

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**

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.

Panel Recommendation

Recommendation Date : **06-Dec-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. Council's proposal to amend standard instrument Clause 5.4 Controls relating to miscellaneous permissible uses to include new subclauses which limit the total floor area of shops and neighbourhood shops in various business zones is not supported. Council is to consider drafting an appropriate local clause to limit shop floor area for the relevant zones.
2. 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 LEPs (Department of Planning and Infrastructure 2012).

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

- Sydney Catchment Authority
- Office of Environment and Heritage
- Roads and Maritime Services

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.

4. 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).

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

Signature: _____

Printed Name: _____

Date: _____