



**Goulburn Mulwaree Council**  
**Minor Amendments and Corrections Planning**  
**Proposal**  
**Local Environmental Plan 2009**

**27 June 2016**

## Introduction

The Goulburn Mulwaree Local Environmental Plan (LEP) first became effective in 2009. Council has identified a number of areas in the LEP that require minor amendments or corrections. There are also shortcomings identified in the LEP that do not adequately address matters in relation to subdivision and boundary adjustments.

The Planning Proposal has been prepared with reference to the Department of Planning and Environment's Guidelines "A guide to preparing planning proposals" and "A guide to preparing local environmental plans".

The Planning Proposal amends Goulburn Mulwaree LEP 2009 as outlined in Table 1:

Table 1 Proposed LEP amendments and supporting rationale

Amendment proposed	Rationale
<b>Corrections</b>	
1. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 1.3 Land to which Plan applies</i> by removing subclause (2).	There are no deferred matters that apply to the Goulburn Mulwaree LEP.
2. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 1.8 Repeal of planning instruments applying to land</i> by inserting 'Mulwaree Local Environmental Plan 1995' after 'Goulburn Local Environmental Plan 1990'.	Both the Goulburn Local Environmental Plan 1990 and Mulwaree Local Environmental Plan 1995 were repealed by the adoption of the Goulburn Mulwaree LEP 2009.
3. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 4.1A Exceptions to minimum lot sizes for certain residential development</i> by rewriting sub clause (3) consistent with sub clause (4) and the Department of Planning and Environment's Model Clause.	Amendment of subclause (3) will provide clarity in relation to the subdivision of land and a 'proposed' development.
4. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 4.1C Lot averaging subdivision in certain rural, residential and environment protection zones</i> by replacing 'clause 4.1' with 'any other clause in this Plan' under subclause (3).	Amendment will allow Clause 4.1C to be applied despite the provisions of any other clause in the Goulburn Mulwaree LEP. This is consistent with the concept to permit lot averaging in some zones.

Corrections	
5. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 4.2A Erection of dwelling houses on land in certain rural and environmental zones</i> by replacing 'clause 4.1' with 'this Plan' under subclause (2)(a).	Any lot (in the zones nominated in this clause) created under the Goulburn Mulwaree LEP will be granted dwelling entitlement except where another clause explicitly prohibits the erection of a dwelling on that lot.
6. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 4.6 Exceptions to development standards</i> by inserting clause 4.1C under subclause (8)	Given the intention of Clause 4.1C is to provide flexibility and create undersized allotments, it is considered inappropriate to allow further variation to the development standard under Clause 4.6.
R5 Large Lot Residential Land Use Table	
7. Amendment of the Goulburn Mulwaree LEP 2009 land use table for zone R5 Large Lot Residential by prohibiting the <i>boarding house, group home, hostel, and seniors housing</i> definitions.	The land uses are not considered suitable in the R5 zone.
Additional Zones in Certain Clauses	
8. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 4.1AA Minimum subdivision lot size for community title schemes</i> by inserting the R5 Large Lot Residential and RU6 Transition zones under subclause (2).	Introducing the R5 and RU6 zones to Clause 4.1AA will ensure community title subdivision will occur without any adverse impact on environmental or rural values.
9. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones</i> by inserting R5 Large Lot Residential, RU6 Transition, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living under subclause (2)	Inclusion of the zones will ensure that rural and environmental land is not fragmented via Strata subdivision.
10. Amendment of the Goulburn Mulwaree LEP 2009 <i>Clause 5.3 Development near zone boundaries</i> by inserting <i>E4 Environmental Living</i> under subclause (3)(a).	Land uses such as <i>business premises, office premises, and retail premises</i> are permissible in zones adjoining E4 however are not considered appropriate for an environmental zone.

Schedule 5	
11. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 1 to amend the address and property description for Heritage Item I 070 to include 360 Auburn Street and Lot 1, DP 1099144.	To include the lot and DP and address for a building that is already part of the heritage listing and shown on Heritage Map - Sheet HER_001DE.
12. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER_001DE and Schedule 5 Part 1 to amend the property description for Heritage Item I 085 (Claremont Manor) to Lot 1, DP 1184873 and generally in accordance with the map shown in Appendix 1.	To amend the property description for the Claremont Manor building (Heritage Item I085 in Schedule 5) that has been subject to a subdivision. The new boundary alignment and property description should be listed in the LEP and shown on Heritage Map - Sheet HER_001DE.
13. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER_001D and Schedule 5 Part 1 to amend the address and property description for Heritage Item I 237 to 8 Ben Street and Lot 19, DP 1141601; Lots 27 – 52, SP 90229 and generally in accordance with the map shown in Appendix 1.	To amend the address property description for the Ravensworth property (Heritage Item I 237 in Schedule 5) that has been subject to a subdivision. The new boundary alignment and property description should be listed in the LEP and shown on Heritage Map - Sheet HER_001D.
14. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 1 to amend the address for Heritage Item I 296 to 42 Verner Street.	The incorrect address has been supplied for Heritage Item I 296. The correct address should be listed in the LEP.
15. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER_003CA and Schedule 5 Part 1 to amend the address and property description for Heritage Item I 320 to only include 73 – 75 George Street and Lots 3 and 4, Sec 3, DP 47 and generally in accordance with the map shown in Appendix 1.	To amend the address, property description and heritage map for the Royal Hotel and Aunty Mary's Shop (Heritage Item I 320 in Schedule 5) to reflect only those lots that contain heritage buildings.

Schedule 5	
16. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER_003CA and Schedule 5 Part 1 to amend the address and property description for Heritage Item I 322 to only include 91 – 93 George Street and Lots 5 and 6, Sec 1, DP 47 and generally in accordance with the map shown in Appendix 1.	To amend the address, property description and heritage map for the St Stephen’s Uniting Church and Coralyn buildings (Heritage Item I 322 in Schedule 5) to reflect only those lots that contain heritage buildings.
17. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 1 to amend the address for Heritage Item I 314 to remove the asterisk next to ‘Local’.	Heritage Item I 314 has no listing under the National or Commonwealth heritage registers and therefore does not require an asterisk in the Goulburn LEP.
18. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to amend the Identification on the Heritage Map for the Goulburn City Conservation Area to include Heritage Map - Sheets HER_001DA, HER_001DB, HER_001DC, HER_001DD, HER_001DE, HER_001DF and HER_001DG.	To include the correct map references for the Goulburn City Conservation Area in the Goulburn LEP.
19. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to amend the Identification on Heritage Map for the Marulan Township Conservation Area to include Heritage Map - Sheet HER_003D.	To include the correct map reference for the Marulan Township Conservation Area in the Goulburn LEP.
20. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to identify the Goulburn Water Works Conservation Area identified on Heritage Map – Sheets HER_001D and HER_001DA.	To identify the Water Works Conservation Area (that is currently part of the Goulburn City Conservation Area) as a separate Conservation Area.
21. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to identify the Kenmore Conservation Area identified on Heritage Map – Sheet HER_001F.	To identify the Kenmore Conservation Area (that is currently part of the Goulburn City Conservation Area) as a separate Conservation Area.

Schedule 5	
22. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to identify the Lansdowne Estate Conservation Area identified on Heritage Map – Sheets HER_001DF, HER_001DI and HER_001DE.	To identify the Lansdowne Estate Conservation Area (that is currently part of the Goulburn City Conservation Area) as a separate Conservation Area.
48 Auburn Street, Goulburn (Lot 1 in DP 9597), 46 Auburn Street, Goulburn (Lot B in DP 399739) & 1 Australia Street (Lot 3 in DP 9597)	
23. Amendment of the Goulburn Mulwaree LEP 2009 Land Zoning Map – Sheet LZN_001D generally in accordance with the map shown in Appendix 1.	SP2 Infrastructure zone is intended for Goulburn South Primary School and has inadvertently incorporated privately owned land being Lots 1 and 3 in DP 9597 and Lots A and B in DP 399739. The zone should be replaced with the adjoining zone of R1 General Residential.
Marys Mount Road, Goulburn (Lot 115 in DP 1188353)	
24. Amendment of the Goulburn Mulwaree LEP 2009 Land Zoning Map – Sheet LZN_001D generally in accordance with the map shown in Appendix 1.	To rezone Council owned land being Lot 115 in DP 1188353 intended for a neighbourhood park from R2 Low Density Residential to RE1 Public Recreation.
Boundary Adjustment	
25. Amendment of Goulburn Mulwaree LEP 2009 by inserting a Local Model Provision to permit boundary adjustment subdivision between existing lots where one or more of the resulting lots would be less than the minimum subdivision lot size.	The Goulburn Mulwaree LEP does not include a provision to permit boundary adjustments not covered by the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . A new clause will allow boundary adjustments to occur for lots that are below the minimum lot size and do not increase in area.
Minimum Lot Size for Split Zones	
26. Amendment of Goulburn Mulwaree LEP 2009 by inserting a Local Model Provision to permit subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1.	Permitting the subdivision of land for a lot below the minimum lot size where two zones apply will enable greenfield development to occur without compromising the orderly release of land.
Land Reserved for Acquisition	
27. Amendment of the Goulburn Mulwaree LEP 2009 Land Reservation Acquisition Map - Sheet LRA_001D generally in accordance with the map shown in Appendix 1.	Remove land that has been acquired previously through the LEP (Lot 78 in DP 1182160 and Lot 114 in DP 1188353)

Land Reserved for Acquisition	
28. Amendment of the Goulburn Mulwaree LEP 2009 Land Reservation Acquisition Map - Sheets LRA_001F and LRA_001G generally in accordance with the map shown in Appendix 1.	Remove land that has been acquired previously through the LEP (Lot 23 in DP 3257)

## Part 1 – Intended Outcomes

The intended outcome of the instrument proposed by this Planning Proposal is to correct errors and make minor amendments in Goulburn Mulwaree LEP 2009 clauses, land use tables and on maps.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

### Corrections

1. Amendment of the Goulburn Mulwaree LEP 2009 Clause 1.3 Land to which Plan applied by removing subclause (2).
2. Amendment of the Goulburn Mulwaree LEP 2009 Clause 1.8 Repeal of planning instruments applying to land by inserting 'Mulwaree Local Environmental Plan 1995' after 'Goulburn Local Environmental Plan 1990'.
3. Amendment of the Goulburn Mulwaree LEP 2009 Clause 4.1A Exceptions to minimum lot sizes for certain residential development, sub clause (3) as follows:
  - (3) *Despite clause 4.1, development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
    - (a) *the subdivision of land into 2 or more lots,*
    - (b) *the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350 square metres.*
4. Amendment of the Goulburn Mulwaree LEP 2009 Clause 4.1C Lot averaging subdivision in certain rural, residential and environment protection zones by replacing 'clause 4.1' with 'any other clause in this Plan' under subclause (3).
5. Amendment of the Goulburn Mulwaree LEP 2009 Clause 4.2A Erection of dwelling houses on land in certain rural and environmental zones by replacing 'clause 4.1' with 'this Plan' under subclause (2)(a).

6. Amendment of the Goulburn Mulwaree LEP 2009 Clause 4.6 Exceptions to development standards by inserting clause 4.1C under subclause (8)

#### R5 Large Lot Residential Land Use Table

7. Amendment of the Goulburn Mulwaree LEP 2009 land use table for zone R5 Large Lot Residential by prohibiting the *boarding house, group home, hostel, and seniors housing* definitions.

#### Additional Zones in Certain Clauses

8. Amendment of the Goulburn Mulwaree LEP 2009 Clause 4.1AA Minimum subdivision lot size for community title schemes by inserting the R5 Large Lot Residential and RU6 Transition zones under subclause (2).
9. Amendment of the Goulburn Mulwaree LEP 2009 Clause 4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones by inserting the R5 Large Lot Residential, RU6 Transition, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living under subclause (2).
10. Amendment of the Goulburn Mulwaree LEP 2009 Clause 5.3 Development near zone boundaries by inserting E4 Environmental Living under subclause (3)(a).

#### Schedule 5

11. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 1 to amend the address property description for Heritage Item I070 to include 360 Auburn Street and Lot 1, DP 1099144.
12. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER\_001DE and Schedule 5 Part 1 to amend the property description for Heritage Item I085 (Claremont Manor) to Lot 1, DP 1184873 and generally in accordance with the map shown in Appendix 1.
13. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER\_001D and Schedule 5 Part 1 to amend the address and property description for Heritage Item I237 to 8 Ben Street and Lot 19, DP 1141601; Lots 27 – 52, SP 90229 and generally in accordance with the map shown in Appendix 1.
14. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 1 to amend the address for Heritage Item I296 to 42 Verner Street.
15. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER\_003CA and Schedule 5 Part 1 to amend the address and property description for Heritage Item I320 to

only include 73 – 75 George Street and Lots 3 and 4, Sec 3, DP 47 and generally in accordance with the map shown in Appendix 1.

16. Amendment of the Goulburn Mulwaree LEP 2009 Heritage Map - Sheet HER\_003CA and Schedule 5 Part 1 to amend the address and property description for Heritage Item I322 to only include 91 – 93 George Street and Lots 5 and 6, Sec 1, DP 47 and generally in accordance with the map shown in Appendix 1.
17. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 1 to amend the address for Heritage Item I314 to remove the asterisk next to 'Local'.

Amendment of the Goulburn Mulwaree LEP 2009 *Schedule 5 Environmental heritage, Part 1 Heritage Items* will enable:

Suburb	Item name	Address	Property description	Significance	Item No.
Goulburn	Buildings, Two Storey and Single Storey (c 1910, c 1882, c 1930, c 1900, c 1920, c 1892)	330–336, 338–340, 342–344, 346–348, 350, 354 and 356–360 Auburn Street	Lot 1, DP 136821; Lot 1, DP 546737; Lot 2, DP 1101517; Lot M, Sec 19, DP 162785; Lot L, DP 162785; Lot 1, DP 203197; Lot 2, DP 203197; Lot 12, DP 263274; Lot 1, DP 781372; Lot 1, DP 770738; Lot 1, DP 1099144	Local	I070
Goulburn	Dwellings, "Ravensworth", Two Storey	8 Ben Street	Lot 19, DP 1141601; Lots 27 – 52, SP 90229	Local	I237
Goulburn	Roman Catholic Bishop's Residence, Presbytery, Front Fence (1909)	42 Verner Street	Lot 2, DP 91238	Local*	I296
Marulan	"Glenrock" Homestead, Outbuildings	248 Highland Way	Lot 204, DP 870194	Local	I314
Marulan	"Royal Hotel" (c 1878), "Aunty Mary's", Shop, Victorian (c 1880)	69, 71, 73 and 75 George Street	Lots 3, 4, 5 and 6, Sec 3, DP 47	Local	I320

Marulan	Dwelling, "Cora-Lyn", St Stephen's Uniting Church	91 and 93 George Street	Lots 5–6, Sec 1, DP 47	Local	I322
---------	---	-------------------------	------------------------	-------	------

18. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to amend the Identification on Heritage Map for the Goulburn City Conservation Area to include Heritage Map - Sheets HER\_001DA, HER\_001DB, HER\_001DC, HER\_001DD, HER\_001DE, HER\_001DF and HER\_001DG.
19. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to amend the Identification on Heritage Map for the Marulan Township Conservation Area to include Heritage Map - Sheet HER\_003D.
20. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to identify the Goulburn Water Works Conservation Area identified on Heritage Map – Sheets HER\_001D and HER\_001DA.
21. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to identify the Kenmore Conservation Area identified on Heritage Map – Sheet HER\_001F.
22. Amendment of the Goulburn Mulwaree LEP 2009 Schedule 5 Part 2 to identify the Lansdowne Estate Conservation Area identified on Heritage Map – Sheets HER\_001DF, HER\_001DI and HER\_001DE.

Amendment of the Goulburn Mulwaree LEP 2009 *Schedule 5 Environmental heritage, Part 2 Heritage conservation areas* will enable:

Name of heritage conservation area	Identification on Heritage Map
Goulburn City Conservation Area	Shown by a red outline with red hatching and labelled "Conservation Area—General" on Sheets HER_001DA, HER_001DB, HER_001DC, HER_001DD, HER_001DE, HER_001DF and HER_001DG of the Heritage Map
Goulburn Water Works Conservation Area	Shown by a red outline with red hatching and labelled "Conservation Area—General" on Sheets HER_001D and HER_001DA of the Heritage Map
Kenmore Conservation Area	Shown by a red outline with red hatching and labelled "Conservation Area—General" on Sheet HER_001F of the Heritage Map

Lansdowne Estate Conservation Area	Shown by a red outline with red hatching and labelled "Conservation Area—General" on Sheets HER_001DF, HER_001DI and HER_001DE of the Heritage Map
Marulan Town Ship Conservation Area	Shown by a red outline with red hatching and labelled "Conservation Area—General" on Sheet HER_003D of the Heritage Map

48 Auburn Street, Goulburn (Lot 1 in DP 9597), 46 Auburn Street, Goulburn (Lot B in DP 399739) & 1 Australia Street (Lot 3 in DP 9597)

23. Amendment of the Goulburn Mulwaree LEP 2009 Land Zoning Map – Sheet LZN\_001D generally in accordance with the map shown in Appendix 1.

Marys Mount Road, Goulburn (Lot 67 in DP 1100705 & Lot 115 in DP 1188353)

24. Amendment of the Goulburn Mulwaree LEP 2009 Land Zoning Map – Sheet LZN\_001D generally in accordance with the map shown in Appendix 1.

#### Boundary Adjustments

25. Amendment of Goulburn Mulwaree LEP 2009 by inserting a Local Model Provision to permit boundary adjustment subdivision as follows:

(1) *The objectives of this clause are as follows:*

- (a) *to permit boundary adjustment subdivision between existing lots in rural areas where one or more of the resulting lots would be less than the minimum subdivision lot size,*
- (b) *to ensure that the subdivision does not create additional lots or additional opportunities for dwelling houses,*
- (c) *to ensure that the boundary adjustment subdivision will result in:*
  - (i) *a minimisation of further fragmentation and alienation of resource lands or lands with natural or ecological values,*
  - (ii) *the minimisation of land use conflict,*
  - (iii) *the maintenance of the rural character, environmental heritage and/or scenic quality of the land.*

(2) *This clause applies to land in the following zones:*

- (a) *Zone RU1 Primary Production,*

- (b) *Zone RU2 Rural Landscape,*
  - (c) *Zone RU6 Transition.*
- (3) *Despite clause 4.1, development consent may be granted for a subdivision that consists of an adjustment of boundaries between existing lots where the size of one or more of the resulting lots will be less than the minimum subdivision lot size shown on the Lot Size Map in relation to those lots, if:*
- (a) *the subdivision will not result in the creation of any additional lots or the opportunity for additional dwellings (or both), and*
  - (b) *the subdivision will minimise the further fragmentation and alienation of resource lands or lands with natural and ecological values, and*
  - (c) *the subdivision is likely to minimise actual or potential land use conflict, and*
  - (d) *the subdivision is not likely to affect the rural character, environmental heritage and scenic quality of the land.*

#### Minimum Lot Size for Split Zones

26. Amendment of Goulburn Mulwaree LEP 2009 by inserting a Local Model Provision to permit subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1 as follows:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
  - (b) *to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*
- (2) *This clause applies to each lot (an original lot) that contains:*
  - (a) *land in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential, and*
  - (b) *land in Zone RU6 Transition.*
- (3) *Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:*
  - (a) *one of the resulting lots will contain:*
    - (i) *land in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and*

- (ii) *all of the land in Zone RU6 Transition that was in the original lot, and*
- (b) *all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

#### Land Reserved for Acquisition

- 27. Amendment of the Goulburn Mulwaree LEP 2009 Land Reservation Acquisition Map - Sheet LRA\_001D generally in accordance with the map shown in Appendix 1.
- 28. Amendment of the Goulburn Mulwaree LEP 2009 Land Reservation Acquisition Map - Sheets LRA\_001F and LRA\_001G generally in accordance with the map shown in Appendix 1.

## Part 3 – Justification

### Section A – Need for Planning Proposal

3.1 Is the Planning Proposal a result of any strategic study or report?

No. The Planning Proposal consists of minor map, clause and land use table amendments that are not a result of a strategic study or report.

3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the best means of addressing the minor amendments and corrections needed to improve Goulburn Mulwaree LEP 2009.

### Section B – Relationship to Strategic Planning Framework

3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Sydney–Canberra Corridor Regional Strategy 2006-2031 is not relevant to most of the minor amendments and corrections outlined in this Planning Proposal.

However, the proposed amendment to the R5 zone to prohibit *boarding house, group home, hostel, and seniors housing* relates to the ‘Housing and Settlement’ actions of The Sydney–Canberra Corridor Regional Strategy which states:

“Councils will plan for a range of housing types with appropriate densities and in appropriate locations that are capable of adapting to and responding to the ageing population and people with a disability” (page 40)

A number of areas in Goulburn Mulwaree zoned R5, including Run-O-Waters and Tallong Park Estate, are not considered to be appropriate locations to adapt and respond to an ageing population or people with a disability. Furthermore, land uses such as boarding houses and hostels are considered more compatible in areas with good access to public transport and retail services which cannot be provided within existing R5 zoned land.

### 3.4 Is the Planning Proposal Consistent with a council's local strategy or other local strategic plan?

#### 3.4.1 Goulburn Mulwaree Strategy 2020

The Planning Proposal is consistent with the Goulburn Mulwaree Strategy 2020 in terms of the community vision and plans for growth outlined in the strategy.

#### 3.4.2 Goulburn Mulwaree Community Strategic Plan 2030

The Planning Proposal is consistent with the Community Strategic Plan 2030 as follows:

- Prohibiting *seniors housing* and *group homes* in the R5 zone will allow these uses to be more appropriately located in areas with access to services. In doing so, the Planning Proposal is consistent with the Community Needs Direction "To ensure the community has access to appropriate health care, services and facilities particularly for the aged, vulnerable and minority groups" (page 25);
- Prohibiting the use of the E4 Environmental Living zone under Clause 5.3 is consistent with the Environment Direction "to protect, maintain and improve the diversity of our native fauna and flora provided there is a balance between environmental protection, population growth and development" (page 30).

#### 3.4.3 Goulburn Mulwaree Biodiversity Strategy

The Goulburn Mulwaree Biodiversity Strategy (2007) recommends that the E4 zone provide for "low impact residential development which does not adversely affect 'special ecological, scientific or aesthetic values" (page 61). The Planning Proposal is consistent with Goulburn Mulwaree Biodiversity Strategy by prohibiting the application of Clause 5.3 in the E4 zone which will ensure uses incompatible with the E4 zone do not compromise areas of conservation value.

3.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

Most SEPP's are not applicable to this Planning Proposal. The Planning Proposal is consistent with the relevant SEPP's outlined below in Table 2.

Table 2 Planning Proposal compliance with relevant State Environmental Planning Policy's

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
SEPP 55 – Remediation of land	Not applicable with regards to the majority of map amendments proposed as they constitute minor corrections and amendments only. Land proposed to be rezoned from SP2 Infrastructure to R1 General Industrial have existing residences on each lot and were previously zoned Living Area Zone (No. 2) under the <i>Goulburn Local Environmental Plan 1990</i> . The land was unintentionally included in the SP2 zone when the GMLEP was first adopted.
SEPP (Rural lands) 2008	This Planning Proposal constitutes minor corrections and amendments. No significant new rural or residential housing will result from this Planning Proposal. It is consistent with the rural planning principles in the SEPP. See below. s.117 1.5 Rural Lands (page 16)
State Environmental Planning Policy (Sydney Water Drinking Water Catchment) 2011	The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It is unlikely that any of the proposed amendments in this Planning Proposal will result in a negative effect on water quality.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with most Section 117 Directions. Where inconsistencies occur, they can be justified. The following directions are most relevant to the proposal:

1. Employment and Resources
  - 1.2 Rural Zones

*Under this direction a planning proposal must:*

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The Planning Proposal will not rezone any rural zoned land. It does not include any changes that will increase dwelling density in rural zones. It is consistent with this direction.

1.5 Rural Lands

*Applies when:*

*(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or*

*(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.*

*A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.*

*A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.*

The Planning Proposal seeks to prohibit the application of the “development near zone boundaries” provisions in the E4 Environmental Living zone. By doing so, the environmental values of the E4 land will be protected from potentially incompatible land uses. The Planning Proposal is consistent with this direction.

Table 3 Planning Proposal compliance with *State Environmental Planning Policy (Rural Lands) 2008* Rural Planning Principles

Rural Planning Principles	Comment
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The minor amendments and corrections will not be applicable to any economic activities in rural areas.
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	The majority of minor amendments and corrections will not have any effect on agricultural activities in rural areas. There is potential that lots created under the minimum lot size, via the split zone clause, will not be able to support agricultural activity.

Rural Planning Principles	Comment
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	The minor amendments and corrections will not disturb or limit the opportunity of achieving social and economic benefits on rural land.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The minor amendments and corrections will ensure that rural development can occur with positive social, economic and environmental outcomes for the community.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The minor amendments and corrections will protect environmental land from incompatible land uses and unnecessary fragmentation.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	The minor amendments and corrections do not affect any rural residential development.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The minor amendments and corrections do not affect any rural residential development.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The minor amendments and corrections are consistent with the actions of the <i>Sydney–Canberra Corridor Regional Strategy 2006-2031</i> in relation to rural lands and primary industry.

The Planning Proposal also seeks to introduce clauses that will permit boundary adjustments and split zone subdivisions for lots that are already below the prescribed minimum lot size. Boundary adjustments will be subject to assessment for impact on rural land. There is potential that lots created below the minimum lot size under the split zones clause would not support agricultural activities. The Planning Proposal is justifiably inconsistent.

## 2 Environment and Heritage

### 2.2 Environment Protection Zones

*A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*

*A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".*

The Planning Proposal seeks to prohibit the application of development near zone boundaries in the E4 Environmental Living zone. By doing so, environmental values will be protected from potentially incompatible land uses on adjoining land. The Planning Proposal is consistent.

### 2.3 Heritage Conservation

*A planning proposal must contain provisions that facilitate the conservation of:*

- (a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

The Planning Proposal seeks to update the property details for a number of heritage items listed under Schedule 5 and excise three separate heritage conservation areas from the Goulburn City Conservation Area. There are no additional items of environmental heritage proposed. The Planning Proposal is consistent.

## 3. Housing, Infrastructure and Urban Development

### 3.3 Residential Zones

*This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*

*(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*

*(b) any other zone in which significant residential development is permitted or proposed to be permitted.*

*A planning proposal must include provisions that encourage the provision of housing that will:*

*(a) broaden the choice of building types and locations available in the housing market, and*

*(b) make more efficient use of existing infrastructure and services, and*

*(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*

*(d) be of good design.*

*A planning proposal must, in relation to land to which this direction applies:*

*(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*

*(b) not contain provisions which will reduce the permissible residential density of land.*

The Planning Proposal seeks to rezone land incorrectly identified as part of a school and zoned SP2 Infrastructure to the adjoining zone R1 General Residential. The land is used for residential purposes and serviced by appropriate infrastructure. It affects 1,561 square metres of land and is a minor correction of a mapping anomaly. The Planning Proposal is consistent.

This Planning Proposal also seeks to rezone land identified for a neighbourhood park from R2 Low Density Residential to RE1 Public Recreation. The land is owned by Council, heavily constrained and unsuitable for residential purposes. It affects 15 hectares of land and is a relatively minor amendment consistent with the intended use of the site as a park. The Planning Proposal is consistent.

### **3.4 Integrating Land Use and Transport**

*Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

*A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*

*(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*

*(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

The Planning Proposal will make only minor changes to urban zones. There is unlikely to be any impact on public transport as a result of this Planning Proposal. The Planning Proposal is consistent.

#### 4. Hazard and Risk

##### 4.3 Flood Prone Land

*Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

*A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

*A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

*A planning proposal must not contain provisions that apply to the flood planning areas which:*

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit a significant increase in the development of that land,*
- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

*A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

*For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

The Planning Proposal seeks to rezone land identified for a neighbourhood park from R2 Low Density Residential to RE1 Public Recreation part of which is subject to the 1% flood event. The proposed zone is considered more compatible for land subject to flooding than the current residential zone. The Planning Proposal is consistent.

#### 4.4 Planning for Bushfire Protection

*Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.*

*In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.*

*A planning proposal must:*

- (a) have regard to Planning for Bushfire Protection 2006,*
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.*

*A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*

*(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:*

*(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*

*(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*

*(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*

*(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,*

*(d) contain provisions for adequate water supply for fire fighting purposes,*

*(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,*

*(f) introduce controls on the placement of combustible materials in the Inner Protection Area.*

The Planning Proposal has potential to affect land mapped as bushfire prone with the introduction of the boundary adjustment and split zone clauses as well as the changes in permissibility to the R5 Large Lot Residential zone. The Planning Proposal is consistent with *Planning for Bushfire Protection 2006*, will not place inappropriate development in a hazardous area and will not prohibit bushfire hazard reduction within any APZ's. Consultation with the NSW Rural Fire Service will be undertaken should a positive gateway be received under section 56 of the Act.

## 5. Regional Planning

### 5.1 Implementation of Regional Strategies

*Planning proposals must be consistent with a regional strategy released by the Minister for Planning.*

The Sydney–Canberra Corridor Regional Strategy 2006-2031 is not relevant to most of the minor amendments and corrections outlined in this Planning Proposal.

However, the proposed amendment to the R5 zone to prohibit boarding house, group home, hostel, and seniors housing is consistent with the Strategy's aim of providing residential accommodation in areas with good access to services and community facilities. This is achieved by prohibiting the aforementioned uses in the R5 zone, typically located on the fringe of urban centres.

### 5.2 Sydney Drinking Water Catchments

*Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.*

The Planning Proposal affects land within the Sydney Drinking Water Catchment. Development within the catchment is to have a neutral or beneficial effect on water quality. It is unlikely that any of the proposed amendments in this Planning Proposal will result in a negative effect on water quality.

Consultation with Water NSW has been undertaken prior to seeking a gateway determination and continued consultation will occur should a positive gateway be received under section 56 of the Act.

## 6. Local Plan Making

### 6.3 Reserving Land for Public Purposes

*A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the*

*Department of Planning and Environment (or an officer of the Department nominated by the Director-General).*

The Planning Proposal seeks to remove three separate land parcels reserved for acquisition for local open space by the Council. All land parcels have been acquired by Council, hence are no longer required to be mapped. The Planning Proposal is consistent.

## Section C – Environmental, social and economic impact

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No. The Planning Proposal mostly does not affect any land that contains known critical habitat or threatened species, populations or ecological communities, or their habitats. However, land zoned E4 Environmental Living at South Goulburn is identified in the *South Goulburn Endangered/Threatened Species Management Plan 2004* (GETSMP) as being part of a vegetation corridor. Prohibiting the application of development near zone boundaries to the E4 zone will further ensure the retention on of remnant vegetation within the E4 zone in the South Goulburn area in line with the GETSMP.

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are negligible environmental effects likely as a result of the minor amendments and corrections outlined in this Planning Proposal.

3.9 Has the planning proposal adequately addressed any social and economic effects?

There are negligible social and economic impacts as a result of the minor amendments and corrections outlined in this Planning Proposal.

## Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not result in:

- residential subdivision in excess of 150 lots;
- substantial urban renewal;
- infill development; or
- development that will result in additional demand on infrastructure.

Public infrastructure provision is not relevant to the minor amendments and corrections outlined in this proposal.

3.11 What are the views of State and Commonwealth public authorities consultation in accordance with the gateway determination?

Commonwealth public authorities have not been formally involved in this particular Planning Proposal as it is yet to receive a Gateway Determination. At this early stage it appears unlikely that there will be any issues of interest to Commonwealth authorities.

It is proposed that the authorities listed below are consulted in relation to this Planning Proposal, and that this consultation is undertaken concurrent with the public exhibition of the Planning Proposal:

- NSW Rural Fire Service;
- Office of Environment and Heritage; and
- Water NSW

## Part 4 – Mapping

Amendments will be required to the following map sheets:

Land Zoning Map

Land Zoning Map – Sheet LZN\_001D

Heritage Map

Heritage Map – Sheet HER\_001D

Heritage Map – Sheet HER\_001DE

Heritage Map – Sheet HER\_003CA

Land Reservation Acquisition Map

Land Reservation Acquisition Map – Sheet LRA\_001D

Land Reservation Acquisition Map – Sheet LRA\_001F

Land Reservation Acquisition Map – Sheet LRA\_001G

Refer to Appendix 1 for proposed maps.

## Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. For the purposes of public notification, Council considers that a fourteen (14) day public exhibition period is appropriate.

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement that circulates in the area affected by the Planning Proposal;
- The website of Goulburn Mulwaree Council and the Department of Planning and Environment.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal;
- State where and when the Planning Proposal can be inspected; and
- Provide detail that will enable members of the community to make a submission.

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment; and
- The Gateway Determination.

The Gateway Determination will confirm the public consultation requirements.

## Part 6 – Project Timeline

Gateway Determination	August 2016
Timeframe for completion of technical studies	No further studies required
Timeframe for agency consultations	September 2016
Public exhibition	September 2016 (14 days recommended)
Public hearing	Not anticipated
Consideration of submission	October 2016
Date of submission of LEP to DoPE	November 2016
Council to make LEP amendment (if delegated)	December 2016
Anticipated date plan forwarded to DoPE for notification	December 2016

### Conclusion

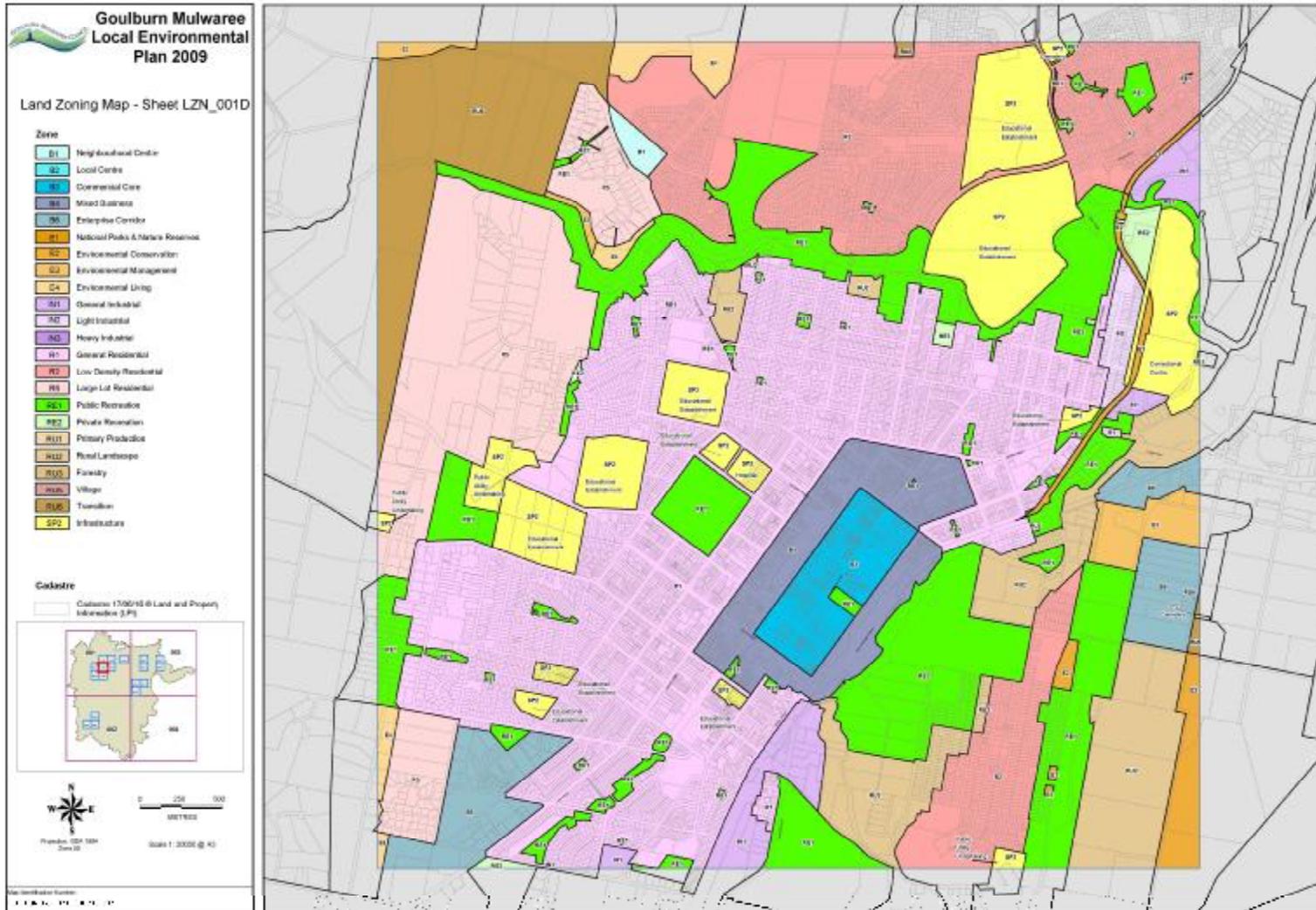
Goulburn Mulwaree Council has initiated a planning proposal to modify its 2009 LEP to make a range of map, clause and land use table changes.

The planning proposal is broadly consistent with the Sydney–Canberra Corridor Regional Strategy and SEPPs. It is also consistent (or justifiably inconsistent) with the relevant section 117 Directions.

It is not considered that this planning proposal raises any issues that require further studies or detailed assessment. It requires minimal public consultation.

It is a minor matter that can be dealt with by Council under delegation.

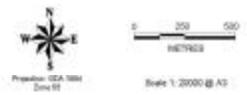
# Appendix 1 – Proposed LEP Maps



Heritage Map - Sheet HER-001D

- Heritage**
-  Non - General
  -  Conservation Area - General

- Cadastre**
-  Cadastre 1:100/1:6 © Land and Property Information (LPI)



Map Identification Number:  
E170\_001A\_HER\_2012\_001\_D000017



Heritage Map - Sheet HER-001DE

- Heritage**
- Item - General
  - Conservation Area - General

- Cadastral**
- Cadastral 1:706718 G Land and Property Information (LPI)



Map Identification Number:  
2270\_DGM\_AER\_2012L\_2012R001P



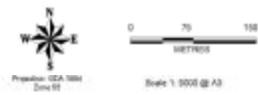
**Heritage Map - Sheet HER-003CA**

**Heritage**

-  Area - General
-  Conservation Area - General

**Cadastre**

-  Cadastre 1:100/1:6 © Land and Property Information (LPI)



Map Identification Number:  
2270\_003A\_HER\_0003A\_00\_20180917

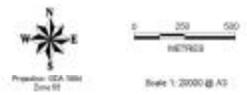




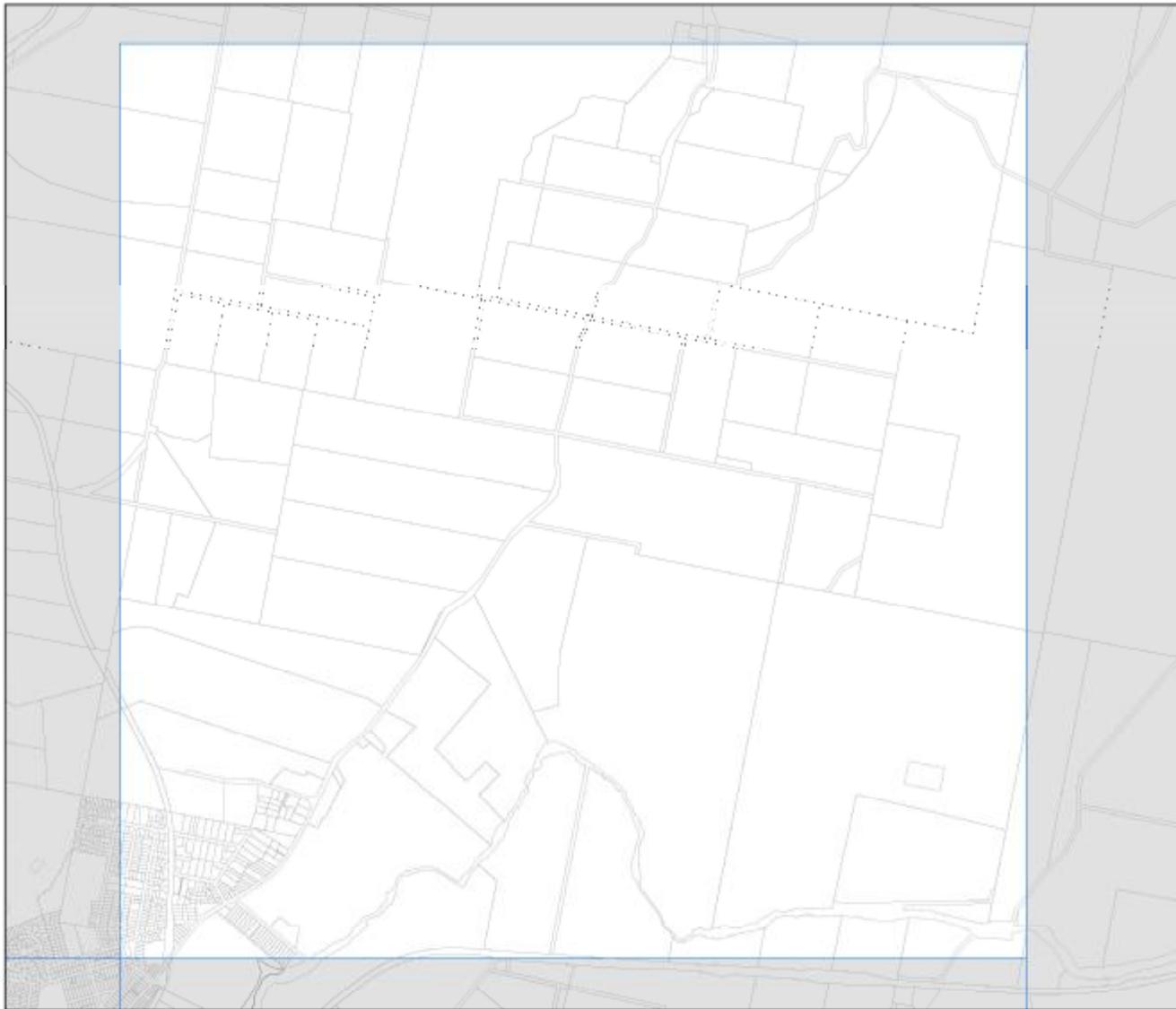
**Land Reservation  
Acquisition Map - Sheet LRA-001F**

**Land To Be Acquired**  
 Local Open Space (RES)

**Boundaries**  
 Boundary of Local Open Space  
 Boundary of LRA



Map Identification Number:  
0170\_001M\_LRA\_001F\_001\_000001

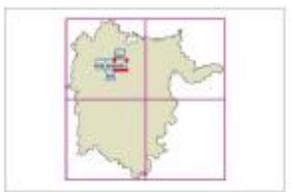


**Goulburn Mulwaree  
Local Environmental  
Plan 2009**

**Land Reservation  
Acquisition Map - Sheet LRA-001G**

**Land To Be Acquired**  
Local Open Space (RES)

**Cadastral**  
Cadastral (1:100,000) Land and Property  
Information (LPI)



Map Identification Number:  
2010\_001G\_LRA\_001G\_001\_0010011

