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Our ref: PP_2011_GOULB_001_00 (11/11208)
Your ref: JGM:CG

Mr Chris Berry
General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Berry,

Re: Planning Proposal to make a number of administrative amendments to the Goulburn Mulwaree Local Environmental Plan 2009 to reflect recent changes to the Standard Instrument Order 2011 and associated miscellaneous amendments

I am writing in response to your Council's letter dated 28 June 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to achieve the following:

1. Amend the Land Use Tables as follows to preserve the original intent of the Goulburn Mulwaree Local Environmental Plan 2009 ('The LEP'), Amendment No.1 as a result of:
 - (a) Changes brought about by the Standard Instrument Amendment Order 2011, dated 25 February 2011; and
 - (b) Several discrepancies identified in the administration of the current LEP over the last 2 years and the Amending Order.
2. Miscellaneous amendments including:
 - (a) To review the Chantry and Maud Street area in Goulburn zoned light industrial to rezone it residential development (700m² lots) along the Chantry Street frontage to reflect the Chantry Street residential character and to allow single dwellings with light industrial development on large lots (1500m²) to reflect the mixed character of the remainder of the zone.
 - (b) Introduce the new definitions of Camping grounds, Eco-tourist facilities, Industrial training facilities, Open cut mining and Timber yards into the Land Use Tables;
 - (c) To include the standard instrument optional clause 5.9(9) and mandated clause 5.13 (where Eco-tourist facilities are permitted) in the current LEP.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council is seeking to include a number of land uses in particular zones where it is not immediately apparent how the proposed use would be consistent with the intent of that zone. While Council has indicated that the intent of the planning proposal is to maintain the original intent of the Goulburn Mulwaree LEP 2009 following the recent amendments to the Standard Instrument Order, Council is encouraged to liaise with the Department's Southern

Regional Planning Team to ensure that the range of amendments being considered to the land use tables are consistent with the overall policy intent of the Standard Instrument zones and clearly achieves Council's objectives.

With regard to the rezoning of industrial land at Chantry Street, Goulburn, Council is reminded of the requirements of *State Environmental Planning Policy (SEPP) – 55 Remediation of Land* when rezoning a site. Council is to ensure that the requirements of the SEPP, in particular clause 6 of the instrument, are complied with in terms of demonstrating the site is, or can be made suitable for residential purposes by undertaking a Preliminary Site Contamination Assessment Report to support the proposed rezoning. Council should ensure a copy of all relevant information relating to site contamination assessment reports including the Preliminary Site Investigation Report are placed on public exhibition.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating land Use and Transport, 5.1 Implementation of Regional Strategies, 5.2 Sydney Drinking Water Catchments, 6.1 Approval and Referral Requirements and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact George Curtis of the Regional Office of the Department on 02 42249465.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_GOULB_001_00): to make a number of administrative amendments to the Goulburn Mulwaree Local Environmental Plan 2009 to reflect recent changes to the Standard Instrument Order 2011 and associated miscellaneous amendments

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Goulburn Mulwaree Local Environmental Plan 2009 to:

1. *Amend the Land Use Tables as follows to preserve the original intent of the Goulburn Mulwaree Local Environmental Plan 2009 ('The LEP'), Amendment No.1 as a result of:*
 - (a) *Changes brought about by the Standard Instrument Amendment Order 2011, dated 25 February 2011; and*
 - (b) *Several discrepancies identified in the administration of the current LEP over the last 2 years and the Amending Order.*
2. *Miscellaneous amendments including:*
 - (a) *To review the Chantry and Maud Street area in Goulburn zoned light industrial to rezone it residential development (700m² lots) along the Chantry Street frontage to reflect the Chantry Street residential character and to allow single dwellings with light industrial development on large lots (1500m²) to reflect the mixed character of the remainder of the zone.*
 - (b) *Introduce the new definitions of Camping grounds, Eco-tourist facilities, Industrial training facilities, Open cut mining and Timber yards into the Land Use Tables;*
 - (c) *To include the standard instrument optional clause 5.9(9) and mandated clause 5.13 (where Eco-tourist facilities are permitted) in the current LEP.*

should proceed subject to the following conditions:

1. Council is required to make the following changes to the planning proposal:
 - a) Shop top housing is to be prohibited in the IN1 General Industrial Zone as shop top housing is not a compatible use in the IN1 zone.
 - b) Retail premises are to be prohibited in the IN2 Light Industrial Zone as retail facilities are not generally considered a compatible use in the IN2 zone. The Standard Instrument mandates neighbourhood shops in "item 3 permitted with consent" to cater for retail needs in this zone.
 - c) Eco-tourist facilities are to be prohibited in the IN3 Heavy Industrial Zone as Eco-tourist facilities are not a compatible use in the IN3 zone.
 - d) Delete Community facilities, Forestry, Public administration buildings from 'item 3 permitted with consent' from the E2 Environmental Conservation Zone as these are not compatible uses in the E2 zone.

- e) The addition of Agricultural produce industries, Cellar door premises, Kiosks, Roadside stalls to item 3 permitted with consent in the E3 Environmental Management Zone is currently being addressed under the Goulburn Mulwaree Rural Lands Planning Proposal: PP_2009_GOULB_001_00. It should be removed from this Planning Proposal.
 - f) Council is required to justify the inconsistency of the addition of Rural worker's dwellings to item 3 permitted with consent in the E4 Environmental Living Zone with Section 117 Direction 2.1 Environment Protection Zones.
2. Council is required to correct a number of errors in the planning proposal to accurately reflect the Standard Instrument Order (Local Environmental Plans) 2011 and SEPP Amendment (Standard Instrument) 2011 as made. Updated advice will be provided by the Southern Regional office separately on this item.
 3. Council is required to resubmit the planning proposal to the Southern Regional office for review prior to exhibition and uploading the revised Planning Proposal on the LEP Tracking System.
 4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
 5. Council is required to ensure that the provisions of *State Environmental Planning Policy (SEPP) No 55 – Remediation of Land* are complied with as part of the rezoning process. Council is to ensure that in accordance with the SEPP a Preliminary Site Contamination Assessment Report is prepared and placed on public exhibition with the planning proposal for the rezoning of industrial land at Chantry Street.
 6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 29th day of August 2011.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure