



Contact: Meredith McIntyre
Phone: (02) 6229 7900
Fax: (02) 6229 7901
Email: Meredith.McIntyre@planning.nsw.gov.au
Postal: c/- PO Box 5475, Wollongong NSW 2520

Our ref: PP_2012_GOULB_001_00 (12/09337-1)
Your ref:

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

Dear Mr Berry,

Planning proposal to amend Goulburn Mulwaree Local Environmental Plan (LEP) 2009

I am writing in response to your Council's letter dated 19 July 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No 4) to amend the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to facilitate various housekeeping amendments including rezoning and lot size amendments to land at Towrang Village, permitting additional uses on certain land, and applying a lot averaging subdivision clause to rural zones.

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.

Council's proposed provision to allow 'animal boarding and training establishments' as an additional permitted use at Goulburn Racecourse is not supported by the Department as the means of achieving the desired outcome. As the Racecourse is zoned RE2 Private Recreation under Goulburn Mulwaree LEP 2009, Council is to consider amending the land use table of the RE2 zone to permit 'animal boarding and training establishments.'

In addition to the above, Council's proposed provision to include the subdivision of land as an additional permitted use at Towrang Village and Highland Way, Marulan is not supported by the Department as the means of achieving the desired outcome. Council is to consider allocating an appropriate minimum lot size for the sites by amending its Lot Size Map. Council may consider applying an R5 Large Lot Residential zone to land at Highland Way, Marulan to reflect the rural residential nature of the lots.

It is noted that in correspondence dated 13 June 2012, the department raised concerns with the appropriateness of including lot averaging provisions for the RU5 Village zone, as it is unlikely that lot averaging would allow the lots to achieve lower minimum lot sizes and still meet on-site effluent disposal requirements. The department suggested the removal of the RU5 zone from the amendment to Clause 4.1C 'Lot averaging subdivision in certain residential, rural and environmental zones'. As Council prefers to retain the RU5 zone in the lot averaging provision, it should liaise directly with the Southern Region of the department to resolve matters relating to the drafting of the proposed amendment to the Clause. Following these discussions, Council may choose to remove the application of the Clause to its RU5 zone.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions 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 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 Meredith McIntyre of the Regional Office of the Department on 02 6229 7900.

Yours sincerely,



Sam Haddad
Director-General

21/9/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOULB_001_00): to amend Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to facilitate various amendments.

I, the Director General, Department of Planning and Infrastructure 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 (LEP) 2009 to facilitate various housekeeping amendments including rezoning and lot size amendments to land at Towrang Village, permitting additional uses on certain land, and applying a lot averaging subdivision clause to rural zones should proceed subject to the following conditions:

1. Council's proposal to include the subdivision of land as an additional permitted use at Towrang Village and Highland Way, Marulan is not supported. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that an amendment will be made to:
 - a. Lot Size Map LSZ_001A for Lot 110, DP 750040 at Towrang Village to reflect a minimum lot size of 20ha.
 - b. Lot Size Map LSZ_003 for Lot 20 and Part Lot 44 (west), DP 700290 and Part Lot 1 (east), DP 819150 to reflect a minimum lot size of 5ha, and Part Lot 44 (east), DP 700290 and Part Lot 1 (west), DP 819150 at Highland Way, Marulan to reflect a minimum lot size of 10ha. Council may consider rezoning these sites to R5 Large Lot Residential to reflect their rural residential nature.
2. Council's proposed provision to allow 'animal boarding and training establishments' as an additional permitted use at Goulburn Racecourse is not supported. Council is to consider amending the land use table of the RE2 Private Recreation zone to permit 'animal boarding and training establishments.'
3. Prior to undertaking public exhibition, Council is to liaise with the Southern Region of the department to resolve matters relating to the drafting of Clause 4.1C 'Lot averaging subdivision in certain residential, rural and environmental zones' as it relates to land zoned RU5 Village. Following these discussions, Council may choose to remove the RU5 zone from the Clause.
4. Council is to consult with the Sydney Metropolitan Catchment Management Authority in accordance with Section 117 Direction 5.2 Sydney Drinking Water Catchments and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hawkesbury Nepean Catchment Management Authority
 - Southern Rivers Catchment management Authority

- NSW Department of Primary Industries (Agriculture)
- Office of Environment and Heritage
- NSW National Parks and Wildlife Services
- Sydney Metropolitan Catchment Management Authority

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

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 21st day of September 2012.



Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure