

Planning Proposal - Lot 2 DP 746614 Brayton Road Marulan

Proposal Title : **Planning Proposal - Lot 2 DP 746614 Brayton Road Marulan**

Proposal Summary : **The Planning Proposal seeks to rezone a 5.722 hectare parcel of surplus land located at Lot 2 DP 746614 Brayton Road Marulan from SP2 Infrastructure Zone (Public Utility Undertaking) to R1 General Residential Zone and introduce a 700 square metre minimum lot size and an eight metre building height limit.**

PP Number : **PP_2016_GOULB_001_00** Dop File No : **16/05835**

Proposal Details

Date Planning Proposal Received : **05-May-2016** LGA covered : **Goulburn Mulwaree**

Region : **Southern** RPA : **Goulburn Mulwaree Council**

State Electorate : **GOULBURN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Brayton Road**

Suburb : **Marulan** City : **Goulburn Mulwaree** Postcode : **2580**

Land Parcel : **Lot 2 DP 746614**

DoP Planning Officer Contact Details

Contact Name : *George Curtis*

Contact Number : *02 42249465*

Contact Email : *george.curtis@planning.nsw.gov.au*

RPA Contact Details

Contact Name : *William*

Contact Number : *Oxley*

Contact Email : *william.oxley@goulburn.nsw.gov.au*

DoP Project Manager Contact Details

Contact Name : *Graham Towers*

Contact Number : *02 42249467*

Contact Email : *graham.towers@planning.nsw.gov.au*

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Sydney-Canberra Corridor** Consistent with Strategy : **Yes**

Regional Strategy : **Regional Strategy**

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MDP Number :		Date of Release :	
Area of Release (Ha) : 5.72		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0		No. of Dwellings (where relevant) :	40
Gross Floor Area : 0		No of Jobs Created :	120

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Goulburn Mulwaree Council received a planning proposal from LandTeam seeking the rezoning of the subject land on 18 March 2015.**

At its 15 December 2015 meeting Council resolved to revise the planning proposal to ensure consistency with Departmental guidelines and requirements and then to submit the revised proposal to the Department of Planning and Environment for a Gateway determination.

Council has commenced consultation with WaterNSW in accordance with Section 117(2) of the Environmental Planning and Assessment Act 1979 Direction 5.2 Sydney Drinking Water Catchments. Water NSW has provided a letter to Council dated 29 March 2016 which identifies a number of water quality/catchment issues and requirements in how these issues can be addressed if the proposal is issued a Gateway determination.

Council lodged the planning proposal as well as a copy of the Water NSW letter, to the Department on 19 April 2016.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The stated objective of the proposal is "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."**

The stated intended outcome of the proposal is "a coordinated and integrated approach to infill development on Lot 2, DP 746614 commensurate with its natural constraints and development opportunities."

It is considered that the statement of objectives provided is adequate and meets the requirements of the Department's guide to preparing planning proposals.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions provided is to achieve the stated objective by:

(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 700 square metres 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.

It is considered that the explanation of provisions provided is adequate and meets the requirements of the Department's guide to preparing planning proposals.

The proposed zoning, minimum lot size and height of building controls are consistent with the adjoining residential areas.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Drinking Water Catchments Regional Environmental Plan No. 1

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Council has not requested plan making delegations. It is, however, considered that Council be given delegation to exercise the Minister's delegations in this instance because the proposal is of local significance and is not inconsistent with endorsed strategic planning for the Marulan area as identified in the Sydney Canberra Corridor Regional Strategy and Goulburn Mulwaree Strategy 2020. It is considered that Council will be able to address any water quality, noise, extractive industry and infrastructure issues in consultation with relevant State government agencies.

Recommendation: That Council be issued the Minister's plan making delegations for the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Goulburn-Mulwaree 2020 Strategy:

The proposal states that it is consistent with the relevant provisions of the Goulburn-Mulwaree 2020 Strategy, noting that although the site is not specifically identified in the Strategy for development, the Strategy identifies that Marulan has capacity for growth and that the existing Village would enable some capacity absorption through infill development. Notably the site is located within the Marulan urban area and is surrounded by existing developed residential land.

It is considered that the proposal is not inconsistent with Council's Goulburn-Mulwaree 2020 Strategy for the reasons provided.

Section 117 Directions:

1.3 Mining, Petroleum Production and Extractive Industries

This Direction may apply to the planning proposal as the proposal may restrict the potential development of resources of extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The proposal states that the site contains no known deposits of mineral resources and is not located directly adjoining resources or existing industries. The proposal, however, indicates that the site, as well as significant parts of the Marulan township, is located within the "Transition Area" buffer in the Mineral Resources Audit of Goulburn Mulwaree prepared by NSW Trade and Investment. It further states, however, that the Lynwood Quarry is located approximately 5.3 km to the south east of the subject land and that this is likely to provide a significant buffer to mitigate any likely adverse effects on the quarry's operations or the future amenity of residents on the subject land. It is also noted that the proposal is infill development so it is unlikely that future residents will be impacted any more than adjoining residential areas.

The proposal indicates that consultations will be undertaken with the quarry owner as well as the Department of Primary Industries if the planning proposal proceeds. The proposal also identifies that a detailed noise assessment would be undertaken to examine likely noise impacts associated with traffic, particularly heavy vehicles associated with the Lynwood Quarry using Brayton Road.

At this stage it is unclear whether the requirements of the direction have been met until Council has consulted with the quarry owner and the DPI (Minerals) to identify any potential issues and has undertaken the proposed noise assessments to determine whether any potential land use conflicts can be satisfactorily addressed.

RECOMMENDATION: That Council provide additional information to DPE to demonstrate compliance with the requirements of the Direction prior to finalising the planning proposal.

3.1 RESIDENTIAL ZONES: This Direction applies to the planning proposal as it will affect land within a proposed residential zone.

The proposal states that it is consistent with the Direction because it is essentially an infill development and will assist in the efficient and effective use of existing infrastructure and services in the area.

It is considered that the proposal is **CONSISTENT** with the Direction for the reason provided and also because it will provide for housing choice and minimise demand for housing on environment and resource lands.

3.4 INTEGRATING LAND USE AND TRANSPORT: This Direction applies to the planning proposal as it will create a zone relating to urban land.

The proposal states that it is consistent with the Direction because it seeks to provide additional housing in areas serviced by public transport (train and school bus services) and that it will encourage the use of public transport, walking and cycling.

The proposal is considered to be **CONSISTENT** with this direction for the reasons provided.

4.3 FLOOD PRONE LAND: This Direction applies to the planning proposal as it will create a zone or a provision that affects flood prone land.

The proposal states that the land is not identified as 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 and that this area would need to be managed through the establishment of a suitable buffer area with passive impact uses such as reserves.

At this stage it is unknown whether the proposal is **CONSISTENT** or **INCONSISTENT** with the Direction. This will be determined once the proposed assessment work is undertaken to address any potential flood risk areas as indicated in the proposal.

RECOMMENDATION: That Council provide additional information to demonstrate compliance with the requirement of the Direction prior to finalising the planning proposal.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction applies to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.

The proposal states that it is entirely consistent with the Sydney Canberra Corridor Regional Strategy.

The Sydney Canberra Corridor Regional Strategy supports areas identified for settlement and housing that are identified in the Goulburn Mulwaree LEP and Goulburn Mulwaree Strategy 2020. As previously mentioned in relation to the Goulburn Mulwaree 2020 Strategy, the subject site is not specifically identified for urban development, however, the Goulburn Mulwaree Strategy 2020 does identify that Marulan would enable some capacity absorption through infill development.

The proposal is potentially inconsistent with the Regional Strategy action that requires local environmental plans to limit inappropriate development adjoining the Main Southern Railway (p.31). The proposal, however, identifies that a detailed noise assessment would be undertaken to determine an appropriate separation distance from the Main Southern Railway.

RECOMMENDATION: The Secretary can be satisfied that the proposal is consistent with the Direction.

5.2 SYDNEY DRINKING WATER CATCHMENT: This Direction applies to the planning proposal as the land is within the Sydney drinking water catchment.

The proposal states that due to a combination of favourable environmental factors, it is considered that the infill proposal can be achieved without adversely impacting on the catchment.

Advice provided by Water NSW's 29 March 2016 letter in accordance with the referral requirements of the Direction notes that "the proposal does not adequately address the incorporation of riparian buffers and the management of stormwater for protection of water quality". Council has advised that it has met with Water NSW to discuss the issues and Council has advised that a conceptual water cycle management study, including MUSIC model, that considers potential lot yields and riparian buffers will adequately

address Water NSW's requirements. Council has advised that it is satisfied that the applicant will be capable of preparing such documentation to the satisfaction of Water NSW should a favourable Gateway determination be granted.

It is considered that at this stage it is unknown whether the proposal is consistent or inconsistent with the Direction. This matter is likely to be clearer once Council has prepared the studies to address the issues identified in Water NSW's letter.

RECOMMENDATION: That Council provide additional information to the Department to demonstrate compliance with the Direction in consultation with Water NSW prior to the finalisation of the planning proposal.

2.1 ENVIRONMENT PROTECTION ZONES

Although the planning proposal indicates that the Direction does not apply because no environment protection zoned land is included in the proposal, it is considered that the Direction may apply because the site has been identified in the "Goulburn Mulwaree Biodiversity Strategy 2007" as containing regrowth vegetation comprising grassy woodland and Dry Sclerohyll Forest with Tableland Grassy Box-Gum Woodland and Secondary Grassland vegetation types.

The proposal indicates that an ecological assessment would be undertaken to address any flora and fauna issues in consultation with the Office of Environment and Heritage. It is unclear whether the proposal complies with the requirements of the Direction until this work is completed.

RECOMMENDATION: That Council provide additional information to the Department to demonstrate compliance with the Direction in consultation with the OEH prior to the finalisation of the planning proposal.

State Environmental Planning Policies:

SEPP 55 - Remediation of Land

The SEPP applies to the planning proposal because it seeks to rezone land that is potentially contaminated due to its proximity to the Southern Railway and also proposes to rezone the land to a sensitive (residential) land use.

The planning proposal indicates that it is consistent with the SEPP because a Phase 1 Preliminary contamination investigation will be undertaken to determine the potential for the land to be contaminated, in accordance with the Department's SEPP 55 Guidelines, if a Gateway determination is issued.

Recommendation: That Council prepare a Preliminary Contamination Investigation report for the site and include this report during the exhibition of the planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

A number of maps are provided in the planning proposal, namely a locality map, subdivision pattern map, and proposed zoning, minimum lot size and maximum building height maps. The maps provided are considered to be adequate for the purposes of community consultation. The zoning, minimum lot size and maximum building height maps will need to be prepared to meet the requirements of the Department's Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015) prior to the finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A 28 day exhibition period is proposed to be undertaken. Surrounding landowners and infrastructure provided would be directly notified. A notice is also proposed to be placed in the local press as well as on Council'

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The proposal is considered to meet all 6 parts of a planning proposal required by the Department's guide to preparing planning proposals. The proposed timeline needs updating as it currently indicates a March 2016 date for a Gateway determination.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Goulburn Mulwaree LEP was notified in 2009. The LEP has been amended 5 times since notification.

Assessment Criteria

Need for planning proposal : The planning proposal is needed to facilitate the rezoning of Lot 2 DP 746614 Brayton Road, Marulan which is currently zoned for infrastructure (aircraft direction beacon) but, due to the introduction of new guidance and monitoring technologies, the land is now surplus to the needs of the government owners (Airservices Australia). The rezoning of the site to residential would enable the site to be developed for a beneficial use, namely residential.

Consistency with strategic planning framework : As previously mentioned the planning proposal is not considered to be inconsistent with the Sydney Canberra Corridor Regional Strategy, the Goulburn Mulwaree Strategy 2020, the Goulburn Mulwaree Community Strategic Plan 2030 and with the majority of applicable SEPPs and section 117 Directions. Council will need to demonstrate compliance with section 117 Directions 1.3, 2.1, 4.3 and 5.1 in consultation with relevant Government agencies prior to the finalisation of the planning proposal.

Environmental social economic impacts :
Environmental:
The proposal states that 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, identifies that the land is identified in Council's biodiversity strategy 2007 as having some regrowth vegetation values. The proposal states that further ecological investigations will be undertaken, including consultation with the Office of Environment and Heritage during the further progression of the proposal.

The site is located within the Sydney Drinking Water Catchment. Development proposals are required to demonstrate a neutral or beneficial effect on water quality. As previously mentioned, WaterNSW has recommended that a water cycle management study, including a MUSIC water quality model, is undertaken, that considers potential lot yields and riparian buffers to address WaterNSW requirements.

Noise from the adjoining Southern Railway as well as from quarry trucks using Brayton Road is a potential issue that could impact on the amenity of future residents of the site and the operations of the Lynwood Quarry. As previously discussed a noise and vibration assessment is proposed to be undertaken post Gateway.

A preliminary contamination assessment is also proposed to be undertaken to determine the potential for contamination on the site given that it adjoins the Southern Railway.

Social and economic:

The proposal states that it will increase the supply (by 40 lots) of residential land in proximity to the Marulan town centre, provide additional housing choice. It also states that it will have a positive economic impact on the local building and construction industry, providing employment and support local businesses at Marulan and Goulburn.

Public infrastructure will be required to be augmented to support the development of the subject land. This will require the extension of the existing reticulated town water and sewerage system, including potential upgrade of the Marulan Sewage Treatment Plant, provision of electricity, data and telecommunications facilities, provision of new and upgraded roads. This will require local developer contributions (section 94) to finance the additional infrastructure and services. Council has not identified that the required additional and upgraded infrastructure to support the development of the site is not able to be provided.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority : **Sydney Catchment Authority**
Consultation - 56(2)(d) : **Office of Environment and Heritage**
: **NSW Department of Primary Industries - Minerals and Petroleum**
: **Transport for NSW**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The proposal is needed to facilitate the rezoning of a 5.722 ha parcel of surplus AirServices Australia land to enable its beneficial use for housing.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

Other - provide details below

If Other, provide reasons :

- **Water cycle management study, including MUSIC model.**
- **Flora and fauna assessment**
- **Noise assessment in relation to traffic and rail noise**
- **Phase 1 Preliminary Site Contamination Investigation**
- **Traffic assessment**
- **Infrastructure investigation (water and waste water)**

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Goulburn Mulwaree Council covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Water NSW letter to Goulburn Council.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the A/Director Regions, Southern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Goulburn Mulwaree LEP 2009 to rezone land identified as lot 2 in DP 746614 from SP2 Infrastructure (Public Utility Undertaking) Zone to R1 General Residential Zone should proceed subject to the following conditions:

1. The studies and investigations identified in the planning proposal and in WaterNSW's 29 March 2016 letter are to be prepared and included in the exhibition materials.
2. An updated project timeline is prepared to reflect the Gateway determination date and other milestones.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Primary Industries (Minerals & Office of Water)
 - Water NSW
 - Department of Transport (Rail)
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to

comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

7. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

8. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions:

3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

(b) Further information is required to be provided to the Department to demonstrate compliance with the following directions prior to the finalisation of the planning proposal:

1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
4.3 Flood Prone Land
5.2 Sydney Drinking Water Catchments

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(D) No further consultation or referral is required in relation to s117 Directions, with the exception of s117 Directions identified in (b) above, while the planning proposal remains in its current form.

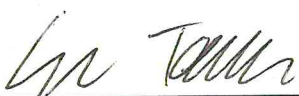
9. The planning proposal is considered to be consistent with all other relevant SEPPs.

10. LEP maps are to be prepared to meet the requirements of the Department's Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015) prior to the finalisation of the planning proposal.

Supporting Reasons :

Preparation of the proposed studies and investigations prior to exhibition will provide the opportunity for Council to consider the outcomes of the studies and investigations prior to exhibition of the planning proposal.

Signature:

 Team Leader.

Printed Name:

GRAHAM TOWERS Date: 16/5/16