

Goulburn Local Environmental Plan Amendment No 5 - Retail Hierarchy

Proposal Title : **Goulburn Local Environmental Plan Amendment No 5 - Retail Hierarchy**

Proposal Summary : **The aim of the Planning Proposal is to seek to enhance Goulburn's retail hierarchy and to reinforce and support Goulburn as a major regional centre as identified in the Sydney-Canberra Corridor Regional Strategy.**

The Planning Proposal seeks to:

- permit shops and neighbourhood shops in the B6 Enterprise Corridor Zone with a maximum floor area of 150m² for individual shops;
- Limit total floor area for individual shops in B4 Mixed Use Zone to 450m²;
- Prohibit bulky goods premises in the RU5 Village, IN1 General Industrial and IN2 Light Industrial Zones;
- Increase allowable total retail floor area in B1 Neighbourhood Centre Zone to 4,500m²;
- Re-inforce the CBD by removing permissibility of offices and business premises within R1 General Residential;
- Permit food and drink premises, plant nurseries and neighbourhood shops in the R1 General Residential Zone;
- Adopt the model clause requiring the preparation of a development control plan for urban release areas;
- Adopt the model clause for active street frontages and identify those street frontages where it will apply; and
- Exclude heritage listed items from development under 4.1A and 4.1B.

PP Number : **PP_2012_GOULB_003_00** Dop File No : **12/17641**

Proposal Details

Date Planning Proposal Received :	02-Nov-2012	LGA covered :	Goulburn Mulwaree
Region :	Southern	RPA :	Goulburn Mulwaree Council
State Electorate :	GOULBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : **Zones affected include RU5 Village, R1 General Residential, B1 Neighbourhood Centre, B4 Mixed Use, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial.**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**
If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :	The Changes sought in the planning proposal are a result of a Retail Study to support the central business district in Goulburn and to reinforce and strengthen the Goulburn retail hierarchy.
External Supporting Notes :	The changes sought by Council arise out of a Retail Study and are designed to provide opportunities for Goulburn's central business district to grow while recognising the existing retail hierarchy in Goulburn. It also inserts new model clauses relating to pedestrian access to commercial street frontages and to development control planning in urban release areas.

Adequacy Assessment

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

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

Comment : The planning proposal has resulted from Council's experience in dealing with development proposals including out of centre proposals for major retail developments. The objectives of the planning proposal are to provide for a retail hierarchy in Goulburn Mulwaree under the LEP 2009. It is a result of a report undertaken by retail economists (MACROPLAN).

The primary objective is to reinforce and support the role of Goulburn as a major regional centre as identified in the Sydney Canberra Corridor Regional Strategy.

The planning proposal seeks to achieve this by:

*Allowing shops of a limited size in the B4 Mixed Use Zone (450m²) and in the B6 Enterprise Corridor Zone (150m²) to prevent further decentralisation of anchor tenants outside of the B3 Commercial Core Zone;

*Appropriately locate bulky goods premises by limiting them to B2 Local Centre, B3 Commercial Core, B4 Mixed Use and B6 Enterprise Corridor Zones and prohibiting them in the RU5 Village, IN1 General Industrial and IN2 Light Industrial Zones;

* Create a hierarchy of commercial zones by increasing the total allowable retail floor area within the B1 Neighbourhood Centre Zones from 1,000m² to 4,500m²;

* Reinforce the Goulburn CBD by prohibiting offices in the R1 General Residential Zone;

* Require activated street frontages in key retail locations; and

* Require the preparation of a development control plan for urban release areas to manage the extent and rate of that development.

In addition the planning proposal seeks to manage the impact on higher density residential development on heritage items by excluding land containing a heritage item from clauses that allow reduced lot sizes for certain residential development types.

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

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

Comment : The Planning Proposal seeks to:

Amend the Land Use Tables to:

1. Permits shops with consent in the B6 Enterprise Corridor Zone;

2. Prohibit bulky goods premises in the RU5 Village Zone, IN1 General Industrial Zone and IN2 Light Industrial Zone; and

3. Permit with consent food and drink premises, plant nurseries, neighbourhood shops and prohibit office premises and business premises in R1 General Residential Zone.

4. Amend clause 5.4 Controls relating to miscellaneous permissible uses to include a new subclauses (10)(i) and (ii) to limit individual shop floor areas to 450m² in the B4 Mixed Use Zone and 150m² in the B6 Enterprise Corridor Zone.

5. Amend clause 5.4(7) Controls relating to miscellaneous permissible uses to allow a total maximum floor retail floor area for neighbourhood shops in the B1 Neighbourhood Centre Zone of 4,500m².

6. Adopt model clauses 6.3 Development control plans for its urban release areas.

7. Adopt the model clause 7.X Active street frontages and identify key locations on a new Active Street Frontage Map.

8. Draft a subclause to clauses 4.1A and 4.1 B to exclude land containing a heritage item.

While the intent to limit the total floor area of individual shops within the B4 and B6 Zones it is not considered appropriate to amend mandated clause 5.4 Controls relating to miscellaneous permissible uses. Instead it is **RECOMMENDED** that an appropriate local clause should be drafted along the lines of the Dubbo LEP's restrictions on floor space area clause 7.11 Commercial Premises in Zone B4 Mixed Use and 7.12 Shops in Zone B1 Neighbourhood Centre. These clauses seek to limit gross floor area and/or limit the total floor area of individual premises as a means of supporting the commercial hierarchy of the area.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

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

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

d) Which SEPPs have the RPA identified?

Drinking Water Catchments Regional Environmental Plan No. 1

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

The REP has been repealed by the SEPP(Sydney Drinking Water Catchment) 2011.

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

If No, explain :

Council has identified that s117 Directions 1.1 Business and Industrial Zones, 5.1 Implementation of Regional Strategies and 5.2 Sydney Drinking Water Catchments and SEPP (Sydney Drinking Water Catchment) 2011 apply to the planning proposal it is consistent with these. Consultation will be required with the Sydney Catchment Authority (SCA). while the Direction requires consultation with the SCA prior to the Gateway Determination it is considered appropriate to consult as part of the general community consultation process.

Direction 1.1 seeks to protect employment land in business and industrial zones and support the viability of identified strategic centres. The Direction requires that a planning proposal must not reduce the total potential floor space area for employment uses and related public services in business zones. While the planning proposal proposes to limit the maximum floor area for individual shops in the B4 Mixed Use and B6 Enterprise Corridor Zones it does not reduce the total allowable floor area. For the B1 Neighbour Centre Zone it actually increases allowable total floor area from 1000m2 to 4500m2. In addition the proposed provisions seek to reinforce the Goulburn CBD and clearly establish a centres hierarchy.

These provisions are reinforced by a Retail Study prepared by consultants (Macroplan) to support the planning proposal. The Retail Study justifies limiting the total floor area for shops within the B4 Mixed Use Zone on the grounds that this will help protect the Goulburn CBD by minimising out of centre retailing. The planning proposal is also consistent with the Goulburn CBD Plan 2009 and Council's Economic Development Plan (2008).

The planning proposal can be considered to be consistent with s117 Direction 1.1.

Section 117 Direction 2.3 Heritage Conservation and 3.1 Residential Zones may also be considered to apply. However the planning proposal is consistent with these Directions in that it seeks to protect heritage items and manage urban release areas consistent with the Government's approach by managing staging and servicing.

RECOMMENDATION:

The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions once the Council has consulted with and considered the response of the SCA.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided an Active Street Frontage Map that has been prepared in accordance with the Department's 'Standard Technical Requirements for LEP Maps'.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 28 day public exhibition period. This is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **RECOMMENDED** that mandated clause 5.4 should not be amended and instead an appropriate local clause should be drafted along the lines of the Dubbo LEP's restrictions on floor space area clause 7.11 Commercial Premises in Zone B4 Mixed Use and 7.12 Shops in Zone B1 Neighbourhood Centre. These clauses seek to limit gross floor area and/or limit the total floor area of individual premises as a means of supporting the commercial hierarchy of the area.

Overall adequacy of the proposal

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

If No, comment : The proposal satisfies the requirements of the Department's 'A guide to preparing planning proposals'.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Goulburn Mulwaree LEP was notified in 2009.

Assessment Criteria

Need for planning proposal : The planning proposal has arisen as a result of a landholder request for an out of centre development in a new land release area. Council is also seeking to revitalise the Goulburn CBD, whilst stimulating the local economy and as a result generating new jobs in the area.

Consistency with strategic planning framework : The planning proposal is consistent with the Sydney Canberra Corridor Regional Strategy, Council's CBD Plan 2009, Goulburn NSW Economic Impact Assessment 2012, as well as Council's Economic Development Plan (2008). It is also consistent with the Goulburn Mulwaree Strategy 2020 which seeks to align commercial and retail activity to Goulburn's commercial core.

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Environmental social
economic impacts :

The planning proposal will enable greater commercial and retail activity in the Goulburn CBD, which will support the growth and retention of local jobs. Additionally, it seeks to provide for a suitably sized development in a new release area - Mary's Mount Road Urban Release Area. It seeks to strengthen the retail hierarchy and is consistent with the Regional Strategy for the area. The changes to the centres hierarchy will locate services closer to housing. The land use changes in the planning proposal will not have any detrimental environmental impacts.

Assessment Process

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

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Sydney Catchment Authority
Office of Environment and Heritage**

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

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

If no, provide reasons : **The proposal has merit in that it will help strengthen the role of Goulburn City as the Major Regional Centre.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal_Amd_5_V3.pdf	Proposal	Yes
Macroplan.pdf	Study	Yes
Map.pdf	Map	Yes
Council report.pdf	Proposal	Yes
Council report no 2.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
5.1 Implementation of Regional Strategies**

5.2 Sydney Drinking Water Catchments

Additional Information :

The Director General, as delegate of the Minister for Planning and Infrastructure, has determined under section 56 (2) of the EP&A Act that an amendment to the Goulburn Mulwaree Local Environmental Plan 2009 to make changes to reinforce a retail hierarchy, manage urban release areas and protect heritage items from inappropriate subdivision and development should proceed subject to the following conditions:

1. Community consultation is required under sections 56 (2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning October 2012).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage (Heritage provisions)
- Sydney Catchment Authority (SCA)

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 it 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.

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

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

5. It is considered that mandated standard clause 5.4 should not be amended. Instead it is recommended that Council should draft an appropriate local clause similar to clauses 7.11 and 7.12 of Dubbo LEP 2011 to limit individual shop floor areas within the B4 Mixed Use and the B6 Enterprise Corridor Zones and limit total gross floor area for B1 Local Centre Zone.

S117 DIRECTIONS

6. The Director General can be satisfied that the planning proposal is consistent with all relevant s117 Directions once the Council has consulted with and considered the response of the SCA. It is appropriate for this consultation to occur as part of the overall consultation process.

7. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

8. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form and any issues raised by the SCA are adequately addressed.

Supporting Reasons :

The planning proposal will support Goulburn's role as a Regional Centre and provides for additional commercial and retail opportunities, which in turn will provide for an increase in availability of local jobs. The planning proposal is a result of a retail study that investigated the existing and preferred retail hierarchy in Goulburn. It also acknowledges the need for suitable footprint for another retail area as part of the Marys Mount urban release area.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

30th November 2012