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7 May 2019

Contact: Nick Thistleton

Reference: REZ\_0006\_1819

NSW Department of Planning and Environment  
PO Box 5475  
WOLLONGONG NSW 2520  
Attention: George Curtis

Dear George,

**REQUEST FOR GATEWAY DETERMINATION FOR PLANNING PROPOSAL – B2 LOCAL CENTRE  
REVIEW**

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Goulburn Mulwaree Council has initiated a review into the B2 Local Centre zoning under *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP). This review was initiated partially from a direct recommendation in Council's *Employment Lands Strategy* to rezone parts of the Marulan B2 Local Centre zone to B6 Enterprise Corridor and R1 General Residential and an identified need to address the B1 Neighbourhood Centre zone in the Mistful Park locality of Goulburn and the retail floor space restrictions for ***neighbourhood shops***, which did not allow for the most efficient or appropriate use of the subject land or the development of a small local shopping precinct for nearby residents.

The issues identified in this review were outlined in a report to Council on 19 March 2019. In summary it was concluded that an overarching B2 Local Centre Review planning proposal be prepared to fulfil recommendations from the *Employment Lands Strategy*, rezone land at Mistful Park to support a small mixed use precinct with a B2 Local Centre zone, and amend the floor space ratio restriction for ***neighbourhood shops***.

The report also concluded that further restrictions in the *Goulburn Mulwaree Development Control Plan 2009* (GM DCP) would be required for the B2 Local Centre zone in Mistful Park. It is intended that this amendment to the GM DCP be exhibited alongside the planning proposal for 28 days.

As a result of this conclusion, and the report presented on 19 March 2019, Council resolved as follows:

***That:***

- 1. The report from the Graduate Strategic Planner on the review of the B2 Local Centre zoning in Marulan and Mistful Park be received.***
- 2. Council draft a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to:***

- a) *Rezone lots 6-8 DP 1220973 in the Mistful Park locality from B1 Neighbourhood Centre to R3 Medium Density Residential with a minimum lot size of 1500m<sup>2</sup>;*
  - b) *Rezone the detention pond (Lot 9 DP 1220973) in the Mistful Park locality from B1 Neighbourhood Centre to RE1 Public Recreation;*
  - c) *Rezone lots 1-5 DP 1220973 in the Mistful Park locality from B1 Neighbourhood Centre and part R5 Large Lot Residential to B2 Local Centre with a floor space ratio of 0.5:1;*
  - d) *Add 'tourist and visitor accommodation', 'camping ground' and 'caravan park' as an additional permitted use for Lot 6 DP 1220973 in the Mistful Park locality;*
  - e) *Amend the floor space restriction for 'neighbourhood shops' from 1000m<sup>2</sup> to a maximum of 250m<sup>2</sup>.*
  - f) *Rezone the land currently zoned B2 Local Centre with a floor space ratio of 1.2:1, north of the rail line in Marulan to B6 Enterprise Corridor with a floor space ratio of 0.8:1.*
  - g) *Rezone lots 3-12 section 1 DP 3012 and lots E, F and G DP26410 in Marulan from B2 Local Centre with a floor space ratio of 1.2:1 to R1 General Residential with a 700m<sup>2</sup> minimum lot size and no floor space ratio.*
3. *The planning proposal once drafted, be submitted to the Minister of NSW Planning and Environment for a gateway determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.*
  4. *The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.*
  5. *In the event that NSW Planning and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.*
  6. *The amendment to the Goulburn Mulwaree Development Control Plan 2009 attached to this report relating to commercial and medium density residential development at Mistful Park be placed on public exhibition for a minimum period of 28 days commencing the same day as the public exhibition period for the aforementioned planning proposal and a notice be placed in a local newspaper advising the period of exhibition and how submissions may be made.*
  7. *Following the exhibition period of the draft amendment to the Goulburn Mulwaree Development Control Plan 2009 and planning proposal, a report will be presented to Council advising of the outcomes of the consultation and any amendments made to the document as a result of consultation.*
  8. *Council waive any standard lodgement and processing fee payable under Council's fees and charges in relation to the planning proposal and amendment to the Goulburn Mulwaree Development Control Plan 2009.*

Accordingly, Council is requesting that the NSW Department of Planning and Environment provide a gateway determination for this planning proposal (refer to the attached Planning Proposal document).

This planning proposal was referred to Water NSW, in accordance with the s9.1 Ministerial Directions. On 23 April 2019 Water NSW requested further information to be clarified or addressed in the planning proposal. On 6 May 2019 Water NSW confirmed that the planning proposal, as amended, has adequately addressed their concerns, fulfilling the requirements of the direction.

As noted in Part 4 of the Council resolution, Council is seeking delegation from the NSW Department of Planning and Environment to make – and determine not to make – the proposed LEP under section 3.36 of the *Environmental Planning and Assessment Act 1979*. The Council resolution only seeks delegation for the Council itself and does not specify that the delegation will extend to a specific officer (such as the General Manager or Director).

Should you have any questions, please do not hesitate to contact me on 02 4823 4434, or alternatively email [nick.thistleton@goulburn.nsw.gov.au](mailto:nick.thistleton@goulburn.nsw.gov.au)

Regards,



Nick Thistleton  
**Graduate Strategic Planner**

**Attached:**

Planning Proposal dated 7 May 2019  
Attachment 1 – Draft DCP Amendment  
Preliminary Water NSW Advice dated 23 April 2019  
Updated Water NSW Advice dated 6 May 2019  
Attachment 2 – Report to Council 19 March 2019.  
Attachment 3 – Council Meeting Minutes 19 March 2019