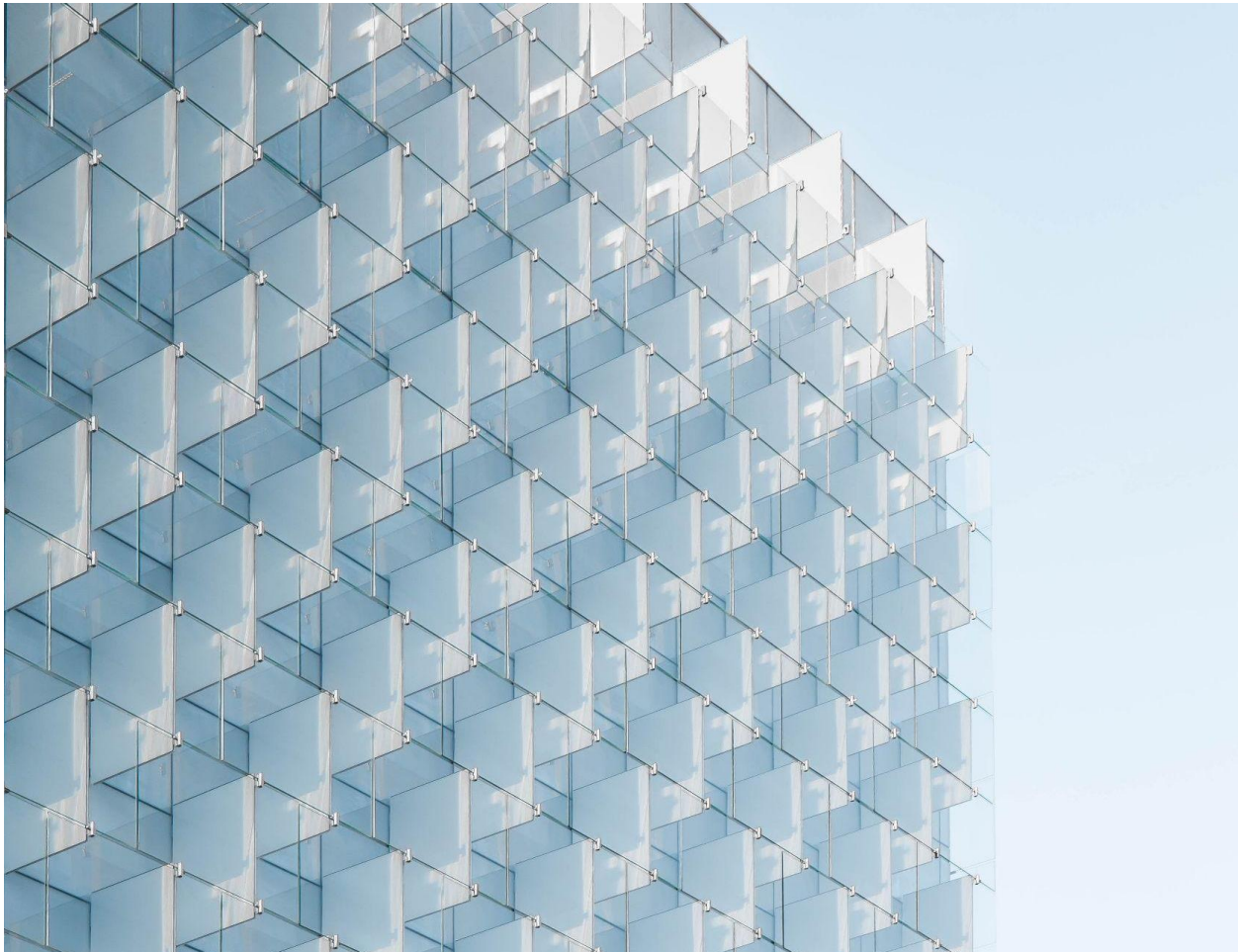


WILLOWTREE PLANNING



26 February 2024

Ref: WTJ23-446
Contact: Macy Fenn



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED RESIDENTIAL SUBDIVISION INCLUDING 111 LOTS

Wilson Drive, Marulan
Lot 2 DP1136538
Lot 23 in DP1256090

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Daraby Pty Ltd

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential Subdivision including the creation of 111 Residential lots
Wilson Drive, Marulan

In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders - past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ23-446		
Contact	Macy Fenn		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 - 29/09/2023	Macy Fenn Town Planner	Andrew Pigott Director	Andrew Cowan Director
Version No. 2 - 21/11/2023	Macy Fenn Town Planner	Andrew Pigott Director	
Version No. 3 - 6/12/2023	Macy Fenn Town Planner	Andrew Pigott Director	
Version No. 4 - 26/02/2024	Macy Fenn Town Planner	Andrew Pigott Director	
			

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STATEMENT OF ENVIRONMENTAL EFFECTS

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Wilson Drive, Marulan

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Appendix	Document	Prepared by
1	Survey Plan	Southern Cross Consulting Surveyors
2	Proposed Plan of Subdivision	AT&L
3	Stormwater Management Report	AT&L
4	Ecological Impact Assessment and Biodiversity Development Assessment Report	Capital Ecology
5	Noise Impact Statement	Pulse White Noise Acoustics
6	Aboriginal Cultural Heritage and Archaeological Report	Past Traces
7	Preliminary Site investigation	Douglas Partners
8	Bushfire Hazard Assessment Report	Bushfire Building Solutions
9	Traffic Report	Inroads Group
10	Civil Design Report	AT&L
11	Civil Works Drawings	AT&L
12	Explosives Storage Impact Investigation Report	Explosives Engineers
13	Landscape Plan	Susie Reynolds Designs
14	Preliminary Geotechnical Investigation	Douglas Partners



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15	Sewage Treatment Plant Upgrade	Netafim Services
16	Draft Public Benefit Offer	Marulan Estates Pty Ltd



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Wilson Drive, Marulan

PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Daraby Pty Ltd (the Applicant) and is submitted to Goulburn Mulwarree (Council) in support of a Development Application (DA) for a proposed residential subdivision on part of a Site located at Wilson Drive, Marulan. This residential subdivision is known as *Equinox Marulan*.

The proposed development represents Stage 3 of the broader development and includes **111** residential lots (including one drainage reserve and residual lot). The Site was rezoned by Council to permit residential development following the gazettal of the *Goulburn Mulwarree Local Environmental Plan 2009*. Stage 1 (involving 22 lots) was approved by Council in 2018 and is now registered with homes constructed on most lots. Stage 2 was approved by Council in April 2021 involving 126 residential lots currently under construction, 2 drainage reserves and 1 residual lot.

Marulan Estates Pty Ltd owns the property. Marulan Estates Pty Ltd has partnered with Darraby Pty Ltd as developer, to deliver the Equinox Marulan residential subdivision. Darraby Pty Ltd has been given power of attorney to carry out all functions on behalf of Marulan Estates Pty Ltd to deliver the development. AT&L Engineers and Development Consultants have been engaged by Darraby Pty Ltd to manage the design and delivery of the subdivision works.

The proposal is consistent with the relevant provisions of the *Goulburn Mulwarree Local Environmental Plan 2009* and the *Goulburn Mulwarree Development Control Plan 2009*.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the subject Site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F SECTION 4.15 EVALUATION**



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential Subdivision including the creation of 111 Residential lots

Wilson Drive, Marulan

▪ PART C CONCLUSION

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

1.2 PRE-LODGEMENT CONSULTATION

A pre-lodgement meeting was held with Goulburn Mulwaree Council on 29th June 2022 with Ellie Varga (Senior Development Assessment Officer), Muji Nilar (Infrastructure Engineer), Peter Nunn (Asset & Development Engineer), Brin Faulkner (Environment & Biodiversity Assessment Officer), Stephen Kaposi (Senior Development Assessment Officer – Observer), Nadine Clarke (Development liaison Officer), Bradley Harkins (Development Engineer), David Matthews (Development Manager). **TABLE 1** below outlines the notes provided and commentary against each matter.

TABLE 1. PRE-LODGEMENT NOTES	
Council Comments	Applicant Response
5. Utilities - Muji Nilar	
5.1 Water Supply	
5.1.1. Water infrastructure design would need to be submitted to an equivalent or better standard of the designs submitted with former stages with all required information.	Water infrastructure design has been submitted to a standard of the designs submitted with former stages, including all the required information.
5.1.2. All new water infrastructure would require pressure testing and be disinfected by a NATA accredited third party contractor with results submitted to Council before the new water mains are commissioned and handed over to Council.	It is understood all new water infrastructure requires pressure testing and disinfection by a NATA accredited third party contractor and results submitted to Council before the new water mains are commissioned and handed to Council.
5.1.3. The installation of a Tee junction with a SV on the water main extended from the railway for the proposal is permitted in order to accommodate future development of the site.	The civil engineering plans specifically drawing 23-1098-C1080 (refer to Appendix 11) demonstrates the water reticulation layout.
5.2 Sewerage	
5.2.1. Due to current capacity issues at the Marulan Waste Water Treatment Plant, further sewer connections will not be permitted until the new Treatment Plant has been commissioned. Council is currently undertaking an expansion and upgrade of the existing Treatment Plant and it is predicted,	Augmentation of the existing private plant is proposed to support this subdivision until such time as the Council Plant is upgraded. See Appendix 15 .



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential Subdivision including the creation of 111 Residential lots

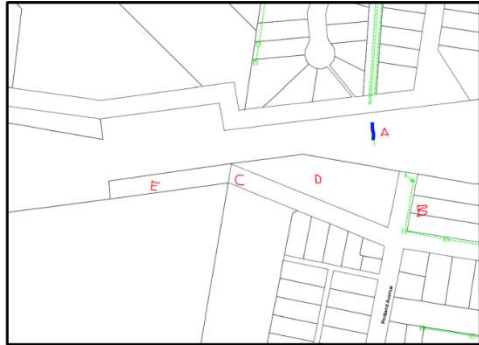
Wilson Drive, Marulan

at this time, that the new plant would become operational during 2024.	
5.2.2. Sewer infrastructure design would need to be submitted to an equivalent or better standard of the designs submitted for former stages with all required information.	Sewer design has been submitted to an equivalent standard of the designs submitted for former stages.
5.2.3. All new sewer infrastructure would require pressure, vacuum and ovality tests along with CCTV carried out by a NATA accredited third party contractor with results submitted to Council before the new sewer mains are commissioned and handed over to Council.	The new infrastructure requires pressure, vacuum and ovality tests along with CCTV carried out by a NATA accredited third party contractor. The results will be submitted to Council before the new sewer mains are commissioned and handed over to Council.
5.3. Section 64 contributions	
5.3.1. Based on a 124 lot residential subdivision, the following contributions have been calculated (subject to a s.306 Certificate): <ul style="list-style-type: none">• Water Contributions \$765,080;• Sewer Contributions \$1,383,22.	Section 64 contributions noted.
5.4. Section 305 Application	
5.4.1 A Section 305 Application under the Water Management Act 2000 is required for the proposed works. The Application fee for the 22/23 financial year for the proposed development type would be \$2,010.	Section 305 Application noted.
5.5 Policies and Construction Standards	
5.5.1 Construction work must comply with the following: <ul style="list-style-type: none">• Clearance and Easement Requirements for Structures Adjacent to Sewer and Stormwater Mains Policy; https://www.goulburn.nsw.gov.au/Council/Policies• Water Metering and Connection Policy; https://www.goulburn.nsw.gov.au/Council/Policies• GMC Water Construction Standards; https://www.goulburn.nsw.gov.au/Services/Water-Sewer/Water-and-SewerConstruction-Standards• GMC Sewer Construction Standards. https://www.goulburn.nsw.gov.au/Services/Water-Sewer/Water-and-SewerConstruction-Standard	The construction works will comply with the listed policies and construction standards.
6. Development Engineering - Peter Nunn	



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential Subdivision including the creation of 111 Residential lots
Wilson Drive, Marulan

6.1 Stormwater	
6.1.1. Preliminary engineering drawings are required and must demonstrate consistency with Council's Engineering Standards for Engineering Works.	Preliminary engineering drawings have been provided as part of this DA.
6.1.2. The culvert under the Main Southern Railway is undersized (See Location A in Figure 1) and there are services located inside the culvert further reducing capacity.	The proposed stormwater management plan will ensure post development flows are not greater than pre-development flows in accordance with ARR2019, GMDCP2009 and engineering guidelines. Any existing flooding issues identified downstream of the Site are not the concern of this DA as they are existing issues that will not be adversely impacted by the proposed Stage 3 subdivision development.
 <p>Figure 1</p>	
6.1.3. The stormwater drainage at Goulburn Street and Portland Avenue is undersized. Council's GIS indicates the pipes are 300mm diameter at Location B.	
6.1.4. There are flooding problems and development constraints on properties at the intersection of Portland Avenue and Goulburn Street due to the presence of flooding.	
6.1.5. The drainage system for the subdivision would need to be designed such that flooding and flood hazard are not increased in this precinct (Location B). This may require detention in excess of what is typical to achieve this.	The drainage system for this subdivision is designed so that flooding and flood hazard is not increased.
6.1.6. It is flat from Location C to Location A. Overland flow and street drainage between locations C and A will be difficult to design.	Refer to the civil engineering plans specifically drawing C2000 (refer to Appendix 11).
6.1.7. Council records indicate Location D is Crown Land. Location C and E are also owned by the Crown.	The works for Stage 3 are not proposed on Crown Land.
6.1.8. Given the constraints above, a fine grid 2D model is required to quantify existing conditions and demonstrate that the development does not impact existing flooding problems.	Council have completed flood modelling of this catchment. This flood study has been relied upon to inform the Stage 3 development.



STATEMENT OF ENVIRONMENTAL EFFECTS

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6.1.9. Basins should be designed to have maintenance access and how this is achieved should be submitted as part of the DA. Basins should have good passive surveillance, as well as a location to park, load and unload a maintenance vehicle and trailer. Basin 01 does not achieve either of these requirements and Basin 02 needs to show how maintenance would be able to park and operate.	The proposed basins are designed to have maintenance access.
6.1.10. Flow rates at the western culvert should not be increased.	As noted in the response to item 6.1.2 the proposed stormwater management plan will ensure post development flows are not greater than pre-development flows in accordance with ARR2019, GMDCP2009 and engineering guidelines.
6.1.11. There was a discussion about the appropriateness of having flood affected "natural space" in backyards backing onto the creek. Council indicated that it would consider any application on its merit but was of the opinion that it would not be suitable and therefore, could not be supported given the information provided during the meeting.	The layout has been amended to resolve the natural space issue.
6.2 Access and Traffic	
6.2.1 A Traffic Impact Study (TIS) is required for the proposed development. The TIS must assess the intersection of Portland Avenue and Goulburn Street, and the intersection of the site and Goulburn Street to determine the correct intersection treatments. Amongst other matters, the TIS must also calculate traffic generation from the proposal, identify the feeder roads, as well as capacity and quality of those roads. The TIS must nominate any areas for upgrades, new intersection treatments (where required) within the existing network and the proposed network.	A TIS has been prepared by InRoads Group (refer to Appendix 9).
6.2.2. There are several intersections and curves that appear to have poor sight distance and have curves that are too tight.	A compliance assessment of intersections has been included to the Civil Design Report (refer to Appendix 10).
6.2.3. A compliance assessment of road geometry with Austroads and Council standards for intersections and curves are required and must be submitted with the DA for consideration.	As mentioned in the above item, a compliance assessment of intersections has been included to the Civil Design Report (refer to Appendix 10).



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<p>6.2.4 Proposed road width do not comply with Council resolution (20m - lot yield & Road width) Continuation for existing roads. Road 8 needs to be wider for perimeter road for bushfire protection (APZ). Please see Council meeting minutes from 3 August 2021 meeting, Item 15.12.</p>	<p>The road width assessment is included in Section 3.2 of the Civil Design Report (refer to Appendix 10). The Traffic Report (refer to Appendix 9) states the proposed road widths are expected to be more than adequate to cater for the traffic volumes generates by the ultimate subdivision.</p>
<p>6.2.5. The entry to the skate park, public toilets and oval would need to be reconfigured/relocated and included in the proposal as part of the construction of Goulburn Street.</p>	<p>Access to the existing park has been shown in concept and is subject to discussion to and detailed design post DA.</p>
<p>6.2.6. Lot layout and location of the most Western Road was discussed. Roads fronting creeks provide better surveillance and would also assist with meeting bushfire protection requirements. Here is an example. 244 South Cct - Google Maps</p>	<p>The layout has been amended to resolve this issue.</p>
6.3 Contributions	
<p>6.3.1. Stormwater contributions are calculated on the area of impervious surfaces. Impervious surfaces include (but is not limited to) roofs, driveways and carparks. The formula is: Contribution (\$) = 1ET per lot x \$1455.</p>	<p>The calculation of stormwater contributions has been noted.</p>
6.4 Engineering Standards	
<p>6.4.1. Council's standards for engineering works is available via: https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-6</p>	<p>Noted on Council's standards for engineering works.</p>
7. Strategic Planning	
<p>7.1. The NSW Department of Planning and Environment (DPE) provided feedback during the Urban and Fringe Housing Strategy for Marulan during their review of the document. Their main concern was the extent of potential flooding in Marulan. Accordingly, to facilitate the future development of this precinct, Council has commissioned a Marulan Flood Study and Floodplain Risk Management Plan (with a grant from DPE for part funding). The preparation and adoption of this study is fundamental to securing support from DPE for any Planning Proposal seeking to rezone land within this precinct. The new Ministerial Direction for flooding is quite explicit about rezonings not allowing any development within a floodway. Consequently, until the mapping is undertaken, identification of zone boundaries and likely yields to inform other aspects of proposals will not be available. The study has</p>	<p>Noted.</p>



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<p>moved into the model development/calibration phase but mapping is unlikely to be available until later in the year. Consequently, Council recommends refraining from lodging any Planning Proposal for the site until the flood information is available.</p>	
<p>7.2. Preliminary consultation for any Planning Proposal with Water NSW is required.</p>	<p>Noted. Preliminary consultation with Water NSW will be conducted for the Planning Proposal.</p>
<p>7.3. The site is located within Council's Local Infrastructure Contributions Plan 2021 but the urban release area portion is outside the s.64 plan boundary within Council's Development Servicing Plan for Water Supply, Sewerage and Stormwater. An amendment to this s.64 plan will be required prior to the finalisation of any Planning Proposal. The outcome of the flood study may also impact stormwater calculations.</p>	<p>Noted an amendment to the s.46 plan is required prior to the finalisation of the Planning Proposal.</p>
<p>7.4. A Planning Proposal for the site will be required to achieve the following:</p> <ul style="list-style-type: none">• Provide a residential zone across the entirety of the development area upon the lot i.e. remove reference to RU6 and remove the 100ha minimum lot size;• Provide consistent minimum lot sizes for residential purposes i.e. 700sqm;• Remove reference to IN2 Light Industrial upon Lot 2 DP 1136538 and provide it with a 700sqm minimum lot size.	<p>Noted a Planning Proposal is required for the listed works. This DA is related to a proposed subdivision. Therefore for Stage 3 DA comment 7.4 does not need to be addressed.</p>
<p>7.5. Pre-lodgement meetings for planning proposals are strongly recommended and are provided free of charge. For further information or to book a meeting, please contact Council's Strategic Planning Unit on 02 4823 4444.</p>	<p>A pre-lodgement meeting will be requested prior to lodging the Planning Proposal.</p>
8. Development Assessment - Ellie Varga	
8.1. State Environmental Planning Policies (SEPPs)	
<p>8.1.1. The following SEPPs require consideration with the lodgement of the subject proposal:</p> <ul style="list-style-type: none">• State Environmental Planning Policy (Biodiversity and Conservation) 2021<ul style="list-style-type: none">○ Chapter 2 - Vegetation in non-rural areas○ Chapter 4 - koala habitat protection 2021○ Chapter 8 - Sydney drinking water catchment - The proposed development is a Module 5 development (demolitions greater than 2500sqm) under the NorBE Guidelines and therefore, requires the concurrence of	<p>The listed SEPPs have been considered in this SEE.</p>



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Proposed Residential Subdivision including the creation of 111 Residential lots
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<p>Water NSW before a favourable determination is made. A fee made payable direct to Water NSW of \$320 must be processed via the NSW Planning Portal for assessment of the DA. As per the NorBE Assessment Guidelines, the DA must be supported with a Water Cycle Management Study comprising:</p> <ul style="list-style-type: none">▪ Conceptual Sediment and Erosion Control Plan▪ Conceptual Soil and Water Management Plan▪ MUSIC stormwater quality modelling (including electronic copy)▪ Stormwater Drainage Plan▪ Draft Operational Environmental Management Plan <ul style="list-style-type: none">• <i>State Environmental Planning Policy (Resources and Energy) 2021</i> - As the site is in the vicinity of an existing mine, consideration of clause 2.19(2) of this SEPP is required.• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i><ul style="list-style-type: none">○ <i>Chapter 4 - Remediation of land</i> - Please refer to the Managing Land Contamination Planning Guidelines. As the site has not been developed before, as there are vehicles stored on the site, and as there are land uses adjacent that are potentially contaminating, a Contamination Survey comprising core sampling is required (Phase 1 Preliminary Site Investigation (PSI) and Phase 2 Detailed Site Investigation). A Contamination Survey must satisfy Council that the site is suitable for the intended uses.• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i><ul style="list-style-type: none">○ <i>Chapter 2 - Infrastructure</i>▪ The proposed development would be referred to Essential Energy pursuant to clause 2.48(1)(b) of this SEPP as development would be carried out in proximity to electricity infrastructure. Any comments received by Essential Energy would form part of any favourable determination.<p style="margin-left: 40px;">It is recommended that Essential Energy be contacted before designing the subdivision to ensure any necessary infrastructure (new substation, retained infrastructure etc) forms</p>	
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Proposed Residential Subdivision including the creation of 111 Residential lots
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<p>part of the Site Plan and Plan of Subdivision, easements can be appropriately nominated etc. The proposed development requires consideration of clause 2.98 Development adjacent to rail corridors, and clause 2.100 Impact of rail noise or vibration on non-rail development in this SEPP. To this end, the application must be supported with consideration against the Development Near Rail Corridors And Busy Roads – Interim Guideline and a Noise Assessment must be provided for Council to be able to appropriately consider these clauses. Council will be referring the application to the Australian Rail and Track Corporation for their assistance in assessing these clauses.</p> <ul style="list-style-type: none"> ▪ If the DA once submitted resulted in greater than 200 lots, it would be referred to Transport for NSW (TfNSW) as traffic generating development (see Schedule 3 to this SEPP). 	
<p>8.2 GMLEP 2009</p>	
<p>8.2.1 Development consent is sought for a 126 lot residential subdivision at the site. Under GMLEP 2009, subdivision requires development consent pursuant to clause 2.6. Construction of roads, earthworks, stormwater management, tree removal and service connections can all be considered as ancillary to the proposed development, but also require consideration in their own right.</p>	<p>It is understood the subdivision requires development consent and the listed works are deemed ancillary.</p>
<p>8.2.2. The site is zoned R1 General Residential, RU6 Transition and IN2 Light Industrial.</p>	<p>Noted.</p>
<p>8.2.3. The submitted zoning overlay map does not identify that Lot 2 DP1136538 is zoned IN2. Part of proposed Lots 359 and 358, an extension of Goulburn Street and part of Basin 2 is proposed in the IN2 zone. Residential land uses are not permissible in the IN2 zone, therefore, the road geometry and subdivision design at this location would need realigning to remove those residential uses outside of the IN2 zone. Whilst it is noted roads and the subsequent stormwater treatment of runoff from those roads could be considered permissible with consent in the IN2 zone, the most appropriate, and Council supported, outcome for this lot would be a Planning Proposal to rezone it to a more appropriate zone.</p>	<p>Residential land uses are not proposed in the IN2 zone or E4 General Industrial zone. A road reserve is proposed in the IN2 zone. According to GMLEP2009 road reserves are permissible with consent in the IN2 zone. .</p>



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<p>8.2.4. The submitted zoning overlay map shows Basin 1, part of Road No. 08 and Lots 375 to 386 mostly within the RU6 zone. As discussed later in these minutes, the subdivision as submitted for consideration with the Pre Lodgement Meeting is prohibited as the lots do not reach the minimum lot size of 100ha for the RU6 zone. The most appropriate, and Council supported, outcome for these lots is a Planning Proposal to rezone them to a more appropriate zone.</p>	<p>The proposed subdivision layout has been adjusted to remove lots from RU6 land. Roads and stormwater basin remains in the RU6 land.</p>
<p>8.2.5. Any DA for the proposal would need to demonstrate it can achieve the objectives of all zones, whilst not being inconsistent with the ones that are not directly related to the proposal. The zones currently applicable to the site are:</p> <p><u>Zone R1 General Residential</u></p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.</i> <p><u>Zone RU6 Transition</u></p> <ul style="list-style-type: none"> • <i>To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.</i> • <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> <p><u>Zone IN2 Light Industrial</u></p> <ul style="list-style-type: none"> • <i>To provide a wide range of light industrial, warehouse and related land uses.</i> • <i>To encourage employment opportunities and to support the viability of centres.</i> • <i>To minimise any adverse effect of industry on other land uses.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i> • <i>To support and protect industrial land for industrial uses.</i> 	<p>This SEE explains how the proposed subdivision meets all zone objectives.</p>
<p>8.2.6. Other clauses in GMLEP 2009 that would require consideration, include:</p> <ul style="list-style-type: none"> • <i>1.2 Aims of plan</i> 	<p>This SEE considers the relevant GMLEP2009 clauses.</p>



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- *2.3 Zone objectives and Land Use Table* - it is here that the zone objectives are
- considered, and ordinarily the use is/are defined and permissibility is proven. As
- the proposal is for land subdivision and not any use of the land, no definition or
- permissibility discussion is required.
- *2.6 Subdivision - consent requirements*
- *4.1 Minimum Subdivision Lot size*- Should the proposal seek to utilise any portion of RU6 land, the DA would need to address the 100ha minimum lot size afforded to this lot. As advised in the meeting, subdivision of this land is unable to comply with any clauses in the LEP due to the part RU6 zoning and two minimum lot sizes on the block), therefore, a Planning Proposal would need to be executed (as a minimum at Gateway stage) for Council to consider the subdivision of this site to *the extent proposed (see General Planning Matters section for more information)*. *The site has both a 350sqm and 700sqm minimum lot size afforded to it. An Planning Proposal must seek to have this revised to ensure consistency across the site. Council would be supportive of 700sqm minimum lot size for the site.*
- *4.1D Boundary adjustments in certain rural and environmental zones* - this clause may require consideration with respect to the residual parcel of land.
- *5.3 Development near zone boundaries* - Council does not accept the use of this clause to subdivide the RU6 land into lot sizes utilising the minimum lot size afforded to the adjoining R1 zone for the following three reasons:
 - i) Subdivision of land is not a use of land and this is clear in clause 2.6 as it is its own clause separate to the Land Use Table in the standard LEP template.
 - ii) Residential accommodation is already permissible in both the R1 and RU6 zones, therefore, the use of this clause to utilise the 700sqm minimum lot size afforded to the R1 zone upon RU6 land is not founded. It is important to understand that the use of a lot created by a subdivision for residential



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<p>purposes is granted by way of a DA (or sometimes a Complying Development Certificate (CDC)) for a dwelling house at a later stage; not at subdivision stage.</p> <p>iii) The objective of this clause is centred on flexibility of a use, not a minimum lot size (which is a development standard). <i>“The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.”</i></p> <ul style="list-style-type: none">• <i>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</i> - consideration of this clause is triggered as the residual lot (and part of the residential subdivision component) is within the land zoned RU6 on the site.• <i>5.21 Flood Planning</i> - Council has historical information which identifies the site has the potential to flood. Further, Council and DPE are undertaking a town wide Flood Study of Marulan. The data collected from this study must be utilised in the subject proposal.• <i>7.1A Earthworks</i> - to support the DA and to properly address the matters in this clause, the DA must be supported with a Conceptual Soil and Water Management Plan (for during construction) as well as a Conceptual Cut and Fill Plan.• <i>7.2 Terrestrial Biodiversity</i> - part of the lot is identified as having terrestrial biodiversity. Consequently, this clause would require addressing in a Statement of Environmental Effects and a (likely) Biodiversity Development Assessment Report (BDAR).• <i>7.4 Restrictions on development adjoining mineral resource areas</i> - As the development site is ‘in the vicinity of’ land that is identified as mineral resources on the Mineral Resources Area Map (MRA_003_3310_COM_MRA_003_160_20120413), consideration of clause 7.4 is required.	
8.3. DMDCP 2009	



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8.3.1. The proposed development requires a detailed assessment against the GMDCP 2009. The following sections are required to be addressed in any submitted SoEE, and is not an exhaustive list:

Part 1 Preliminary

- 1.8 Variations to controls: If the proposal does not comply with any of the controls in the GMDCP 2009, or it is found that a control is unavoidably noncompliant, a variation to the DCP is to be sought and requires acknowledgement and justification in the assessment of the application.

Part 2 Plan Objectives

- 2.1 General objectives
- 2.3 Locality objectives - Marulan

Part 3 General Development Controls

- 3.1 Indigenous Heritage and Archaeology - the site is mapped as having the potential for Aboriginal objects. An Aboriginal Cultural Heritage Report is required for consideration with this proposal. It is noted that if there is an Aboriginal Cultural Heritage Report prepared for the site and it is older than five (5) years, a new report must be prepared.
- 3.5 Landscaping - Council would be looking for a proposal that incorporates open space for recreation as per the objectives of this clause. Any application must be supported with a Landscape Plan showing street trees (location, type etc), landscaping of stormwater biobasins, and any other landscaping proposals forming part of the DA.
- 3.7 Crime prevention through environmental design - the subdivision design must be considered against CPTED principles.
- 3.8 Flood affected lands - Any DA that is lodged on this site before Council has completed its Marulan Flood Study would require its own flood study.
- 3.9 Tree and vegetation preservation - it is to be acknowledged and considered if tree removal is required. A neutral or beneficial environmental outcome regarding vegetation loss shall be achieved. See Biodiversity section below for more detail.
- 3.15 High Environmental Conservation Value areas - The Goulburn Mulwaree Biodiversity Strategy identified the site as having high (and low)

An assessment of DMDCP2009 is provided within this SEE.



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<p>conservation value vegetation, therefore, acknowledgement and consideration of this clause is required.</p> <ul style="list-style-type: none">• 3.16 Stormwater pollution – A Conceptual Soil and Water Management Plan must be provided for short term stormwater impacts and a Stormwater Management Plan must be provided for long term stormwater management. Both of these documents would be contained within a Water Cycle Management Study required to be submitted for consideration of NorBE requirements.• 3.17 Bushfire risk management – A Bushfire Report must be provided for consideration with the DA as the site is mapped as being bushfire prone. This section must be addressed in addition to clause 4.14 of the Act.	
<p>Part 4 Principle Development Controls – Urban</p> <ul style="list-style-type: none">• 4.1.18 Subdivision<ul style="list-style-type: none">○ Objectives○ Master Planning – a Lot Yield Map is required to address this clause. Battle axe lots are not desired in greenfield lots where they can be designed out. The DA must indicate lots that have the potential for further subdivision and development potential. Indicating the dwelling yield and lot yield provides a better picture of what the ‘worst case scenario’ could be, enables better infrastructure provision and can result in a better subdivision design.○ Road location and hierarchy – road hierarchy to be designed to be within 400m of existing bus routes or designed to accommodate new bus routes. Existing established vegetation to be designed around when drafting subdivision road locations.○ Building envelopes – building envelopes may be required depending on the nature of the lots proposed.○ Lot orientation – a detailed critique of the design techniques listed with respect to the subdivision design to be submitted is required. This clause requests lots to face towards public open space areas (note lots in the north western section of the proposed subdivision do not face the creek, therefore, this clause has not been satisfied).	<p>Part 4 has been considered within this SEE.</p>



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- Water Sensitive Urban Design - the land to the north west faces away from the natural drainage line which does not encourage its preservation. Council recommends a redesign of this area to encourage passive surveillance which would in turn assist in safety and security. Enhancing the existing natural drainage line in this location could form part of public benefit works associated with any Letter of Offer submitted with the DA. Touched on earlier, better access is to be provided to stormwater detention basins and they are to be incorporated into the landscape design. The subdivision as proposed requires reconsideration with this clause and its underlying principles in mind.
- Public open space - the draft subdivision design does not propose any public open space. This clause requires demonstration that all lots can be within 400m² of public open space and be a minimum 1500sqm. Whilst it is noted the skate park, soccer fields etc. are within this distance for part of the subdivision, there is a significant portion of this subdivision (and other future subdivision of the site) that would be outside this distance. It is therefore recommended that additional public open space is provided in a revised subdivision design to assist with satisfying this clause, and to address provision of public open space for future subdivision of the site (particularly in the case where a master plan is not submitted).
- Bicycle and pedestrian movements - a Footpath Plan showing a hierarchy of bicycle and pedestrian pathways is required to satisfy this clause in addition to a written response to the controls. Demonstration of how the proposal would connect to other areas nearby and to town is required.
- Retention of significant environmental features - The natural drainage line on the western border of the development area can be better incorporated into a revised subdivision design not only for conservation purposes but potentially for provision of public open space. Utilising a perimeter road as a border to a natural drainage path can assist with



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<p>safety, bushfire compliance as well as providing physical activity opportunities and access to nature. Council would be looking for retention of tall established trees and information regarding how these are to be protected when the subdivision is constructed out i.e. restrictions on title, larger lots incorporating vegetation, service conflict avoidance.</p> <ul style="list-style-type: none"> ○ Landscape embellishment – As discussed previously, Council would require a Landscape Plan to form part of the DA. ○ Street trees – street tree planting must respond to the Street Tree principles nominated in this clause. <p><i>Part 7 Engineering Requirements</i></p> <ul style="list-style-type: none"> ● 7.1 Utility Services ● 7.2 Roads ● 7.3 Drainage soil and water management ● 7.4 Easements <p><i>Part 8 Marulan Estates Urban Release Area</i></p> <ul style="list-style-type: none"> ● A response to all sections in this section of the DCP is required. It is likely that with a Planning Proposal for the rezoning of the site that this section of the DCP would also require revision. This is likely to affect how a response to this section of the DCP would look in any SoEE. 	
<p>8.4. Other Council Policies and Standards</p>	
<p>8.4.1. <i>Community Participation Plan</i> – The DA would be notified in accordance with this plan i.e. minimum 21 days, placed on Council’s website, letters to potentially affected nearby properties, placed in the local newspaper and a site notice erected.</p>	<p>DA notification has been considered.</p>
<p>8.4.2. <i>Standards for Engineering Works</i> – Please ensure preliminary engineering drawings reference and reflect the relevant standards for the proposal and that any variation to policy requirements are requested and justified.</p>	<p>The submitted engineering drawings reference and reflect the relevant standards for the proposal.</p>
<p>8.5. Subdivision Design</p>	
<p>8.5.1. The site and proposed subdivision lends itself to the preparation and lodgement of a concept DA pursuant to clause 4.22 of the Act that master plans the site. The subdivision submitted shows roads that end in a fashion that indicate further subdivision of the site is sought. The</p>	<p>It is understood Council are seeking a staged master planned DA for the Site. However, this is not deemed necessary for stage 3 given its overall scale and the previous approvals</p>



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<p>substantial size of the lot is suited to a staged release of subdivided portions of land. Incorporating and considering the site in its entirety upfront results in a better product for the purchaser and the community as a whole. The site is large enough to incorporate meaningful public open space, interconnected modes of transport (pedestrian and vehicular), as well as utilities infrastructure and its own stormwater management. Moving forward, Council would be seeking a staged master planned DA for the site.</p>	<p>issued for prior stages. Future stages may consider a concept proposal.</p>
<p>8.5.2. The subdivision demonstrates good potential for connectivity with multiple roads proposed in to and out of the subdivision. These connect into an existing approved subdivision of the site, existing residential areas (Goulburn Street) and show a future connection into subdivision of the site not yet approved. Connectivity is integral to a well-designed subdivision. Whilst the site has a natural drainage path running north west through its mid region acting like a natural site divider, opportunities for any subdivision to take this into consideration is unlikely to impact on connectivity. No cul-de sacs are proposed, and if any are proposed in a redesign they are unlikely to be supported.</p>	<p>Noted it is unlikely cul-de-sacs are supported. Cul-de-sacs have not been incorporated into this DA.</p>
<p>8.5.3. Subdivision design must give due consideration to the land constraints i.e. stormwater overland flow, vegetation, topography, bushfire, natural drainage. The submitted subdivision appears to have been designed for the developer rather than with proper regard for, and consideration of, the environmental limitations.</p>	<p>The proposed subdivision gives consideration to the land constraints.</p>
<p>8.5.4. Subdivision design must consider the vegetation of the land. A subdivision that incorporates and promotes the retention of native vegetation is supported. Whilst specific parts of vegetation on the site may not be identified as significant or contributory in terms of the Biodiversity <i>Conservation Act 2016</i> requirements, established vegetation can still play a part in providing an aesthetic and environmental benefit to the subdivision. Accordingly, lots with existing vegetation must be provided with development areas that provide complying setbacks and are large enough to incorporate residential development.</p>	<p>The proposed subdivision considers the vegetation of the land.</p>
<p>8.5.5. Council does not support a subdivision design that causes lots to directly abut the Main Southern Railway corridor. The subdivision can be redesigned to incorporate a road on the boundary, a berm and fence, a noise barrier, landscaping and/or a combination of some of these elements</p>	<p>The subdivision design has been amended to remove battleaxe configuration. A road is on the boundary facing the railway.</p>



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<p>to separate the site from the rail corridor but also to alleviate noise (consideration of Development near Rail Corridors and Busy Roads Guideline has been discussed previously). Council's preference would be to see a road reserve abutting the northern boundary which would incorporate a minimum 5m wide landscaped strip directly fronting the railway and the road carriageway. The intent of this would be to further separate the dwellings from the rail corridor as well as to aesthetically separate the rail corridor from residential development.</p>	
<p>8.5.6. Subdivision design must consider the topography of the land. The subdivision submitted for consideration did not provide contour information to comment on the scope of earthworks sought. In designing the subdivision conflicting contours in lots must be avoided. Council would be looking for lots that would not result in unacceptable earthworks at construction stages. Lots with suitable width to length ratios and that are more compatible with the contours of the site are welcomed.</p>	<p>Unacceptable earthworks have been mitigated to the extent possible (refer to Appendix 11 Civil Works Drawings Page 7 23-N1098-C1040)</p>
<p>8.5.7. The submitted subdivision design shows a battle-axe block for Basin 01. Council does not support battle-axe blocks particularly in a greenfield circumstance such as this and not for a stormwater and bioretention basin for site safety, security and maintenance purposes.</p>	<p>The layout has been amended to remove the battleaxe configuration.</p>
<p>8.5.8. Council does not support the Lot layout and location of the most Western Road as proposed. As discussed previously, enhancing and providing access to this area can form part of any public open space requirements and also benefit the community from a safety and security perspective. Roads fronting creeks provide better surveillance and this would also assist with meeting bushfire protection perimeter road requirements.</p>	<p>Noted, the design has been amended accordingly.</p>
<p>8.6. Other Planning Matters</p>	
<p>8.6.1. Council will be the consent authority for the proposed development.</p>	<p>Noted – Goulburn Mulwaree Council are the consent authority.</p>
<p>8.6.2. The site is mapped as bushfire prone land, therefore, the DA will be referred to NSW Rural Fire Service (RFS) for their General Terms of Approval pursuant to section 100B of the Rural Fires Act 1997. Any Bushfire Report and supporting plans must show what each completed stage of the development would look like and how it complies with Planning for Bushfire</p>	<p>It is understood the Site is mapped as bushfire prone land. A Bushfire Report accompanies the development application that demonstrates compliance with Planning for Bushfire Protection 2019 (refer to Appendix 8).</p>



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Protection 2019 (PBP). This is to ensure each stage in its own right can demonstrate compliance with PBP and between the release of any other stages.	
8.6.3. Council would accept a DA (concept or otherwise) that incorporates the RU6 and IN2 zoned land when a Gateway Determination has been received for the rezoning of the site to a residential zone. Council would not consider or approve a DA (deferred commencement or operational) without certainty of a Planning Proposal; that certainty comes through Gateway determination.	Noted.
8.6.4. As you are aware, the site is in part affected by the Orica Explosive Exclusion zone. The DA for this subdivision must be supported with a report (prepared by a suitably qualified and practicing professional) which identifies where that Explosive Exclusion Zone lies and to what extent this affects or restricts the proposed development.	An Explosive Storage Report has been prepared by Institute of Explosives Engineers (refer to Appendix 12). The report outlines where the Exclusion Zone lies and to what extent this affects or restricts the proposed subdivision.
8.6.5. It is recommended a qualified and practicing Town Planning Consultant is engaged to assist in navigating the permissibility pathway for this proposed subdivision. The proposal would benefit greatly from a professionally prepared SoEE.	Willowtree Planning has prepared the SEE.
8.7 Crown Land Matter	
8.7.1. Owners consent is required from the Crown should any development be proposed on Crown Land. This must be obtained prior to lodgement; copies of all authorisation must be included with the information accompanying the development application.	No works are proposed on Crown Land.
8.7.2. Goulburn Street and the adjoining public recreation area is owned by the Crown. This must be considered and addressed in the SoE.	This has been considered in the SEE.
9. Vegetation & Landscaping – Brian Faulkner	
9.1. The site is currently not flagged on the Biodiversity Values Map (please review as you are preparing information to support your application as these maps may be revised periodically).	The Site is not mapped as containing biodiversity values according to the Biodiversity Values Map and Threshold Tool.
9.2. Parts of the property and adjoining lands are mapped on the SEED portal as containing Tableland Grassy Box-Gum Woodland. As noted previously, this includes the unformed	It is understood the unformed road parcel is owned by Crown Land and features remnant native vegetation.



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<p>section of Goulburn Street. This unformed road parcel is owned by Crown Land and features remnant native vegetation with a canopy of Eucalypts comprising Yellow Box, Apple Box, Argyle Apple and Cabbage Gum.</p>	
<p>9.3. Based on dominant canopy species, IBRA and SubIBRA, it is likely that this vegetation is PCT3373 Goulburn Tableland Box-Gum Grassy Forest (or a related PCT) and that it meets criteria for identification as the associated TEC.s (Threatened Ecological Communities):</p> <ul style="list-style-type: none"> • Commonwealth: White Box-Yellow Box-Blakely’s Red Gum Grassy Woodland and Derived Native Grassland, (which is listed as Critically Endangered). • NSW: White Box - Yellow Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions, (which is listed as a Critically Endangered Ecological Community). 	<p>The dominant canopy species has been considered within the BDAR.</p>
<p>9.4. Vegetation located in the Crown Road reserve at the western end of Goulburn Street has been assessed as meeting criteria for identification as the ecological community commonly referred to as “Box Gum Grassy Woodland”, which is listed as a Critically Endangered Ecological Community under NSW legislation and as Critically Endangered under Commonwealth legislation. Consistent with the principles of the Biodiversity Conservation Act 2016, the use of Goulburn Street must be avoided. Council does not support the use of Goulburn Street for connection into the site as alternative options for connectivity into the site have yet to be explored. An alternate option could be to have a road from Portland Avenue running along the southern boundary of the Marulan Park area.</p>	<p>We are willing to explore alternate options with Council, to develop a suitable solution we will require engagement and collaboration with Council.</p>
<p>9.5. Consequently, and consistent with the principles of the Biodiversity Conservation Act 2016, the use of Goulburn Street must be avoided. Council does not support the use of Goulburn Street for connection into the site as alternative options for connectivity into the site have yet to be explored. An alternate option could be to have a road from Portland Avenue running along the southern boundary of the Marulan Park area.</p>	<p>As mentioned above we will work with Goulburn Council to develop the best outcome for all parties.</p>



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<p>9.6. The presence of TEC.s and the likely significant impact of the proposed activity on their local occurrence is likely to require preparation of a BDAR to support the DA.</p>	<p>A BDAR has been included as part of this DA.</p>
<p>9.7. The BOS area clearing threshold for the property will be triggered by proposed activity. Aerial imagery, SEED mapping and local knowledge suggests that the area to be cleared contains native vegetation and as the area clearing threshold is likely to be exceeded, preparation of a BDAR is required to support the DA for the proposed activity.</p>	<p>The BOS area clearing threshold has been considered in the BDAR.</p>
<p>9.8. A search of the DAWE/EPBC protected matters search tool (29th June, 2022) predicted possible presence of 3 TEC.s, 46 Threatened Species & 13 listed migratory species on the subject land.</p>	<p>Noted.</p>
<p>9.9. A search of the NSW BioNet Atlas (29th June, 2022) showed records of 30 threatened species within 5 km of the subject land.</p>	<p>Noted.</p>
<p>9.10. David Matthews (Development Manager – FDC Building) advised that the proponent was fully aware of the biodiversity assessment requirements for the proposed activity and that an accredited ecological consultant had already been engaged to undertake relevant biodiversity assessments.</p>	<p>The relevant biodiversity assessments have been undertaken.</p>
<p>9.11. Development Application shall include a statement as to whether the proposal is likely to significantly affect threatened species, populations of their habitats (test of significance detailed in section 7.3 of the Biodiversity Conservation Act 2016) and whether the Biodiversity Offsets Scheme has been triggered.</p>	<p>Section 7.3 of the Biodiversity Conservation Act and Biodiversity Offsets Scheme has not been triggered.</p>
<p>9.12. Proponents will need to supply evidence relating to the triggers for the Biodiversity Offsets Scheme Threshold and the test of significance when submitting their application to the consent authority.</p>	<p>Noted.</p>
<p>9.13. If the area of clearing for the proposal exceeds the thresholds set out in the Biodiversity Conservation Regulation 2017 then the application will require an accredited ecologist to prepare a Biodiversity Development Assessment Report under the Biodiversity Conservation Act reforms.</p>	<p>A BDAR has been prepared as part of this DA.</p>
<p>9.14. Area of clearing to be calculated for the whole development includes:</p> <ul style="list-style-type: none"> • Buildings and ancillary buildings • Clearing for landscaping • Access roads and driveways 	<p>The listed areas of clearing to be calculated for the whole development has been considered.</p>



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<ul style="list-style-type: none"> • Asset protection zones required by RFS • Any infrastructure associated with the development and includes: • Gas, water, electricity, sewer, onsite effluent management systems, fences, etc. 	
<p>9.14.1. There are a number of key websites with useful information, including:</p> <ul style="list-style-type: none"> • Biodiversity Assessment & Approvals Decision Support Tool – this takes you through some questions to determine which pathway to go down if there is clearing involved with a Development Application or for someone who wants to clear vegetation on their land: www.olg.nsw.gov.au/biodiversity-assessment-and-approvals-navigator • Biodiversity Offsets Scheme Entry Requirements – this is a great page that provides an overview of the scheme and links to further information and provides a link to the User Guide for the Biodiversity Values map below which tells you how to search properties etc. www.environment.nsw.gov.au/biodiversity/entryrequirements • Biodiversity Values Map – this is the map that identifies areas where the Biodiversity Offset Scheme applies (and additional information is required for DAs) https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap • Biodiversity Offset Scheme Entry Tool – this tool can be used as a guide to decide whether or not you as the proponent would be required to enter the Biodiversity Offsets Scheme https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap • A list of accredited assessors can be found on https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor 	<p>Key websites have been used for this SEE.</p>
<p>10. Aboriginal Heritage</p>	
<p>10.1. The land is identified has having Potential Aboriginal Artefacts under the GMDCP2009. An investigation for potential Aboriginal Cultural Heritage is required to be undertaken in accordance with the current NSW Heritage guides including:</p>	<p>An investigation for potential Aboriginal Cultural Heritage has been undertake in accordance with the current NSW Heritage guides for this DA. See Appendix 6.</p>



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<ul style="list-style-type: none"> • Consultation with Pejar Local Aboriginal Land Council (PLALC). PLALC will need to undertake a site inspection of the property and there is a fee associated with this. • Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b) (the Code) • Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010a) (consultation requirements) • Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c). 	
<p>11. Flooding Planning</p>	
<p>11.1. Unfortunately Council does not have any information of flooding in the area. As identified previously, a Flood Study for Marulan has been commissioned and Council and DPE are waiting the results. With the completion of these results, and the rezoning of the land to residential, Council would be in a position to properly assess the proposal with respect to flooding.</p>	<p>Noted the DA will have regard for flooding. Council's flood modelling has been considered.</p>
<p>12. External Agencies</p>	
<p>12.1. Water NSW</p>	
<p>12.1.1. Discussed at 8.1.1 above.</p>	<p>It is understood Water NSW is an external agency.</p>
<p>12.2 NSW Rural Fire Service (RFS)</p>	
<p>12.2.1. The proposal is Integrated with the NSW Rural Fire Service as the land is bushfire prone. A Bushfire Assessment Report is required to be submitted at the time of Development Application lodgement demonstrating compliance with Planning for Bushfire Protection 2019. A fee made payable direct to RFS of \$320 must be processed via the NSW Planning Portal for RFS to be able to assess the application.</p>	<p>A Bushfire Assessment Report accompanies this application at Appendix 8.</p>
<p>12.3. Essential Energy</p>	
<p>12.3.1. Discussed at 8.1.1 above.</p>	<p>It is understood Essential Energy is an external agency.</p>
<p>12.4. NSW Australian Rail Track Corporation (ARTC)</p>	
<p>12.4.1. As the affected land is adjoining a rail corridor a Council referral to ARTC will be undertaken to seek any</p>	<p>It is understood Australian Rail Track Corporation is an external agency</p>



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concerns/advice for the development. It would be beneficial to the Applicant to have pre-discussions with ARTC to understand their concerns/requirements prior to Development Application lodgement. Details of the discussions with ARTC should be included with the Development Application. A fee made payable direct to ARTC of \$320 must be processed via the NSW Planning Portal for ARTC to be able to assess the application.	and that a referral will be undertaken.
13. 7.11 Contributions	
13.1. Section 7.11 Contributions will apply based on the number of additional lots. The development would be afforded one (1) credit for the existing parcel. An estimated contribution value of \$12,085 per additional lot would apply during the 22/23 financial year.	7.11 contributions noted.
14. Planning Agreements	
14.1. In accordance with Council's VPA and Land Dedication Policy, an agreed Letter of Offer and draft Planning Agreement must be submitted with the DA should any land be seeking dedication to Council as part of the proposal. In this instance, any onsite detention basin, water quality infrastructure or recreation area/public open space is to be located wholly within land that would be dedicated to Council.	A draft Public Benefit Offer is provided at Appendix 16 .
14.2. The first step in this process once the design has been reworked to reflect these minutes will be to submit a draft letter of offer to Council for consideration. The draft letter of offer will need to be accompanied by a package of information in order to discern the extent and value of the offer; this should include but not be limited to scaled plans and other documentation of matters to be included within the planning agreement.	The process of a VPA is understood.
14.3. Once a letter of offer has been accepted by Council then the draft planning agreement can be procured based on Council's current template prevailing at that time.	Noted.
14.4. Any planning agreement must include a public benefit component.	Noted.
14.5. DPE's Practice Note for Planning Agreements recommends the letter of offer be agreed prior to lodgement of a DA with the draft planning agreement being submitted at the lodgement of the development application in order that they may be exhibited together.	As noted above, a draft Public Benefit Offer is provided at Appendix 16 .
15. Conclusion	



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15.1. Based on the information submitted, Council is unable to provide support for the proposal in its current form as the proposal is unable to comply with the current planning controls applying to the land.	The information submitted as part of the Pre-DA meeting has been amended to reflect the Pre-DA comments and are included in this Stage 3 subdivision DA.
15.2. The piecemeal approach taken to the subdivision of the land so far cannot be considered as either the orderly and economic use of the land or to be a catalyst for the promotion of good design and amenity of the built environment. Consequently, the preparation of a master plan of the site is required to ensure a suitable subdivision layout that is appropriately serviced can be provided.	The proposed subdivision is considered of good design and provides a suitable subdivision layout that will be appropriately serviced.
15.3. It is considered that in order to achieve the above would require a revised subdivision design responding better to lot layout, provision of public open space, relocating road access so as to not use Goulburn Street, retention and enhancement of natural features of the site and stormwater overland flow considerations, the proposal has the potential to obtain a favourable determination.	The proposed subdivision has been designed to reflect the comments received.
15.4. The quality of information provided for compilation of these pre-lodgement minutes is not sufficient for lodgement of a formal DA and is required to be amended and improved as per the recommendations in these minutes.	Quality information has been provided for the DA submission.
15.5. The key issues associated with the proposed development are: <ul style="list-style-type: none">• Rezoning of the site for the proposal to obtain permissibility;• Orderly development of the land in the form of a concept DA;• Biodiversity conservation;• Subdivision layout and design;• Master planning;• Water quality and quantity management;• Provision of public open space; and• enhancement of, and access to, natural features of the site.	The key issues have been considered in the final design of the subdivision.

1.3 REQUIREMENTS FOR CONCURRENCE / OTHER APPROVALS

The proposal is determined to require the concurrence/approval of the following authorities:



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- Water NSW
- NSW Rural Fire Service
- Essential Energy
- Australian Rail Track Corporation



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Equinox Marulan Site is currently known as Wilson Drive, Marulan and is legally described as:

- Lot 23 in DP1256090; and
- Lot 2 in DP1136538.

The Site is approximately 96.4 hectares in size and is bound to the south by Shephard Lane, north by the Main Southern Railway Line and east by the existing Marulan town boundary as illustrated below.



Figure 1. Site and Local Context

The Site is currently used for a variety of agricultural activities including cultivation of cereal crops and pasture as well as grazing for pigs, cattle, sheep, and horses.

The Site is now connected to NBN, water and electrical services although sewer augmentation will be required to deal with the proposed subdivision. The topography is gently undulating and is generally clear agriculture land, apart from the occasional single mature paddock tree or patch of paddock trees. Some intact patches of vegetation remain along with a dam and a watercourse that flows in a northerly direction (and eventually drains beneath the Southern Railway).



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Built infrastructure on Site includes stock fencing, (electrified and wire fencing). Cleared and worn tracks are present to allow vehicle access throughout the Site, and some agricultural machinery is stored in cleared areas.

Stage 1 (involving 22 lots) was approved by Council in 2018 and is now registered with homes constructed on most lots. Stage 2 was approved by Council in April 2021 involving 126 residential lots, 2 basins and 1 residual lot are currently under construction.

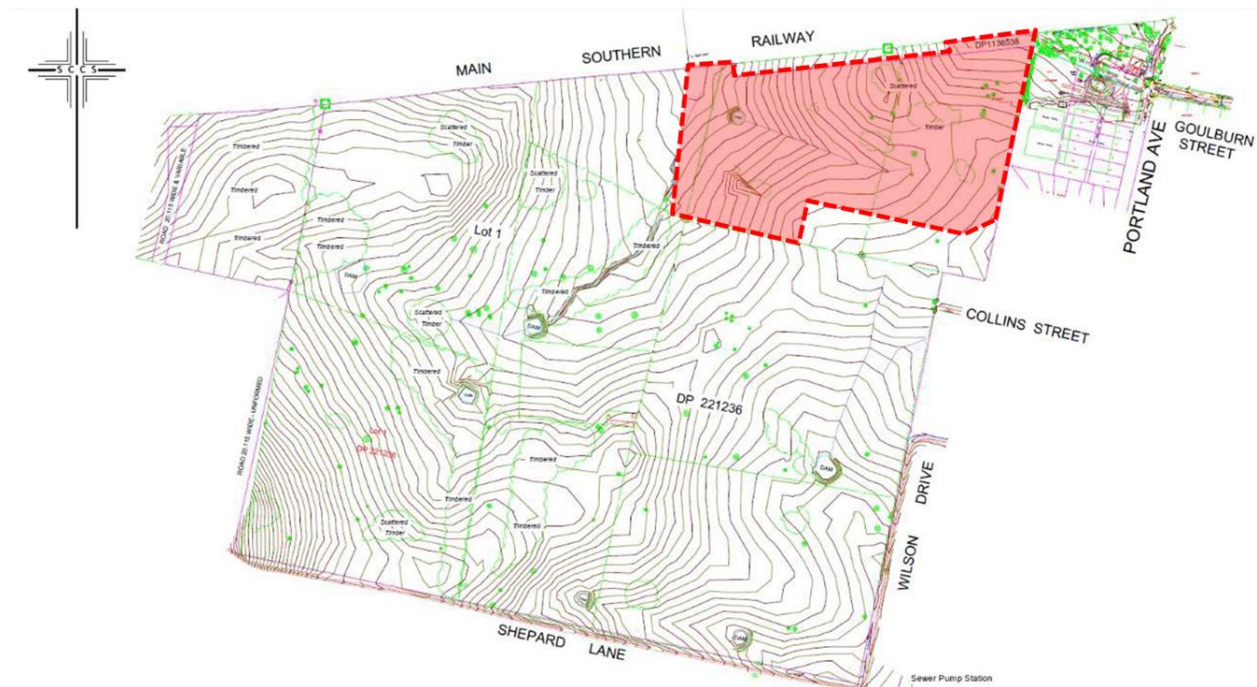


Figure 2. Site Survey (refer to Appendix 1) - Location of Stage 3 highlighted in red

2.2 SITE BACKGROUND

In mid-2003, Tailored Property purchased the Site with a view to meeting the regional need for additional residential and industrial land. The Site consisted of some 96 hectares to be considered for rezoning, including 10 hectares on adjacent title. Tailored Property formed a joint venture partnership with Augusta Properties in late 2005.

A rezoning application was submitted to the Goulburn Mulwaree Shire Council in 2005. A draft master plan was subsequently prepared and submitted to Council and the Department of Planning. The



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master plan proposed some 560-570 residential lots on approximately 49 hectares of the Site, with 23 hectares of industrial land and 19 hectares set aside for open space. The rezoning subsequently occurred with the gazettal of the *Goulburn Mulwaree Local Environmental Plan 2009*.



Figure 3. Previous Tailored Property Masterplan



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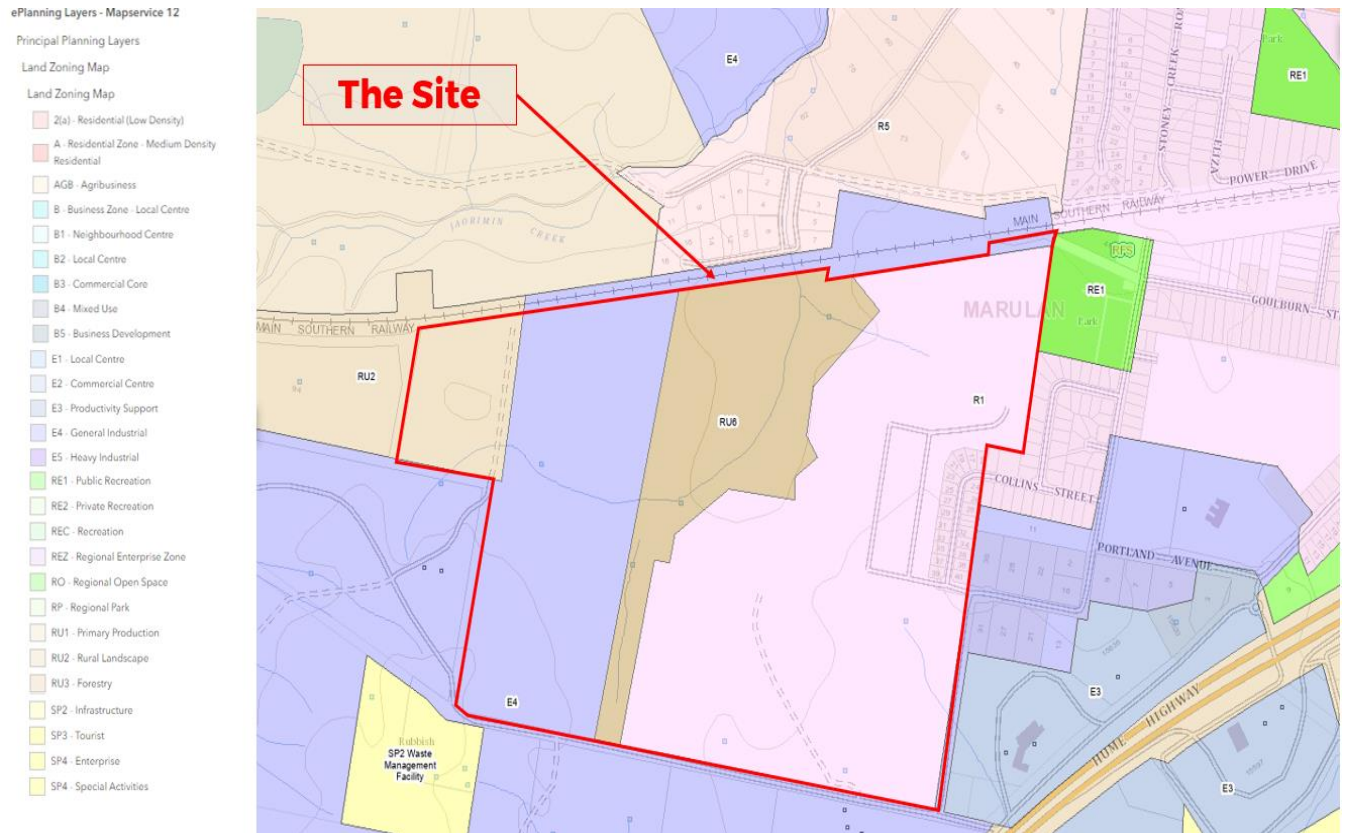


Figure 4. Current Zoning Map

The development did not occur for a number of reasons which included a breakdown in the joint venture partnership, the imposition of expensive developer contributions and a miscalculation of market conditions which did not support the viability of the project.

The current proposal is explained in **Section 3**.



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PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT SUMMARY

The proposed development involves the subdivision of Lot 23 in DP1256090 and Lot 2 in DP1136538 into the following:

- 111 residential lots
- 1 drainage reserve lot
- 1 residual lot

The proposal involves the construction of new roads including the installation/extension of services such as water, sewer, gas, communications (NBN), and power. The proposal also involves vegetation removal to facilitate the construction of road and services. This has been assessed by Capital Ecology as part of the Ecological Impact Assessment provided within Appendix 4.

The proposed residential lots range in size from **700m² to 1265m²** representing conventional residential lots consistent with the surrounding locality. The proposed road network has been designed with 18-metre-wide corridors in accordance with Council's DCP and relevant engineering guidelines.

The proposed subdivision involves the extension of Goulburn Street into the Site as illustrated within Figure 3.1 below. Goulburn Street will act as the main entry into the subdivision for this part of the Site.

Agricultural fencing will be installed around the development perimeter so that farming activities can continue on the residual allotment.



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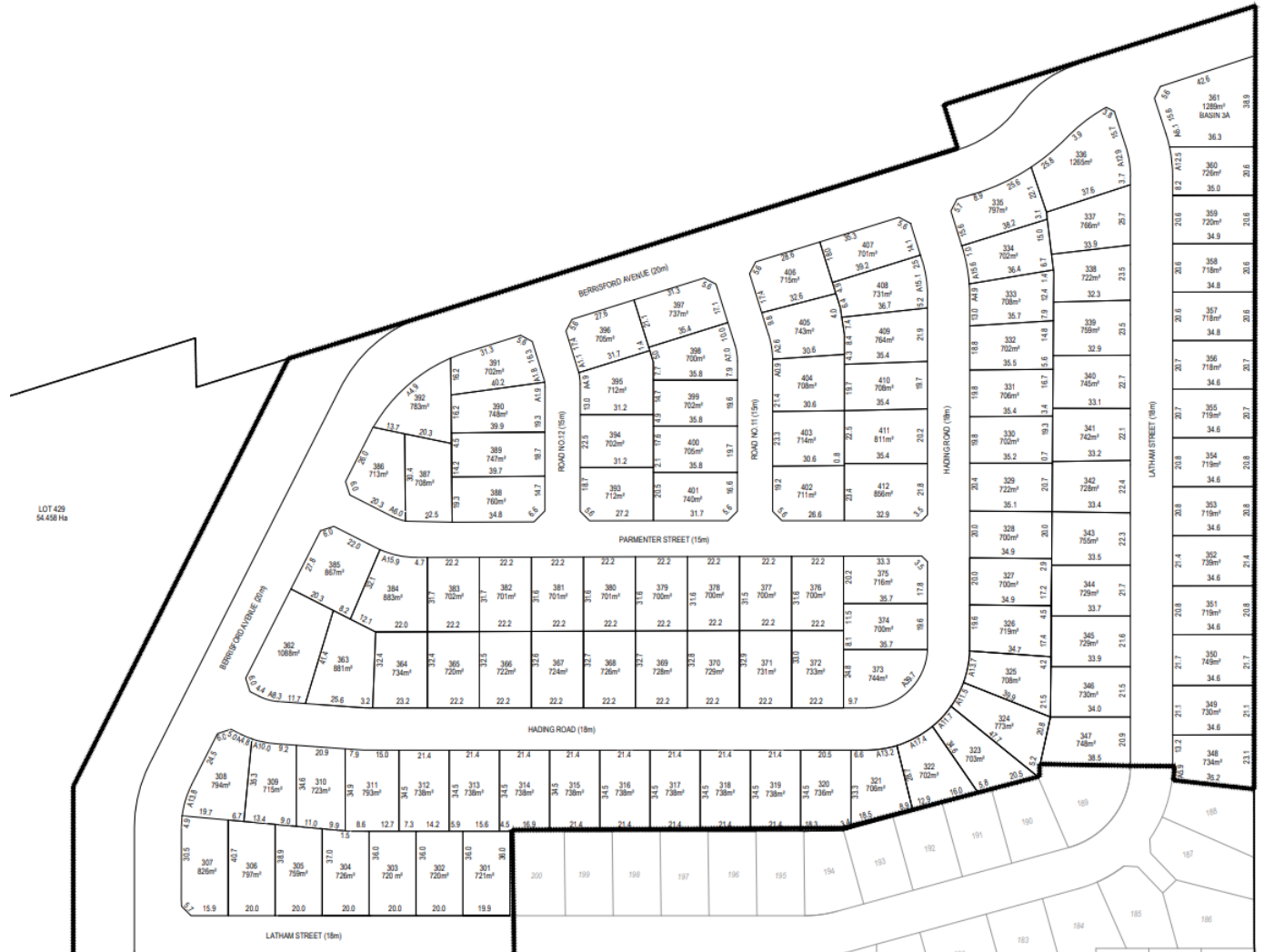


Figure 5. Proposed Stage 3 Subdivision (SCP)



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PART D LEGISLATIVE AND POLICY FRAMEWORK

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

State Planning Context

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Roads Act 1993
- Local Government Act 1993
- Rural Fires Act 1997
- State Environmental Planning Policy (Sydney Water Drinking Catchment) 2011

Local Planning Context

- Goulburn Mulwarree Local Environmental Plan 2009
- Goulburn Mulwarree Development Control Plan 2009

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.1.1 Section 4.15(1) of the EP&A Act - Consideration

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 2** below.

TABLE 2. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The MLEP2009 is the relevant Environmental Planning Instrument (EPI) applying to the subject Site, which is assessed in Section 4.6 of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the	There are no draft instruments applicable to the Site.



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consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	
Section 4.15(1)(a)(iii) any development control plan, and	The Goulburn Mulwaree <i>Development Control Plan 2009</i> (GMDCP2009) applies to the Site and is addressed in Section 4.7 .
Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	A draft Public Benefit Offer is provided at Appendix 16 .
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.2 of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in PART E of this SEE.

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is Goulburn Mulwaree Council (Council).

4.1.2 Section 4.46 of EP&A Act - Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation.

Pursuant to s100B of the *Rural Fires Act 1997*, the proposal is integrated with the NSW Rural Fire Service as the land is bushfire prone. A bushfire Assessment Report has been provided (refer to **Appendix 8**).

authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.

The proposal **is** nominated integrated development.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:



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TABLE 3. HOW THE DA IS MADE	
Considerations	Response
Division 1 - Making development applications	
<i>Section 23 - Persons who may make development applications</i>	
(1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land.	This DA is made by Darraby Pty Ltd. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.
<i>Section 24 - Content of development applications</i>	
(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.
<i>Section 25 - Information about concurrence or approvals</i>	
A development application must contain the following information— (a) a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, (b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.	Refer to Section 1.3 of this SEE.



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4.3 ROADS ACT 1993

Section 138 of the Roads Act 1993 requires an applicant to obtain consent from a road authority to carry out works within a road reserve.

The proposal involves works within the existing Goulburn Street reserve to connect the existing road with the proposed new road. A Section 138 Application will be submitted with Council for the above works. This will either be undertaken as part of the Subdivision Certificate or by the nominated contractor prior to any works commencing.

4.4 LOCAL GOVERNMENT ACT 1993

Section 68 of the Local Government Act 1993 establishes activities that require consent from Council. The proposed development involves the installation of water supply, sewerage and stormwater infrastructure and will therefore require consent from Council. Accordingly, A Section 68 Application will be submitted concurrently with the Subdivision Certificate Application requesting Council consent for such work.

4.5 RURAL FIRES ACT 1997

As identified above, the Site is bushfire prone, as such an integrated referral is required in accordance with the provisions of s100B of the Rural Fires Act 1997.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY WATER DRINKING CATCHMENT) 2011

The Site is located within the Sydney Drinking Water Catchment Area. Therefore, concurrence will be required from Water NSW. The attached Stormwater Management Report Plan (refer **Appendix 3**) for Stage 3 prepared by SCP addresses the stormwater quality issues and concludes that by adopting the recommendations within the report the 'Neutral or Beneficial Effect' criteria as required by Water NSW will largely be satisfied.

4.7 GOULBURN MULWARREE LOCAL ENVIRONMENTAL PLAN 2009

The GMLEP2009 is the primary Environmental Planning Instrument that applies to the Site.

The relevant provisions of GMLEP2009 as they relate to the subject site are considered in the following subsections.

4.6.1 Zoning and Permissibility

The Site is located within the R1 General Residential zone under the GMLEP2009 as shown in **Figure 4**.

The objectives of the R1 General Residential zone include:



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- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.*

The objectives are achieved as follows:

- The subdivision will facilitate the provision of additional dwellings to meet the housing needs of the community.
- The range of lot sizes will provide for a variety of housing types and densities.
- Stage 3 layout for the subdivision shows an interconnection of the proposed road and reserve network that will facilitate pedestrian and cyclists' movement within the estate and connections to the existing road network and surrounding water courses.
- The Master Plan for the development and stage 3 plan incorporates the drainage constraints and water sensitive urban design principles.
- The orientation of the Site is generally 11° west of north and hence the size and orientation of the allotments allows for northern orientation of future dwellings for energy efficiency benefits and passive solar access.
- The development complies with Council's standards of road hierarchy.

Within the R1 General Residential zone, the following development is permitted without consent:

- *Home occupations; Roads*

Within the R1 General Residential zone, the following development is permitted with consent:

- *Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*

Within the R1 General Residential zone, the following development is prohibited:

- *Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities;*



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Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

The subdivision will facilitate dwelling houses which are permitted with consent in the R1 General Residential Zone.

4.6.2 Development Standards

TABLE 4 outlines the developments consistency and compliance with the relevant development standards and controls under GMLEP2009.

TABLE 4. DEVELOPMENT STANDARDS	
Clause	Comment
Part 2 – Permitted or prohibited development	
Clause 2.6 – Subdivision—consent requirements	The Site can be subdivided only with development consent. This application forms the basis upon which consent is requested from Council.
Part 4 – Principal development standards	
Clause 4.1 – Height of Buildings	The Site is subject to a minimum lot size of 700m ² . The proposed lots exceed the minimum 700m ² lot size and are therefore permissible.
Clause 4.1E – Minimum subdivision lot size for certain split zones	Clause 4.1E has been gazetted to deal with subdivision for certain split zones. Relevantly, the residual lot is characterised by multiple zones including RU2 Rural Landscape, IN2 Light Industrial and RU6 Transition. Clause 4.1E allows for the creation of the proposed residual allotment at 67.4 hectares in size despite the non-compliance with the minimum lot size of 100 hectares as it relates to land zoned RU6 and RU2.
Part 6 – Urban release areas	
Part 6 of the LEP relates to Urban Release Areas. Only the southern portion of the Site is identified as being Urban Release Area. The current Stage 3 proposal has been positioned so that existing services, infrastructure and access from the urban area can be extended thereby reflecting the orderly and economically efficient staging of the development. Relevant aspects of Part 6 are addressed below.	



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Clause 6.1 – Arrangements for designated State public infrastructure (1)	The Site is not located in a special contributions area.
(2)	State Infrastructure would not be required for the proposed development. Contributions by way of Section 94A and Section 68 for relevant local infrastructure are expected to be made.
(3)	No lots smaller than 700m ² are proposed as part of the subdivision.
(4)	(a) All residual lots are larger than the nominated minimum lot size. Clause 4.1E deals with the non-compliant residual allotment as described above. (b) Not Applicable. (c) The drainage reserve is larger than the minimum lot size of 700m ² . (d) Not Applicable
Clause 6.2 – Public utility infrastructure (1)	Council has been consulted and adequate infrastructure exists within the immediate vicinity to support the proposed subdivision. Some sewer infrastructure is required by the proposal and we expect that this will form part of the conditions of consent.
(2)	The proposal involves extending and augmenting existing infrastructure to cater for Stage 3 of the development.
Clause 6.2A – Development Control Plan	Clause 8.4.9 of the Development Control Plan addresses each of these matters. Refer to Section 4.7 of this report where the proposal is described in relation to the requirements of the DCP.
Clause 6.3 – Relationship between Part and remainder of Plan	Noted.
Part 7 – Additional Local Provisions	
Clause 7.1A – Earthworks (3) Consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	Drainage and soil stability have been considered during preliminary design and will be managed during detailed design, the issue of a Subdivision works certificate (by Private Certifier) and during construction. Permanent drainage and soil stability measures will be installed as required as part of the development.
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The proposed earthworks will be fundamental to facilitating residential subdivision on the land.



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(c) the quality of the fill or of the soil to be excavated, or both,	The Site consists of VENM as indicated by the attached Douglas Partners contamination report. The material is therefore of a suitable quality to be reused on Site.
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties	The proposed earthworks will be managed to ensure that impacts for adjoining properties are mitigated during construction works. Once completed, the earthworks are unlikely to affect adjoining properties.
(e) the source of any fill material or the destination of any excavated material,	This will be determined by the private certifier when receiving the sub-division works certificate post determination.
(f) the likelihood of disturbing Aboriginal objects or other relics,	The proposed earthworks are unlikely to impact or disturb Aboriginal objects based on the outcomes of the attached aboriginal investigation. A thorough investigation has occurred to confirm this - refer to Appendix 6 .
(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The proposed earthworks will be managed accordingly to ensure that no impacts occur on any watercourse, drinking water catchment or environmentally sensitive area. Appropriately worded conditions shall be provided by Council and Water NSW in this regard.

4.8 GOULBURN MULWARREE DEVELOPMENT CONTROL PLAN 2009

The Goulburn Mulwarree Development Control Plan 2009 provides guidelines for carrying out new development within the Local Government Area. The following sections are relevant to the proposed subdivision.

Section 4.1.17 - Subdivision: The proposed road network will be designed in accordance with Council's Standards for Engineering Works 2009. The roads proposed as part of Stage 3 have been designed to comply with the various widths required by Council's policy.

Clause 8.4.9 of the Goulburn Mulwarree Development Control Plan 2009 relates specifically to the Site and was drafted to address the requirements of 6.2A of the Goulburn Mulwarree Local Environmental Plan 2009. The relevant provisions of the DCP are listed below with reference to the proposed subdivision:

TABLE 5. WILSON DRIVE MARULAN - URBAN RELEASE AREA		
Cl	Requirement	Proposed Subdivision
8.4.9	Urban Release Area (Goulburn Mulwarree LEP 2009 - Part 6)	



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(a)	<p><i>Staging Plan</i></p> <p><i>Figure 8.14.1 shows the staged residential land release area for the Marulan precinct.</i></p> <p><i>Approximately half of the southerly zoned R1, general residential area off Wilson Drive is proposed to be staged released.</i></p> <p><i>This area will not be released until Council has made an assessment of:</i></p> <p><i>(i) the stock of vacant, serviced, undeveloped or underdeveloped residential land and the potential housing opportunities available within the general Marulan R1 residential zone; and</i></p> <p><i>(ii) the rate of supply, the degree of choice and the current and projected rate of take-up and demand for residential land and housing types within the Marulan R1 Residential zone; and</i></p> <p><i>(iii) Council is satisfied that:</i></p> <ul style="list-style-type: none">▪ <i>there is insufficient land available within the R1 residential zone to cater for projected household growth having regard to the need to ensure the efficient functioning of the housing market or</i>▪ <i>the land available within the R1 residential zone is inadequate to satisfy housing preferences or requirements of all segments of the housing market; and</i>▪ <i>adequate arrangements via a planning agreement have been made with Council for the provision of infrastructure and services to the land including essential services of:</i><ul style="list-style-type: none">- <i>the disposal and management of sewage;</i>- <i>reticulated water supply;</i>	<p>The proposed Stage 3 development area is primarily located in the north- east portion of the Site. The proposed development is an extension of the existing residential area and is therefore seen as the most practical location for the initial stages of development given its access to services, road infrastructure etc.</p> <p>Council can make its own assessment of the availability of residential land. However, Council undertook to rezone the land as part of preparing the Draft Goulburn Mulwarree LEP. It is therefore reasonable to assume that Council made an assessment of available land at this point in choosing to provide additional land that was appropriately zoned to accommodate residential development. Furthermore, 22 lots within Stage 1 sold out within 2 months. 127 lots have been sold in Stage 2 reflecting a strong demand for residential land in Marulan.</p> <p>Regardless of this point, the over- supply of land would do nothing but lower the price of available residential land and reverse the current trend regarding housing affordability. Darraby Pty Ltd is confident that the proposed subdivision will provide additional opportunities for home buyers to purchase an affordable parcel of land upon which to build a new home. This will occur within a master planned estate within a liveable rural environment.</p>
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	<p>- stormwater drainage management; and</p> <p>- the modification of the 'at grade' intersection at George Street - Portland Avenue and the Hume Highway intersection to left turning traffic only.</p>	
(b)	<p>Transport movement hierarchy Marulan is serviced by a major arterial road (Hume Highway) and a number of Collector</p> <p>Roads:</p> <ul style="list-style-type: none"> ▪ Brayton Road, connecting the Hume Highway to the northern end of Portland Avenue; ▪ George Street, connecting Brayton Road to the southern end of Portland Avenue; ▪ Portland Avenue south, and George Street intersection connecting the Hume Highway ▪ to Wilson Drive; and ▪ Wilson Drive connecting Portland Avenue to the Urban Release Area. <p>Staged release area is required to contribute towards the upgrading of collector roads Wilson Drive, Portland Avenue and George Street. Figure 8.14.2 shows the road hierarchy. Chapters 7.2 and 7.3 of this plan sets out detailed requirements for access roads, general road provisions, drainage and water sensitive urban design principles</p>	<p>Council's Section 94A Contributions Plan collects monetary contributions from developers for the construction, upgrade and maintenance of public infrastructure including roads. It is considered that paying a developer contribution under this plan will be required to contribute towards the road upgrades described adjacent to the Site. All roads within the Site boundary will be constructed by Darraby Pty Ltd as part of the development.</p>
(c)	<p>Overall landscape strategy The overall landscape strategy for the urban release area is to protect, enhance and retain:</p> <ul style="list-style-type: none"> ▪ remnant vegetation shown on figure 8.14.2; and 	<p>Capital Ecology has undertaken an assessment of biodiversity impacts associated with the proposal via the application of the NSW Biodiversity Assessment Method (BAM) and preparation of a Biodiversity</p>



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	<ul style="list-style-type: none"> ▪ <i>important vegetated areas within landzoned RU2 Rural Landscape and RU6 Transition.</i> <p><i>Chapter 3.3 of this plan sets out detailed landscaping requirements for future development applications.</i></p>	<p>Development Assessment Report (BDAR).- refer to Appendix 4.</p>
(d)	<p><i>Passive and active recreation areas</i></p> <p><i>Further to the landscape strategy recreation areas in the Wilson Drive urban release area include:</i></p> <p><i>Passive:</i></p> <ul style="list-style-type: none"> ▪ <i>Area of land zoned RU2 adjacent to the Main Southern Railway; and</i> ▪ <i>Bio - retention swales and basins and proposed artificial wetlands to be developed as part of the stormwater management plan; and</i> <p><i>Active:</i></p> <p><i>Bio - retention basin proposed in the south- eastern corner could also be utilised for</i></p> <ul style="list-style-type: none"> ▪ <i>playing fields; and</i> ▪ <i>the main active playing fields are located adjacent to the north- eastern corner and zoned RE1 - Public Recreation and are known as the Portland Avenue sporting fields.</i> 	<p>Stage 3 does not involve the creation of any passive or active areas of recreation.</p> <p>Stage 2 involves the delivery of the play park. The broader subdivision may involve such spaces, but this needs to be resolved with Council to ensure that excessive open space is not provided that will burden Council with future/ ongoing maintenance costs.</p> <p>The Marulan soccer fields offer considerable public benefit regarding the availability of open space in this locality. We are of the view that, rather than providing additional public open space that the existing facilities within the soccer fields could be augmented for the benefit of an incoming population.</p>
(e)	<p><i>Stormwater and water quality management</i></p> <p><i>Stormwater and water quality management controls are detailed in chapter 7.3 - Drainage and soil and water management.</i></p>	<p>The proposed Stage 3 development involves the creation of 111 residential lots, a Drainage Reserve and a residual allotment as illustrated within Figure 3.1.</p>



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	<p><i>detention storage to attenuate peak flow rates can either be separate or incorporated into the bio- retention basins; and</i></p> <ul style="list-style-type: none"> ▪ <i>permeable pavers for car parking areas, although, permeable pavers would not be used on high traffic hard stand areas (e.g. delivery access ways) because of the greater load of vehicles using these areas."</i> <p><i>For ground water management</i></p> <ul style="list-style-type: none"> ▪ <i>limit additional impervious areas on the site; and</i> ▪ <i>encourage water infiltration at the base of bio-retention basins and swales.</i> <p><i>For river protection</i></p> <p><i>The site is at the top of two drainage catchments and as such:</i></p> <ul style="list-style-type: none"> ▪ <i>significant existing vegetation is to be retained through the middle of the site as part of the drainage corridor; and</i> ▪ <i>the perimeter of the drainage corridor is to incorporate further run off water quality treatment measures like retention swales / basins and artificial wetlands.</i> 	<p>The proposed development will generate additional impervious areas through the construction of new roads. This is unavoidable.</p> <p>Existing vegetation will be retained where possible.</p> <p>Additional water treatment basins will be included as development progresses towards the west.</p>
(f)	<p><i>Natural and Environmental hazards</i></p> <p><i>Figure 8.14.3 depicts identified environmental hazards and indicative solutions that need to be addressed and satisfied in future development applications for the Wilson Drive residential and industrial zoned areas.</i></p> <p><i>These include:</i></p> <ul style="list-style-type: none"> ▪ <i>Flooding hazard</i> ▪ <i>Patterson, Britton and Partners, December 2005 have approximated the 100 year ARI flood extent and the PMF flood</i> 	<p>Stage 3 is not affected by flooding constraints.</p>



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<p><i>extent. Both these events have been plotted onto figure 8.14.3. The accompanying report concludes that the catchment flood flows are relatively minor and should be incorporated into the piped trunk drainage system and overland flow areas in roadways and drainage reserves for up to the 100 year ARI flood extent in accordance with industry best management practice.</i></p> <ul style="list-style-type: none">▪ <i>Bushfire prone land</i>▪ <i>Environmental Resources Management (ERM), November 2005 have identified bushfire prone land for the Wilson Drive Marulan site. This map has been incorporated into figure 8.14.3. The ERM report concludes that development within the identified bushfire prone land will require:</i><ul style="list-style-type: none">- <i>a preliminary assessed APZ (asset protection zone) of 35m, which incorporates and</i>- <i>OPA (outer protection area) of 10m and an IPA (inner protection area) of 25m. This will need to be reassessed at DA stage;</i>- <i>“Level 1 construction standards (AS 3959-1999) are required for any development within bushfire prone land that is between 20m and 30m from the hazard (woodland) (not including the OPA)”; and</i>- <i>“no construction standards will be required for development that will be more than 30m from the hazard (not including the OPA) or within land outside that classified as bushfire prone”.</i>	<p>The broader Site is identified as being bushfire prone land. Bushfire Building Solutions has been engaged to prepare a Preliminary Bushfire Hazard Assessment and has confirmed that the proposed Stage 3 development has a bushfire rating of BAL LOW. Refer to Section 5.1 and Appendix 8 for further details.</p>
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<ul style="list-style-type: none">▪ <i>Noise assessment</i> <p><i>Noise sources include:</i></p> <ul style="list-style-type: none">- <i>existing industries (Boral Concrete batching plant);</i>- <i>operation of Marulan's waste management facility;</i>- <i>Main Southern Railway adjoining on the north;</i>- <i>Hume Highway to the east;</i>- <i>proposed State significant hard rock quarry to the west; and</i>- <i>proposed industrial zone on the southern side of Wilson Drive.</i> <p>- <i>Proposed Quarry</i></p> <p>- <i>ERM Consulting (November 2005) advise as follows:</i></p> <p>- <i>"A proposed Readymix quarry is understood to have been granted approval nearby the site. A review of the noise and blasting assessment part of the May 2005 Environmental Impact Statement (EIS) has been undertaken. Based on this document, noise and blasting at the proposed quarry are predicted to be within appropriate limits at proposed residences subject of this review.</i></p> <p><i>Hence, no development restrictions are anticipated as a result of the quarry."</i></p> <p>- <i>Further to this report the quarry has been granted Part 3A development consent.</i></p> <p>- <i>In addition, the proposed quarry's</i></p>	<p>Pulse White Noise Acoustics (PWNA) has been engaged to undertake an assessment of the proposed subdivision in the context of surrounding land use activities. The assessment concludes that the proposed subdivision can occur assuming that the recommendations are adopted- refer to Appendix 5.</p>
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<p><i>current owners have objected against the proposed residential development on land zone R1 at Wilson Drive, Marulan.</i></p> <p><i>- ERM noise control requirements:</i></p> <p><i>- ERM have recommended an acoustic barrier at the eastern edge of the land zoned IN2 light industrial.</i></p> <p><i>- Design of such barrier and future residential dwellings will depend on quantification of noise coming from the proposed quarry, and industrial areas to the west and south of residential release area.</i></p> <p><i>- House design may take the form of reducing openings facing noise sounds, providing air conditioning and double brick and window construction.</i></p> <p><i>- Noise from industrial sources, freeway and rail traffic can also be controlled by employing noise barriers and buffer zones. These can take the form of solid panels or an earth type bund forming part of a nature strip or a combination of both.</i></p> <p><i>- The following ERM Consulting recommendations have been adopted:</i></p> <ul style="list-style-type: none"><i>▪ 3m high solid noise barriers adjacent to the Main Southern Railway and proposed residential development along the northern boundary.</i><i>▪ 4m high solid noise barrier adjacent to the Boral batching plant and the Wilson Drive Road reserve along the eastern and southern boundaries (for a distance of 300m along the southern boundary).</i><i>▪ acoustic buffer between the</i>	
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<p><i>proposed industrial zone, and the residential zone.</i></p> <p><i>This plan also recommends that:</i></p> <ul style="list-style-type: none">▪ <i>acoustic buffer also be included adjacent to the southern road reserve of Wilson Drive from the 4m high solid barrier to the RU6 zone.</i>▪ <i>All barriers to be positioned along the north, east, south and west residential boundaries are to ensure that any proposed dwellings are to be shielded so that the line-of-sight from the noise source, be it rail, Hume Highway or the future industrial development to the south and west and the receptor location is blocked.</i> <p><i>Heritage assessment</i></p> <ul style="list-style-type: none">- <i>Aboriginal sites</i>- <i>ERM Consulting (November 2005) have located some five sites within the subject Wilson Drive precinct. A section 90 consent under the NPW Act is required from DECC for the two sites found within the residential release area (Lot 1 DP 21236). Also respective Aboriginal representatives have expressed the wish to collect Aboriginal objects from those sites. Lot 3 DP 517713 which contain the remaining three sites is to be maintained as a conservation area. This area has been zoned RU2 Rural Landscape.</i>- <i>European items</i>- <i>There are no European heritage items within the residential urban release area.</i>- <i>Soil and contamination</i>- <i>Coffey Geosciences Pty Ltd, February</i>	<p>Past Traces has been engaged to undertake Aboriginal Cultural heritage Assessment Report which is attached (Appendix 6) for Council's consideration.</p> <p>There are no items of European heritage significance within the Site area.</p> <p>The Coffey Geosciences report was not able to be located by Council or Coffey Geosciences in preparing this application. As such, Douglas Partners were commissioned to prepare a new report to assess likelihood of contamination on Site. This report is contained within Appendix 7 and confirms that the Site is not contaminated.</p> <p>A Geotechnical Investigation Report was prepared by Douglas Partners and confirms that the site is suitable for the proposed subdivision and residential use. This report is attached at Appendix 14.</p>
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	<p>2004 advise that there appears to be no significant geotechnical constraints and that likelihood of contamination being present that would pose constraints to residential development of the subject release site is considered to be low.</p> <p>- Drainage lines</p> <p>- Indicative stormwater management plan has been prepared by Patterson, Britton and Partners, December 2005 through the locations of swales etc may vary the principles developed in this plan will remain the same for the subject residential release area.</p>	<p>A Stormwater Management Report Plan has been prepared for Stage 3 and is attached within Appendix 3.</p>
(g)	<p><i>Urban Design controls</i></p> <p>Urban design control principles are detailed under Chapter 4 – “Principal Development Controls – Urban,” Sub-chapter 4.1 relates to residential development.</p>	<p>The proposed development involves subdivision only. Future dwellings will be subject to separate applications.</p>
(h)	<p><i>Higher density living – (refer to figure 8.14.4 zoning and lot size map).</i></p> <p>Density controls are detailed under sub-chapter 4.1.1 – Site planning, bulk, scale and density.</p> <p>Medium density development is permissible throughout the R1 and R2 residential zones.</p> <p>The subject Wilson Drive release area (R1 zone) allows multi-unit residential accommodation at the ratio of 350m² per dwelling unit. In addition part of this</p>	<p>The proposed development involves subdivision only. Future dwellings will be subject to separate applications.</p>



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	<p><i>release area allows subdivision of the land down to a minimum lot size of 350m². The majority of the area however has a conventional minimum lot size of 700m².</i></p>	
(i)	<p><i>Neighbourhood shops</i></p> <p><i>Retail premises (except neighbourhood shops) are prohibited in the Wilson Drive release area. Appropriate zone for all such premises is B2 – Local Centre zone.</i></p>	<p>The proposed development involves subdivision only.</p>
(j)	<p><i>Public facilities and services</i></p> <p><i>Council has put in place a Section 94A levy development contributions plan and a Marulan Infrastructure Contributions Plan.</i></p> <p><i>Wilson Drive urban release area is subject to both of these plans. However with the Infrastructure Contributions Plan only the identified works in that plan are to be funded.</i></p> <p><i>All other works required in the release area must be fully funded by the relevant developer.</i></p> <p><i>The following figures identify the public facilities and their location for which contributions will be required pursuant to S94A Contributions Plan:</i></p> <p><i>Figure 8.14.5 – public facilities</i></p> <ul style="list-style-type: none"> ▪ <i>George Street landscape works including:</i> <ul style="list-style-type: none"> - <i>street tree planting and road treatment at the southern end;</i> - <i>southern and northern entry features;</i> - <i>post office median strip and adjacent areas;</i> 	<p>Noted.</p> <p>All infrastructure within the boundaries of the Site will be funded by the developer. All new and upgraded infrastructure costs outside of the Site boundary will be funded by levies and the Marulan Infrastructure Contributions Plan or and/ or Councils Development Services Plan.</p>



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<p>- garden area adjacent to the pedestrian crossing.</p> <ul style="list-style-type: none">▪ Meridian Park development including:<ul style="list-style-type: none">- Picnic facilities, playground equipment, landscaping and off street parking.▪ Portland Avenue public recreation area development including:<ul style="list-style-type: none">- sporting fields, access roads and parking area.▪ Health care and community centre in George Street(completed):▪ Traffic facilities upgrading including: modification works on the north and south bound lanes of the Hume Highway at the southern "at- grade" intersection with Portland Avenue and George Street roundabout; <p>Figure 8.14.6 – Marulan Infrastructure Contributions Plan public infrastructure utilities including:</p> <ul style="list-style-type: none">- water supply infrastructure;- sewerage infrastructure;- stormwater design infrastructure. <p>The staged urban release area will not be consented to until chapter 8.4.9(2) has been satisfied and Council is satisfied that any public utility undertaking infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>Council has confirmed that the Stage 3 development would require payment of applicable DSP contributions for water and sewer infrastructure.</p>
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	<p><i>The recommended means to satisfy the above requirements is for a mutually agreed planning agreement to be put in place between Council and the developer.</i></p>	
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PART E ENVIRONMENTAL ASSESSMENT

The following section addresses key matters requiring consideration regarding the proposal. Most of these matters were considered at length as part of the rezoning process as part of drafting the *Goulburn Mulwarree Local Environmental Plan 2009*.

5.1 BUSHFIRE

Council's Bushfire Prone Vegetation Map indicates that the Site is partially bushfire prone land. Bushfire Building Solutions has been engaged to prepare a Bushfire Hazard Assessment to confirm likely BAL ratings that would apply to each lot.

The proposed subdivision will require future dwellings to comply with relevant BAL ratings as identified in the figure below. The Bushfire Hazard Assessment is provided in **Appendix 8**.



Figure 6. Goulburn Mulwarree Bushfire Prone Vegetation Map

5.2 UTILITY SERVICES

Electrical, telecommunications and gas services are located within the Stage 1 and are currently being extended into approved Stage 2. These services will be extended into the proposed Stage 3 development area via the extension of Goulburn Street and from the Stage 2 development area.



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Previous enquiries for the servicing of the whole estate have been made with the servicing authorities and it is understood that there is sufficient infrastructure supply nearby to serve the whole estate.

5.3 TRAFFIC IMPACTS

The proposed subdivision will generate traffic during the construction phase of the project. Construction access will be provided via Goulburn Street. Traffic will generally involve light vehicle for contracting staff (arriving and departing Site) and heavy vehicle traffic associated with the delivery of machinery and supplies for construction.

All parking will occur on Site and heavy vehicle traffic can be restricted to appropriate industrial collector roads to mitigate impacts for surrounding residential streets. All access points will be constructed to comply with relevant erosion and sediment controls applicable to the proposed development.

The proposed subdivision will result in the creation of 111 residential lots. The Roads and Maritime Service (RMS) Traffic Generation Guidelines suggest that 'Dwelling Houses' generate 9.0 daily vehicle trips per dwelling and 0.85 vehicle trips per dwelling within the weekday peak hour.

Therefore, the total predicted daily traffic generation would see an additional 999 trips / day once homes are approved, constructed and occupied. The development would add approximately 94.35 vehicle trips to each peak hour (morning and evening). This additional traffic generation represents an increase in overall traffic volume, however this can easily be accommodated within the existing local and regional road network as determined during the rezoning process. A Traffic Report is provided at **Appendix 9**.

5.4 VISUAL IMPACTS

Visual changes are an inherent outcome of the proposed development. The Site is currently used for agricultural purposes but was rezoned by Council as part of gazetting the current Local Environmental Plan. As such, Council has considered the visual impact of residential development on the Site and is satisfied that the social and economic benefits outweigh visual impacts.

The Stage 3 proposal will include street tree planting (see the Landscape Plan at **Appendix 13**) within the road corridors. This will significantly contribute to the visual interest of the completed subdivision. Purchasers will also be encouraged (through title restrictions) to complete landscaping (including at least one tree within the front setback) within 12 months of receiving an Occupation Certificate for the dwelling.

The broader subdivision will be enhanced through the protection of existing trees and vegetation where possible. This will soften and enhance the appearance the newly constructed subdivision as the project progresses towards the west, where the bulk of existing vegetation exists.

5.5 NOISE IMPACTS

Pulse White Noise Acoustics (PWNA) was engaged to undertake an assessment of background noise levels within the locality to assist Council in considering the merits of the proposed subdivision. As



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outlined in Council's Development Control Plan, the locality is characterised by a number of noise generating activities that may impact the future occupants of the proposed residential subdivision.

These noise generating activities include:

- Surrounding industrial land uses (in particular, an existing concrete batching plant) to the east;
- The Lynwood quarry located to the west;
- The Southern Railway Line located to the north; and
- The Hume Highway located to the south.

Although the proposal is likely to result in some temporary noise impacts associated with bulk earthworks and road construction, the resulting residential subdivision is unlikely to significantly impact the existing amenity of surrounding residential areas. The White Noise report is enclosed within **Appendix 5**.

5.6 STORMWATER AND FLOOD MANAGEMENT

AT&L was engaged to prepare a Stormwater Management Report and this report also has regard for flooding (**Appendix 3**).

In relation to flooding AT&L note that Stage 3 contains a gully through the western side of the Site before turning north and flowing under the Main Southern Railway through an existing DN1200 culvert. This gully is considered a riparian corridor and will be retained and enhanced as part of the proposed subdivision. The area immediately upstream of the culvert ponds to a depth greater than 1.0m with minor depressions through the north eastern portion of the site showing ponding up to 0.5m. The proposed stage of this subdivision partially encroaches on the eastern edge of the flood extent however this has been managed by building up earthworks levels to be 500mm above the 1% AEP flood level of 637.00 to adhere to NSW flood planning requirements. Earthworks will be undertaken along the western edge of the flood extent to compensate for any volume of flood storage lost by earthworks filling to facilitate the subdivision.

Stage 3 is identified as containing two catchments. The proposed drainage network within the estate has been designed to safely convey major and minor flows prior to discharging to adjacent lands to the north east and north west.

A concept stormwater drainage plan is included as part of this application which shows an indicative pit and pipe system for the proposed roads and the location of the proposed stormwater treatment facilities incorporating pollutant treatment and onsite detention.

Due to the increase in impervious area On-Site Detention is required to restrict the post development flow rates to pre-development flows. The current proposal provides an OSD basin in the north eastern corner of the site immediately adjacent the Goulburn Street extension. A water quality swale with flow control for frequent storm events up to the 5% AEP storm has been provided for the western catchment.



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Maintenance of the stormwater pit and pipes for the drainage system within the road reserve and easements will be the responsibility of Council. The maintenance of the proposed bioretention basin will also be handed over to Council.

5.7 EROSION AND SEDIMENT CONTROL

A concept Erosion and Sediment Control Plan for Stage 3 is included in the DA documentation illustrating the proposed methodology for the control of sediment runoff. This includes directing all runoff from the works into the early excavations for the bio-basin/OSD basins which will act as sediment basins during construction.

A detailed Erosion & Sediment Control plan for Stage 3 will be submitted with the Subdivision Certificate plans. Soil erosion and sedimentation controls will be implemented on and around the Site during construction works. The detailed plans will be prepared in accordance with Goulburn Mulwaree Council's specification D7 Erosion Control and Stormwater Management and the Landcom's guidelines 'Managing Urban Stormwater: Soil and Construction', 4th edition.

5.8 CONSTRUCTION MANAGEMENT

A Construction Management Plan will be prepared and submitted to the Certifier for approval prior to the issue of a Subdivision Certificate.

5.9 PROPOSED ROAD NETWORK

As outlined above, Inroads Group was engaged to prepare a Traffic Report (**Appendix 9**) to accompany the application. The proposal includes the construction of all internal roads. Stage 3 of the subdivision will be accessed via a proposed extension of Goulburn Street. It is intended to create roads throughout the estate ranging in width from 20m to 15m. All internal roads have been designed as either Access Streets or Minor Collector Roads. The applicable road categories have been determined based on the number of serviced lots. The roads will be able to accommodate pedestrian and bicycle traffic.

The road hierarchy and road widths proposed to be delivered under Stage 3 of the development are expected to be more than adequate to cater for the traffic volumes generated by the ultimate subdivision (which will be the subject of future development applications).

5.10 HERITAGE IMPACTS /ABORIGINAL OBJECTS

Past Traces has been engaged to prepare both a Due Diligence Assessment and an Aboriginal Cultural Heritage Assessment for the Site.



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As part of the Due Diligence Investigation, a search of the AHIMS database, was carried out and resulted in the identification of three Sites within the project area and two on the boundary (identified by ERM in 2004). In the broader area (radius of 1km) a further 65 Sites were located, conforming to a generalised pattern of association with water sources on level to gently sloping terrain. The majority of all Sites consisted of isolated finds or small surface scatters of lithic artefacts.

A field survey was undertaken on the 15th June 2022 by Lyn O'Brien (Archaeologist, Past Traces) and two representatives of the Pejar LALC. The aims of the field survey were to:

- Assess the current condition of the previously recorded Sites.
- Assess levels of disturbance to the project area.
- Assess the potential of the project area to contain unrecorded Aboriginal heritage.
- Locate and record any Aboriginal heritage sites within the project area.

The Site was located on a section of almost level midslopes at the northern boundary fence of the project area. The area had been previously disturbed due to ploughing and the installation of multiple optic cables in the vicinity. Due to this disturbance in area the artefacts may be in a secondary positions. No area of PAD were identified at the Site locality.

The previously recorded sites (as defined by the AHIMS database) and the new find has been illustrated in Figure 5.2 below. On the basis of this Due Diligence Assessment, Past Traces' engagement was extended to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR). The ACHAR is prepared to further investigate the presence of any Aboriginal sites and to assess the impacts and management strategies that may mitigate any impacts, including making an application for an Aboriginal Heritage Impact Permit (AHIP).

5.11 WATER SUPPLY & SEWERAGE INFRASTRUCTURE

This application deals with the creation of 111 new lots on residentially zoned land at the western boundary of the existing Marulan urban area. It is anticipated that the DSP charges will apply to the broader Site.

5.11.1 Water Supply

A new 200mm water main has been constructed by Darraby's contractors, linking the Site with an existing carrier at Brayton Road. This new infrastructure has been designed to service the entire subdivision.

5.11.2 Sewerage

This application proposes to be connected to the Interim Sewage Treatment Plan as per the Treatment Plant upgrade drawing. The whole of the system for Stages 1 and 2 will drain to the low point at the south-eastern corner of the Site.



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Stage 3 proposes a connection to the treatment plant pumped via two sewage pumps located north east and north west.

Augmentation of the existing private plant is proposed to support this subdivision until such time as the Council Plant is upgraded. See **Appendix 15**

5.12 ECOLOGICAL IMPACT ASSESSMENT

Capital Ecology has been engaged to undertake an assessment of possible ecological impacts associated with Stage 3. The resulting Ecological Impact Assessment is contained within **Appendix 4** of this report. The proposed footprint of Stage 3 will result in the clearance of 1.2 ha (12000 m²) of native vegetation and as such will exceed the native vegetation clearance threshold of 0.25 ha for the NSW Biodiversity Offset Scheme (BOS). The BDAR (refer to **Appendix 4**) notes the Site is considered unlikely to constitute important or occupied Koala habitat now or in the future. The Site does not support any of the EPBC Act listed threatened ecological communities with the potential to occur in the locality.

5.13 CONTAMINATION

Douglas Partners have been engaged to prepare a Preliminary Site Investigation for Contamination and has concluded:

'Based on the site history, the overall potential for contamination to be present at the site was considered to be low. Subsequent sampling of the identified PAEC indicated that contamination was not identified at the site. It is considered that the risk of groundwater potentially contaminated with hydrocarbons from the adjacent concrete batching plant or service station impacting the site is low. Accordingly, it is considered that the site is suitable for the proposed residential subdivision without any environmental limitations from a contamination perspective.'

The Preliminary Site Investigation for Contamination is attached within **Appendix 7** for Council's consideration.



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PART F SECTION 4.15 EVALUATION

This section evaluates the environmental and planning implications of the proposed development against the relevant heads of consideration outlined in s.4.15 of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

6.1 Section 4.15(1)(a) - Planning Instruments and Policies

As addressed in Section 4 of this report, the proposed development is consistent with the relevant state, regional and local planning instruments and policies. In particular, the proposed development satisfies the various requirements of the Goulburn Mulwarree Local Environmental Plan 2009 and the Goulburn Mulwarree Development Control Plan 2009. The proposed subdivision represents the third stage in a broader development that is consistent with the land use zoning and density objectives of the Local Environmental Plan. Engineering design and infrastructure provision will occur in accordance with other relevant Council policies following the outcome of this Development Application.

6.2 Section 4.15(1)(b) - Likely Impacts

6.2.1 Impacts on the Natural and Built Environment

The potential environmental impacts have been assessed and considered in Section 5 of this report. The proposed development will take place on land zoned for residential development.

This Statement of Environmental Effects confirms that the development is unlikely to result in any significant environmental impacts or adversely affect the amenity of neighbouring properties that weren't already considered during the rezoning process.

The proposed development of land currently used for agricultural activities will result in visual impacts but significant consideration was given to this matter at the timing of rezoning. The benefits of developing the land to provide additional and affordable residential land and the social and economic benefits of doing so far outweighed the negative impacts associated with visual change in the locality. Other impacts associated with the development are considered negligible in the context of the broader locality.

6.2.2 Social and Economic Impacts on the Locality

The proposal will generate positive social and economic impacts for Marulan and the broader region. The proposal results in the creation of 111 new residential lots close to the Marulan town centre, representing the third stage in a broader residential development. The social and economic benefits to the community are listed below:

- The proposed lots will be available for sale at prices well below comparable residential land within the region - particularly compared to Goulburn and the Southern Highlands;
- The construction process will create jobs within the local and regional community;



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- The construction workforce will spend money at local stores and will therefore be supporting local businesses and thus the local economy;
- The subdivision will generate future demand for home building thereby attracting even more tradespeople and investment in the local economy;
- Future residents will further contribute to local and regional expenditure within the economy;
- The proposal will provide a combination of an affordable country lifestyle within a quality master planned estate;
- The development will contribute a considerable amount of money towards infrastructure upgrades which are essential for the current and future population;

6.3 Section 4.15(1)(c) – Suitability of the Site

The Site is well suited to the development, as it is zoned for residential development and is capable of supporting the number of lots proposed. The proposed development will contribute financially to necessary infrastructure upgrades required within the locality. The staging proposed represents the orderly development of the land.

6.4 Section 4.15(1)(d) – Submissions

Council will consider and assess any submissions made in relation to the proposed development.

6.5 Section 4.15(1)(e) – Public Interest

The assessments undertaken by the various members of the project team have each had regard for the public interest and concluded that the proposed development is not expected to result in any adverse impacts for the site or surrounding locality.

The provision of affordable land within the region, coupled with the social and economic benefits generated by the proposal ensure that the project is in the public interest for the local and regional community.



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PART G CONCLUSION

The purpose of this SEE has been to present the proposed residential subdivision including the creation of 111 lots, 1 drainage lot and 1 residual lot for Wilson Drive, Marulan and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the Site;
- The context of the Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received from Goulburn Mulwaree Council

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.

