



Office of the Director General

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Our ref: PP_2012_GOULB_003_00 (12/17641)

Dear Mr Berry,

Planning proposal to amend Goulburn Mulwaree Local Environmental Plan 2009

I am writing in response to your Council's request for 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 Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to facilitate various amendments to support Goulburn's retail hierarchy and its central business district as a major regional centre.

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

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 as the means of achieving the desired outcome. Council is to consider drafting a local clause which limits the floor area of shops to achieve the desired results. As an example, Council may refer to Clauses 7.11 and 7.12 of Dubbo LEP 2011 which aim to limit the floor area of retail premises as a means of supporting retail hierarchy.

I have also agreed that the planning proposal's inconsistency with S117 Directions 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

Council is advised that the *Guide to Preparing Planning Proposals* was recently updated and it requires a project timeline to be included within the planning proposal. A timeline provides a mechanism to monitor the progress of the plan and minimise delays in the plan making process. Council should include a project timeline within any future planning proposal, when it requests a Gateway determination.

The amending LEP is to be finalised within 9 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. 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 NSW 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 Ms Ann Martin of the regional office of the department on 02 4224 9450.

Yours sincerely,


Sam Haddad
Director General

15/12/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_GOULB_003_00): to support Goulburn's retail hierarchy and its central business district as a major regional centre.

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 Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to facilitate various amendments to support Goulburn's retail hierarchy and its central business district as a major regional centre 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 (Heritage Issues)
 - 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.

Dated 15th day of December 2012.


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