



Planning,  
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Environment

IRF21/2756

## Gateway determination report – PP-2021-3891

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Goulburn Mulwaree Council Exempt Development  
Planning Proposal

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**Table 1 Reports and plans supporting the proposal**

## Relevant reports and plans

*Planning Proposal – Amendments to Exempt Development within Schedule 2 of the LEP and to the Goulburn Mulwaree DCP for Private Events, Ordinary Council Meeting Agenda 2 March 2021.*

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Goulburn Mulwaree
<b>PPA</b>	Goulburn Mulwaree Council
<b>NAME</b>	Exempt Development Planning Proposal
<b>NUMBER</b>	PP-2021-3891
<b>LEP TO BE AMENDED</b>	Goulburn Mulwaree LEP 2009
<b>ADDRESS</b>	Various
<b>DESCRIPTION</b>	Various lots and DPs
<b>RECEIVED</b>	16/06/2021
<b>FILE NO.</b>	EF21/8716
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to enable the following development types without the need for development consent:

- Community events such as ceremonies, exhibitions, fetes, markets and sporting events to be held on Council owned and/or managed land;
- The erection of external lighting;
- The display of goods on footpaths within the B3 Commercial Core, B4 Mixed Use and R3 Medium Density Zones (with respect to footpaths outside neighbourhood shops); and
- The erection of letterboxes on local heritage items

In addition, the planning proposal is seeking to amend the existing exemptions on advertising structures and displays within Schedule 2 of the LEP to provide additional clarity and certainty.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Goulburn Mulwaree LEP 2009 to insert the relevant additional exempt development items in Schedule 2 “Exempt Development” of the LEP. The planning proposal also seeks to amend the existing Advertising Structures and Displays exemption to provide general requirements for all advertising structures and the display of advertisements and requirements for specific signage types.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The planning proposal applies to the Goulburn Mulwaree LGA, particularly land in zones B3, B4 and R3 zones, land containing local heritage items and Council-owned or managed community land including the Goulburn Recreation Ground, Goulburn Waterworks, Victoria Park and Belmore Park.

## 1.5 Mapping

The planning proposal does not seek to amend any LEP maps only amendments to the LEP instrument (Schedule 2 Exempt Development).

## 2 Need for the planning proposal

The proposal states that it is needed to simplify the approval process for a number of low-impact development activities which is consistent with a specific action in Council’s local strategic planning statement to simplify the planning approval system in the LGA. Council’s view that the planning proposal is needed is supported as it will enable the proposed low impact activities to be undertaken without the need for Council development consent subject to meeting specific development standards.

Council considers the planning proposal process is appropriate to facilitate the required amendments to the Goulburn Mulwaree LEP 2009. The planning proposal also considers the option of amending the SEPP (Exempt and Complying Development) 2008 to include the proposed exempt developments. Community events to be held on council-owned and/or managed land were made exempt development through temporary amendments to the SEPP which expired on 18 April 2021.

The Department considers community events on council owned/managed land is already exempt development as provided for in Part 2, Division 3 of the Codes SEPP – Temporary Uses and Structures Exempt Development Code. However, to be consistent with other similar exempt development provisions in other LEPs for community events held on council owned land, the Department does not object to this amendment nor to the other exempt development types included in the planning proposal. It is not proposed at this stage to include the proposed development types in the SEPP as exempt development.

Council’s view that the planning proposal is the appropriate mechanism to include the proposed items as exempt development is supported for the reasons provided in the planning proposal.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

**Table 3 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 12: Promote business activities in urban centres	The proposal to include the display of goods on footpaths outside shopping areas as exempt development will simplify the approval process for businesses and support business activity in urban centres.
Direction 9: Grow tourism in the region	The proposal to include community events on council-owned/managed land as exempt development will simplify the approval process for businesses and support tourism in the region.

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Goulburn Mulwaree Local Strategic Planning Statement	The planning proposal is consistent with LSPS Planning Priority 2 to provide vibrant, accessible town centres which provide a range of services to meet the community's needs. It is also consistent with LSPS actions to undertake cultural events, grow agricultural based tourism and events and develop and grow the visitor economy.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 Section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Consistent	The planning proposal will support retail activity in the business B3 and B4 zones and neighbourhood shops in R3 Medium Density Residential zones.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Consistent	The planning proposal seeks to provide development standards to protect local heritage items from inappropriate letterbox designs, inappropriate display of goods on footpaths and inappropriate outdoor lighting.
2.6 Remediation of Contaminated Land	Consistent	Although the Goulburn Recreation Ground is identified on Council's local contaminated land register, the site is not identified as significantly contaminated and the proposal only seeks to facilitate temporary use for community events on the site, not rezone the site for more sensitive use or facilitate permanent development.
4.3 Flood Prone Land	Consistent	Although the Goulburn Recreation Area and Goulburn Waterworks are identified as subject to flooding, the planning proposal does not seek to rezone the sites for more sensitive use but only facilitate temporary use for community events.
4.4 Planning for Bushfire Protection	Inconsistent	The proposed community event area located in the Goulburn Waterworks is "in proximity" to land mapped as bushfire prone (refer bushfire prone land map in Appendix 5 of the planning proposal document). Any bushfire risks of proposed temporary community events are likely to be minimal. However, to demonstrate consistency with the Direction, Council will be required to consult with the NSW RFS on the proposal following Gateway determination and prior to community consultation and reflect RFS comment in the planning proposal.
5.2 Sydney Drinking Water Catchment	Consistent	Council has consulted with WaterNSW as required by the Direction. WaterNSW has not raised any objections or issues with the planning proposal.
5.10 Implementation of Regional Plans	Consistent	The proposal is consistent with relevant directions of the South East and Tablelands Regional Plan as previously discussed in section 3.1 of this Report.
6.1 Approval and Referral Requirements	Consistent	The proposal does not seek to add provisions requiring concurrence/referral to an agency or Minister or identify any new designated development types.
6.3 Site specific provisions	Consistent	The proposal does not: <ul style="list-style-type: none"> <li>• seek to permit any uses that are not already permissible in the applicable zones,</li> <li>• does not seek to rezone land; and</li> <li>• does not seek to restrict uses on land.</li> </ul>

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent	Reasons for Consistency or Inconsistency
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality.	Yes	The proposal to remove the requirement for development consent for community events held on Council-owned and/or managed land is likely to have a minimal impact on water quality because the relevant Council sites are sewerage and include toilet facilities. WaterNSW did not object to the proposal or raises any concerns in relation to consistency with the SEPP during Council's preliminary consultations.
SEPP No.64 – Advertising and Signage	The SEPP provides aims and objectives for advertising and other forms of signage to ensure it is compatible with the desired amenity and visual character of an area.	Yes	The planning proposal seeks to provide improved development standards for different types of signage to provide high quality design and finish which is consistent with the aims and objectives of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The SEPP aims to provide streamlined assessment processes for development by identifying types of exempt and complying development which have minimum impact.	Yes	As discussed in section 2 of this Report, the Department considers the proposal is generally consistent with the SEPP.

## 4 Site-specific assessment

### 4.1 Environmental

The proposal states there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal as the proposed exempt development types are likely to have minimal environmental impact. Council's view the proposal will have minimal environmental impact is supported for the reasons provided in the proposal.

### 4.2 Social and economic

The proposal states the inclusion of external lighting as exempt development could have potential impacts on amenity and road safety. The potential impacts have, however, been addressed through the proposed exempt development controls including compliance with the relevant Australian Standard AS 4282-2019 "Control of the Obtrusive Effects of Outdoor Lighting".



The proposal also seeks to minimise any negative impacts as a result of community events on Council-owned or managed land via licensing agreement process and through a plan of management.

Council's view the planning proposal will have minimal social and economic impacts is supported for the reasons provided in the proposal. It is considered the proposal will have positive social and economic impacts by simplifying the approvals process for community events, external lighting, installation of letter boxes on local heritage items and the sale of items on footpaths outside shops in certain locations.

## 4.3 Infrastructure

There are no additional infrastructure requirements to service exempt development resulting from the planning proposal.

# 5 Consultation

## 5.1 Community

Council proposes a community consultation period of 28 days.

The 28 day exhibition period proposed is considered appropriate and forms the conditions of the Gateway determination.

## 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Rural Fire Service
- WaterNSW

# 6 Timeframe

Council proposes an eight month time frame to complete the LEP.

The Department recommends a time frame of 12 months to complete the LEP to allow for any unforeseeable delays.

# 7 Local plan-making authority

As the site/planning proposal is of local significance/low environmental impact the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

# 8 Assessment summary

The planning proposal is supported to proceed for the following reasons:

- It will simplify the approvals process for a number of low impact development types including community events on Council-owned or managed land, the sale of goods on footpaths outside shopping areas, external lighting and letter boxes on local heritage items;
- It will have minimal environmental impacts and generally positive social and economic impacts.
- It is consistent with the endorsed local and regional strategic planning.

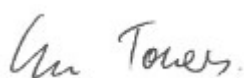
## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with *section 9.1 Direction 4.4 Planning for Bushfire Protection* is unresolved and will require justification.

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, consultation is required with the NSW Rural Fire Service to satisfy the requirements of *section 9.1 Direction 4.4 Planning for Bushfire Protection*.
2. Consultation is required with the following public authorities:
  - WaterNSW
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



8/7/21

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09/07/2021

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