a comprehensive Stormwater Management Plan predicated on the principles of Water Sensitive Urban Design can be readily designed and implemented as part of the overall development scheme.

Reticulated electricity, data and telecommunications facilities will also be provided as service infrastructure. Such are capable of ready installation in a pragmatic physical and economic sense.

Development of the subject land as proposed in this Planning Proposal will entail the construction and ultimate dedication of an appropriate subdivisional road network. Initial indications are such that a new road network can integrate efficiently with the existing local road network, as well as the wider regional transport network.

Upgrading of roads to provide the necessary connectivity and permeability, which include intersection works on Brayton Road and Wollondilly Street will be addressed as part of the post Gateway Planning Proposal and be included in a Voluntary Planning Agreement (VPA) or other document that addresses this aspect.

Amplification and/or enhancement of public infrastructure will involve relevant contributions pursuant to S94 EPA Act and/or a Voluntary Planning Agreement. Such contributions will be determined in response to more detailed planning actions as the Planning Proposal progresses.

5.5.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination and have they resulted in any variations to the Planning Proposal?

The Gateway Determination will identify any consultation required with State or Commonwealth Public Authorities. This will include:

- a) Consultation required in accordance with a Ministerial Direction under section 117 of the EP&A Act; and
- b) Consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

Consultation would occur following the outcome of the Gateway Determination and Council would be responsible for carrying out this consultation in accordance with S57 of the EPA Act.

6.0 COMMUNITY CONSULTATION

Community consultation remains an important element of the Plan making process. The companion document “A Guide to Preparing Local Environmental Plans” outlines community consultation parameters. The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed. Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning Proposal as being consistent with the “Gateway” Determination (EPA Act, S57(2)).

It is considered that this Planning Proposal is of a “low impact” nature and a 28 day exhibition period is able to be conducted by way of direct correspondence to the surrounding owners and infrastructure providers, publication within the local press and information on Goulbourn Mulwaree Council’s website.

Additional criteria under ‘A guide to preparing local environmental plans’ require consideration of the following matters:

- a) If the provisions of the Planning Proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.*

The Planning Proposal does not include the extinguishment of any interests in the land.

- b) The concurrence of the landowner, where the land is not owned by the relevant planning authority.*

LandTeam are acting on behalf of the landowner (Air Services Australia) who initiated the preparation of the Planning Proposal.

The following timetable outlines the major milestones date for the Planning Proposal:

- | | |
|---|------------------|
| ▪ Commencement date / date of Gateway Determination: | March 2016 |
| ▪ Completion of technical information: | May 2016 |
| ▪ Government Agency consultation: | May 2016 |
| ▪ Public exhibition period: | June – July 2016 |
| ▪ Consideration of submission and consideration by Council: | August 2016 |
| ▪ Date of submission to the Department to finalise the LEP: | September 2016 |

7.0 CONCLUSION

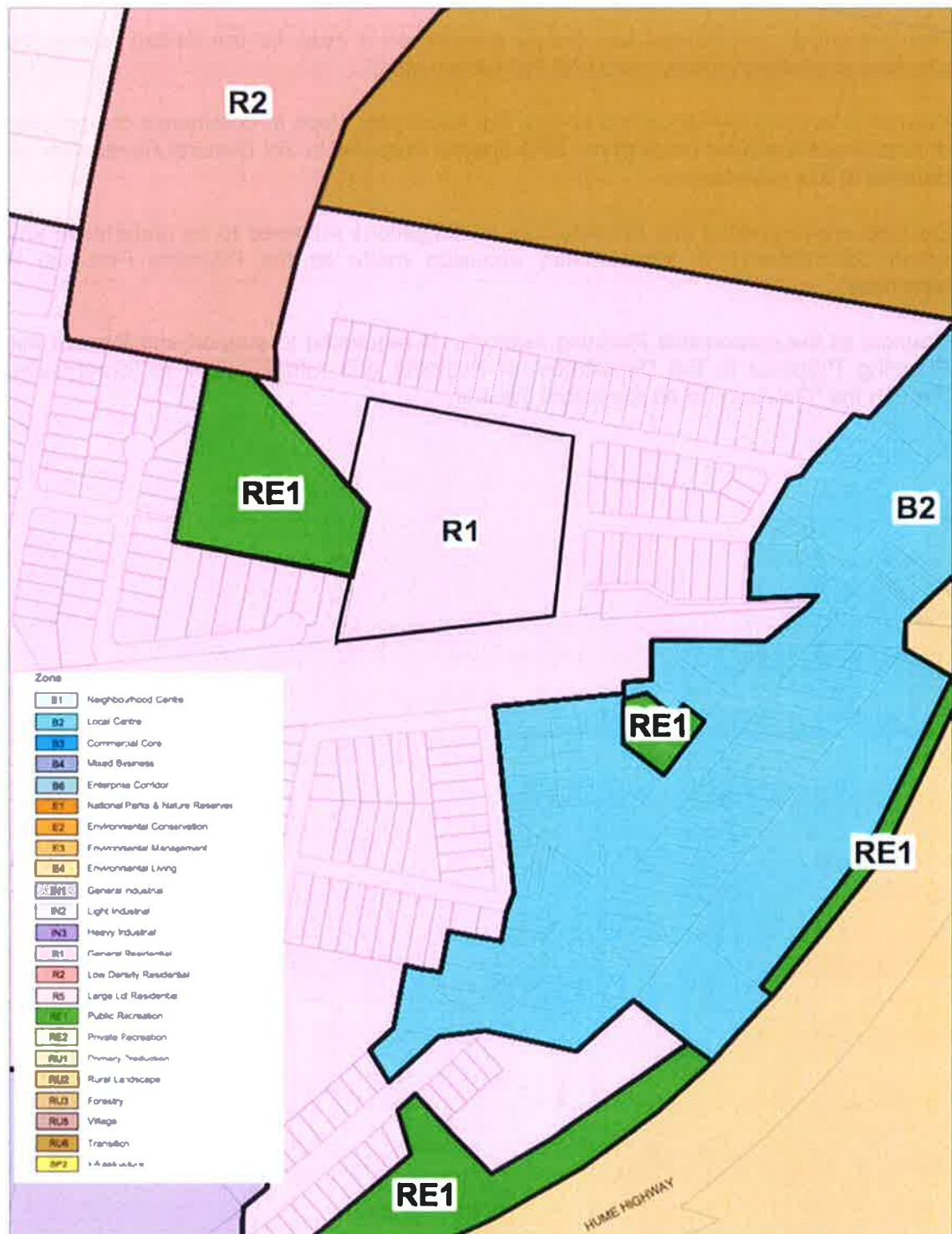
The preceding commentary has clearly established a case for the limited review the planning provisions as they pertain to the subject land.

Council is accordingly requested to take the necessary steps to commence the process of rezoning the subject lands from ' *SP2 Special Purpose*' to ' *R1 General Residential*' as detailed in this submission.

Detailed environmental and infrastructure investigations will need to be undertaken and broad commitments to infrastructure provision made as the Planning Proposal is advanced.

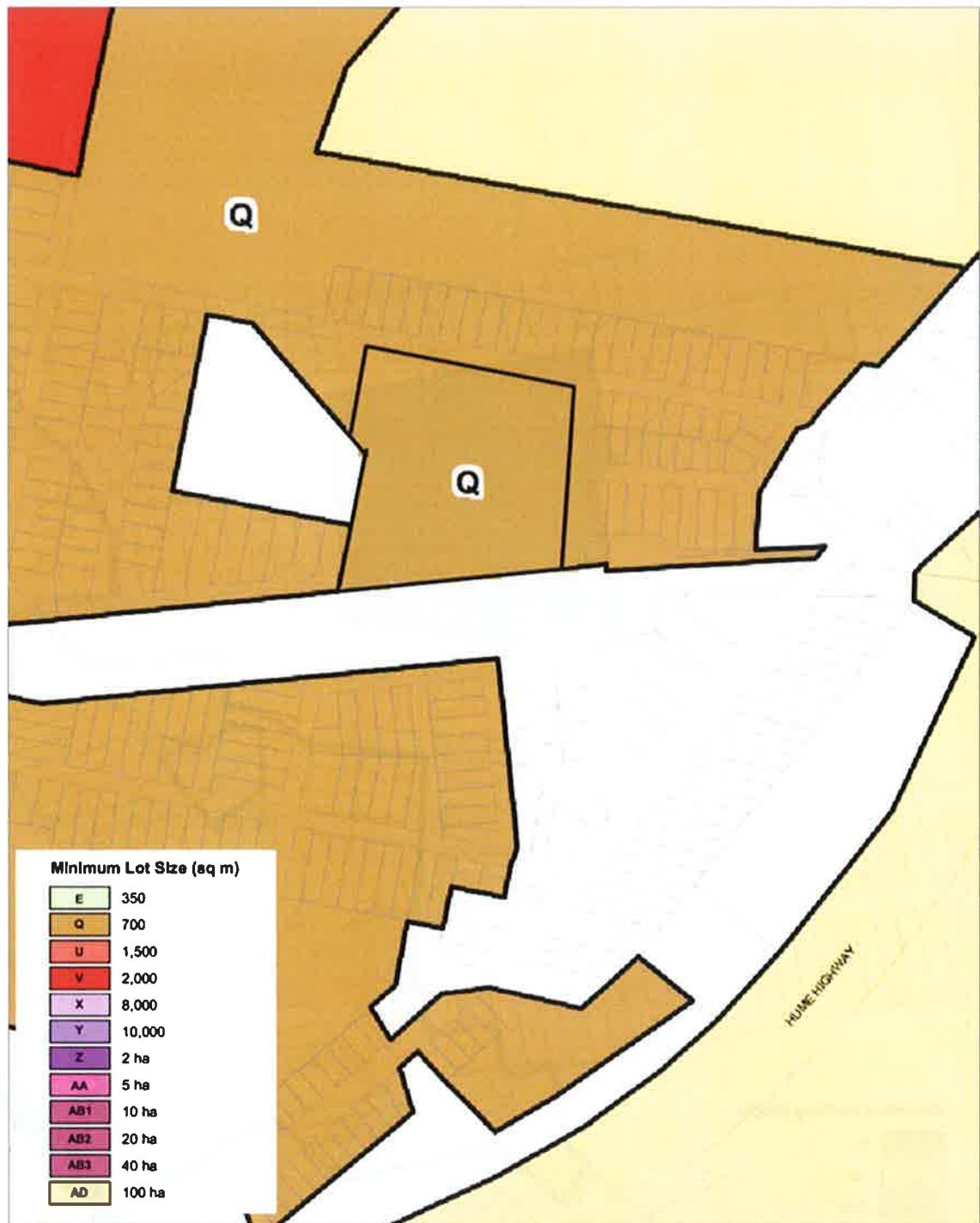
Council, as the responsible Planning Authority, is requested to support and forward this Planning Proposal to the Department of Planning and Infrastructure for progressing through the "Gateway" in an expedient manner.

Annexure 1 – Zoning Map Amendment



Proposed amendment to LZN 003C rezoning Lot 2, DP 746614 R1 General Residential.

Annexure 2 – Minimum Lot Size Map Amendment



Proposed amendment to LSZ 003C introducing a minimum 700m² lot size on Lot 2, DP 746614.

Annexure 3 – Maximum Building Height Map Amendment



Proposed amendment to HOB 003C introducing a maximum 8m building height control on Lot 2, DP 746614.