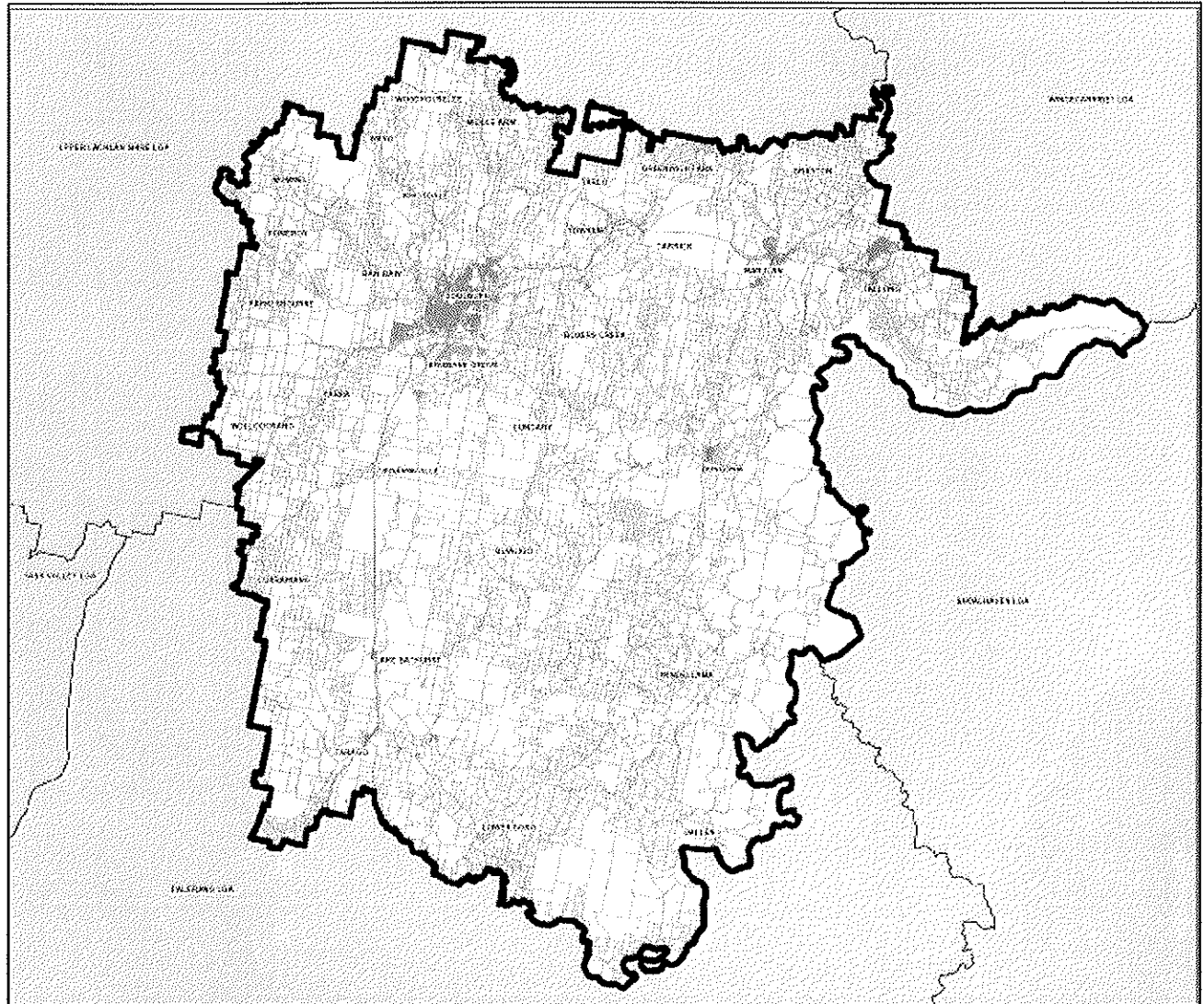


**Goulburn Mulwaree Council
Revised Proposal
Draft Exempt and Complying
Development Planning Proposal**



Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3

July 2010

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1. Planning summary and outcomes

1.1. Summary

- (a) Title
Exempt and Complying Development Proposal, Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3.
- (b) Proposal
 - (i) The identification of additional exempt developments in heritage conservation areas and rural zones, and
 - (ii) The identification of additional rural and semi rural unsewered areas in which complying development for single and two storey dwelling houses may be carried out in the drinking water catchment and on bush fire prone land.
- (c) Land description and location
 - (i) Goulburn Mulwaree Local Government Area.

1.2. Outcomes

- (a) To further streamline assessment processes for development that complies with specified development standards in the Goulburn Mulwaree Local Government Area by:
 - identifying additional exempt developments of minimal environmental impact in heritage conservation areas and rural zones, and
 - identifying additional rural and semi rural unsewered zones in which complying development for single and two storey dwelling houses may be carried out on lots after appropriate studies have been completed at the subdivision stage, and

2. Explanation of provisions

2.1. Exempt and Complying Development proposal - Goulburn Mulwaree Local Environmental Plan 2009 – Amendment No. 3

- (a) Clause 1.9 (2)
Add reference to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (clause 1.19, subclauses (5) (a), (c) and (e)).
- (b) Schedule 2 Exempt Development
 - Add Communication dishes (radio and satellite) in heritage conservation areas.
Additional development standards to the SEPP (Exempt and Complying Development Codes) 2008:
 - building mounted only;
 - to be located at the rear of the building;
 - not to be visible when viewed from the street alignment; and
 - not to be higher than the highest point of the roof of the building.
 - Add farm stay accommodation in zone RU1, RU2 and E3.
The following development standards apply to exempt development – farm stay accommodation in rural (RU1 and RU2) zones and environmental management zone (E3):

- (i) The development is on land where farm stay accommodation is a permissible development;
- (ii) The accommodation occurs in existing dwelling houses that have a floor area of no more than 300m²; and
- (iii) The accommodation consists of no more than 3 guest bedrooms.
- Add minor building alterations (external) in heritage conservation areas.
Additional development standard to the SEPP (Exempt and Complying Development Codes) 2008:
 - to be in accordance with an approved heritage impact statement for the existing building
- Add rainwater tanks (above and below ground) in zone RU5 and RU6.
- Add rainwater tanks (above ground) in zone E3.
- (c) Schedule 3 Complying Development
 - Add new single storey and two storey dwelling houses in zone RU1, RU2, RU5, RU6 and E3 which are subject to the relevant minimum lot size map standard.
Additional development standards to the SEPP (Exempt and Complying Development Codes) 2008:
 - subject lot has an approved building envelope as part of a current development application consent notice,
 - the new single storey and two storey dwelling houses are erected in the approved building envelope in accordance with approvals issued by Council, Rural Fire Service, relevant Catchment Management Authority and Sydney Catchment Authority as part of the subdivision development application consent notice, and
 - that the assessment and development consent for the subdivision includes a full assessment of water quality impacts for both the subdivision and all future dwellings and associated ancillary buildings and construction, including ensuring that the development will have a neutral or beneficial affect on water quality;
 - that the subdivision approval, given the potential impact on water quality, must be referred to SCA for concurrence;
 - that the development consent for the subdivision contains extensive conditions in order to ensure both the subdivision and all future dwellings will have a neutral or beneficial effect on water quality; and
 - that all relevant consent conditions contained in the subdivision approval are included in the complying development certificate for future dwellings.

3. Justification

Need for Planning Proposal

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

- (a) This proposal is the extension of the SEPP (Exempt and Complying Development Codes) 2008 so as to further streamline assessment processes for:

- communication dishes;
- farm stay accommodation;
- minor building alterations;
- rainwater tanks;
- the erection of dwelling houses in primary production, rural landscape, village, transition and environmental zones.

3.2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

(a) The better option would be to amend SEPP (Exempt and Complying Development Codes) 2008.

3.3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

Benefits

- The adding to existing streamlined assessment processes for development that complies with specified development standards.
- A reduction in time and money for applicants seeking to build rural dwellings.

Costs

- Potential drop in development standards and increased impacts and risks on water quality in the drinking water catchment, amenity, the natural environment and bush fire risk.
- A shift in complexity, cost and time to the rural subdivision stage.

Conclusion

- Specified development standards will minimise impacts and risks to an acceptable level and the net community benefits will accrue to the home builder but not the developer.

4. Relationship to Strategic Planning Framework.

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

- The principle of exempt and complying development is consistent with the Sydney Canberra Corridor Regional Strategy.

4.2. Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?

- The principle of exempt and complying development is consistent with Goulburn Mulwaree Strategy 2020.

4.3. Is the Planning Proposal Consistent with the applicable State Environmental Planning Policies (SEPPs)

- SEPP (Exempt and Complying Development Codes) 2008

The planning proposal does not satisfy clause 1.19 (5) (a), (c) and (e) and an exemption is sought, to allowing complying development (general housing code) on unsewered rural land in the drinking water catchment and on bush fire prone land subject to appropriate development standards.

Conclusion – non compliance justified by recommended development standards

- Deemed SEPP – Drinking Water Catchments Regional Environmental Plan

Complying development specified in the general housing code cannot be carried out on unsewered land in the Goulburn Mulwaree Local Government Area which is subject to this REP.

SCA's concern is the impact of dwelling construction on the drinking water catchment without the security of the development application process. The proposed development standard which only allows the dwelling to be erected within a defined building envelope which has been pre-approved by the SCA, Rural Fire Service and Council at the subdivision stage is considered a reasonable safety-net to justify the by-passing of the development application process.

Conclusion – non-compliance, justified by recommended development standards and pre-planning process.

- SEPP (Rural Lands) 2008

The Planning Proposal proposes to allow some minor developments to proceed without development consent and allow dwellings to be erected in Rural and Environmental Areas by obtaining a complying development certificate rather than going through the development application (DA) process.

A potential concern is that the DA process is a much more thorough process and will achieve better outcomes.

The counter argument put here is that the proposed development standards will achieve the same outcomes as the building envelope has been selected only after intensive investigations including:

- wastewater management assessment report;
- bushfire assessment report;
- on-site stormwater drainage and surface control assessment report;
- potable water availability investigations; and
- biodiversity report in accordance with Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1.

Part 2, Rural Planning Principles (a) – (h) have been examined and the planning proposal is consistent and/or complies with the 8 standards.

4.4. Is the Planning Proposal consistent with applicable ministerial directions (S117 Directions)

- **Direction 1.5 – Rural Lands**
The planning proposal will affect land within existing rural and environmental protection zones so it has been examined against SEPP (Rural Lands) 2008 Rural Planning principles and is consistent with these principles
- **Direction 2.1 – Environmental Protection Zones**
The planning proposal is consistent with the objective of this direction. Provisions in clause 7.2 Goulburn Mulwaree Local Environmental Plan 2009, amendment No.1 are in place to protect and conserve environmentally sensitive areas.
- **Direction 2.3 – Heritage Conservation**
The planning proposal is consistent with the objective of this direction. Provisions in clause 5.10 and schedule 5 are in place to conserve heritage items and places.
- **Direction 5.1 – Implementation of Regional Strategies**
The planning proposal is consistent with Sydney-Canberra Corridor Regional Strategy.
- **Direction 5.2 – Sydney Drinking Water Catchments**
The exempt and complying development proposed does not qualify under SEPP (exempt and complying development codes) 2008 and as a result it is also inconsistent with the deemed SEPP Drinking Water Catchments Regional Environmental Plan and this Ministerial Direction 5.2 as the complying development (housing) proposed cannot be carried out on unsewered land.
The planning proposal is about the dwelling approval process. It is considered that the development standard proposed to allow the issuing of a complying development certificate (within a pre-approved dwelling building envelope) gives effect to the principles in paragraph (4) of the direction. Consultation with the Sydney Catchment Authority is recommended.

5. Environmental, social and economic impact

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

- (a) Clause 7.2 Environmentally sensitive land – biodiversity, Goulburn Mulwaree Local Environmental Plan 2009, amendment No. 1 requires a

biodiversity report on any land mapped on the Natural Resources Sensitivity Map – Biodiversity. This will be part of the selection process at the subdivision DA stage for the identification of the dwelling building envelope.

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

- (a) Environmental effects will be examined and managed as part of the dwelling building envelope approval at the DA stage for the subdivision. If the lot on which the dwelling is proposed has not gone through this process a development application will be required.

5.3. How has the planning proposal adequately addressed any social and economic effects?

- (a) The planning proposal will help provide a streamlined assessment process for development.
Aboriginal cultural heritage assessment is required at the DA stage for the subdivision as part of the identified dwelling building envelope.

6. State and commonwealth interests

6.1. Is there adequate public infrastructure for the planning proposal?

- (a) Not applicable

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

Gateway determination has determined consultation required.
The proposal is considered low impact.
Consultation is recommended with Sydney Catchment Authority and the Heritage Council.

7. Community Consultation

7.1. Proposed consultation

The planning proposal is considered 'low impact' and a 14 day public exhibition period is recommended.
As the proposed exempt and complying development amendments will effect the whole of the LGA it is impractical to notify all ratepayers.

19 May 2010 & 26 May 2010

Notice of Public Exhibition
Exempt and Complying Development Planning Proposal
Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3

In accordance with Clause 57 of the Environmental Planning and Assessment Act 1979, Goulburn Mulwaree Council hereby gives public notice of the exhibition of the following:

- Draft Exempt and Complying Development Planning Proposal - Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3

This plan applies to the whole of the Goulburn Mulwaree Local Government Area.

Display details:

The draft plan will be on display from Wednesday 19 May 2010 to Monday 7 June 2010 at the following location:

- Goulburn Civic Centre 184-194 Bourke Street, Goulburn between the hours of 8.00am and 5.00pm Monday to Friday.

All interested persons are invited to inspect the exhibited documents and make written submissions (email is acceptable) with respect to the Draft Exempt and Complying Development Planning Proposal - Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3

Written submissions will be received at Customer Service, Bourke Street, Goulburn or via mail at Locked Bag 22 Goulburn NSW 2580 or email: strategy@goulburn.nsw.gov.au by 5.00pm Monday 7 June 2010.

Intended outcomes of Draft Exempt and Complying Development Planning Proposal - Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3 are:

To further streamline assessment processes for development that complies with specified development standards in the Goulburn Mulwaree Local Government Area by:

- Identifying additional exempt developments of minimal environmental impact in heritage conservation areas and rural zones, and
- Identifying additional rural and semi rural unsewered zones in which complying development for single and two storey dwelling houses may be carried out on lots after appropriate studies have been completed at the subdivision stage.

Contact Details:

To find out more about the Draft Exempt and Complying Development Planning Proposal - Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3 or to discuss the project, please contact Strategic Planning on:

Phone: 4823 4408

Email: strategy@goulburn.nsw.gov.au, or visit the

Website: [www.goulburn.nsw.gov.au/planning and building](http://www.goulburn.nsw.gov.au/planning_and_building) and go to Draft Exempt and Complying Development Planning Proposal - Goulburn Mulwaree Local Environmental Plan 2009, Amendment No. 3