



**Planning Proposal for Amendments and Additions
to Exempt Development within Schedule 2 of the
Goulburn Mulwaree Local Environmental Plan 2009**

REZ/0003/2021

(PP-2021-3891)

August 2021

Includes Post-Gateway Referrals

Introduction

This planning proposal is seeking to remove common developments types, which have minimal environmental impact, from the requirement to gain development consent by including them as Exempt development within Schedule 2 of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009).

The proposed exemptions include:

- The erection of external lighting;
- The display of goods on footpaths in B3, B4 and neighbourhood shops in R3 zones;
- The installation of letter boxes on local heritage items, and
- Community events to be held on Council owned/managed land.

The proposal is also seeking to amend the existing exemptions on advertisements and displays within Schedule 2 of the GM LEP 2009 to provide additional clarity and certainty.

External Lighting

External lighting is a widespread development type which is often ancillary to the operation of a business or dwelling. This development type does not currently fall within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and therefore requires a development application. In the significant majority of instances such installations do not create a nuisance to local amenity and the requirement for a development application is considered disproportionate to the scale of most external lighting proposals and their impacts.

Display of goods on footpaths

The display of goods on footpaths is a common occurrence on footpaths outside existing businesses, particularly in the Goulburn Central Business District. This type of development currently requires development consent and this proposal is seeking to remove this requirement by including it as exempt development. This would regularise the activity and provide clear limits and controls on what is acceptable, it would enable conformity and fairness between businesses and facilitates appropriate enforcement where limits have been exceeded. It also has the advantage of encouraging this development type, bring activity and commerce to the streets of the CBD and enliven these public spaces.

Letterboxes on local heritage items

Letterboxes are minor development types with very little overall impact on streetscape character or local amenity. This is recognised by their inclusion within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which makes them exempt from the requirement for development consent. This exemption does not apply to state or local heritage items. This proposal seeks to provide local heritage items the ability to erect a freestanding letterbox without the need for development consent within established limits.

Community events on council land

Goulburn Mulwaree Council hosts a number of temporary events on community land which it owns or manages. The vast majority of these events are held on four existing public recreation areas. These areas are:

1. Goulburn Recreation Ground
2. Goulburn Waterworks
3. Victoria Park, and

4. Belmore Park

Figure 1 to 4 illustrate these spaces and their existing RE1 Public Recreational zoning.



Figure 1: Goulburn Recreation Ground

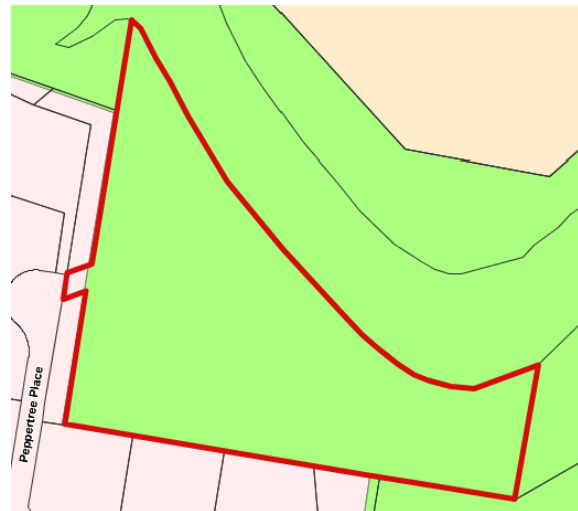


Figure 2: Goulburn Waterworks



Figure 3: Victoria Park



Figure 4: Belmore Park

Community events held on these areas are currently required to gain development consent under the Environmental Planning and Assessment Act 1979 and a Section 68 approval under the Local Government Act 1993, alongside other approvals, before the event can be held.

The Local Government Act 1993 requires the use of community land to be in accordance with an adopted Plan of Management. Events must be consistent with the Plan of Management for the event site and have a license or agreement for the exclusive use of the land. In Goulburn Mulwaree this license or agreement is currently managed through the booking process.

Therefore event organisers must go through a dual application process with significant duplication of requirements and additional cost and time implications. The additional requirement for a development application is considered overly onerous and unnecessary given the requirement to gain a licence from the Council and to be in accordance with an adopted Plan of Management and other legislative requirements. This duplication was recognised by the NSW State Government in 2020 through its temporary amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. This amendment removed the requirement for development consent for outdoor community events

on land owned, controlled or managed by a Council. It did not remove the requirement to be in accordance with the Local Government Act 1993 or a Plan of Management. This exemption applied from 21 December 2020 until 18 April 2021 and this planning proposal is seeking to apply this exemption and the benefits it brings permanently to the Goulburn Mulwaree local area.

Advertising Structures and Displays

The GM LEP 2009 already includes a broad set of exemptions relating to advertisements and displays however these exemptions are generic to all types of signage and do not currently provide specific detail and controls for different types of signage and adverts.

Not all signs and adverts are the same with each having its own particular requirements, constraints and impacts. The proposed revision to advert and signage exemptions seeks to more effectively and accurately reflect these within updated exemption controls.

Part 1- Objectives

1.1 Intended Outcomes

The intended outcome of this planning proposal is to enable community events such as ceremonies, exhibitions, fetes, markets, and sporting events, to be held on Council owned and/or managed land without the need for development consent.

The planning proposal also seeks to enable the erection of external lighting, the display of goods on footpaths within B3, B4 zones and neighbourhood shops in R3 zones and the erection of letterboxes on local heritage items to be undertaken without the need for development consent.

In addition, the planning proposal is seeking to review the advertising structures and displays within the existing exemptions of the LEP to provide more detailed advert-specific exemptions by type.

Part 2- Explanation of Provisions

The objectives of the planning proposal will be achieved by amending Schedule 2 Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009 to:

- Include community events to be held on council owned and/or operated land;
- Include the erection external lighting;
- Include the display of goods on footpaths in B3, B4 and R3 zones;
- Include letterboxes on local heritage items, and
- Amend the existing Advertising Structures and Displays exemption to provide general requirements for all advertising structures and the display of advertisements. In addition provide requirements on specific signage types including wall signs, fascia signs, under awning signs, top hamper signs, window signs, projecting wall signs, real estate signs and A-frames on private land.

The proposed additions and changes to Schedule 2 are presented in **Appendix 1**.

Part 3- Justification

Section A- Need for a Planning Proposal

3.1 Is the planning proposal a result of any strategic study or report?

The planning proposal is not a direct result of any strategic study but the intended outcome of facilitating community events and simplifying the process seeks to support council actions within the *Local Strategic Planning Statement* (LSPS), further detail on the LSPS is provided in **Section 3.4.1** of this report.

The planning proposal is a result of a report to Council on 2 March 2021 in which a resolution was agreed to proceed with a planning proposal to add to and amend Schedule 2 Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009.

A copy of the Council report and resolution is available in **Appendix 2**.

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

Community events to be held on council owned and/or operated land were made exempt from the need for development consent through temporary amendments to *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008* until 18 April 2021. The inclusion of this exempt provision within Schedule 2 of the GM LEP 2009 seeks to allow for these temporary amendments to the SEPP to permanently apply.

The removal for the requirement for development consent for the development types listed i.e. community events on council land, external lighting, display of goods on footpaths, letter boxes and advertising structures can only be achieved through their inclusion into Schedule 2 of the GM LEP 2009. Alternatively, an amendment would be required to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which applies broadly to all council areas.

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?

3.3.1 South East and Tablelands Regional Plan

The proposed amendments to Schedule 2 relate to relatively minor development types which do not easily translate to regional-wide objectives and targets.

In general terms, the proposal is seeking to promote business activities in urban centres by reducing the administrative burden on businesses when seeking to display goods on footpaths, add/or replacing signage and advertising and erecting external lighting, in line with **Direction 12: Promote business activities in urban centres**. This easing of the bureaucratic burden seeks to increase the vitality of the LGA's commercial areas. This is particularly the case for the display of goods on footpaths which has the ability to create a vibrant atmosphere and enhance the value of the public realm.

In addition, the proposal to include community events on council land as exempt development will also streamline the process for the approval/establishment of events which contribute to the tourism attraction of the Goulburn Mulwaree area, in line with **Direction 9 to Grow Tourism in the region**.

3.3.2 The Tablelands Regional Community Strategic Plan 2036

The Community Strategic Plan (CSP) identifies priorities in order to achieve the future vision of the region. These include:

- Environment
- Economy
- Community
- Infrastructure
- Civic Leadership

The following strategic priorities are considered of particular relevance to this planning proposal:

Economy: Strategy EC2- *Jointly develop appropriate tourism opportunities and promote the region as a destination*

Economy: Strategy EC3- *Support and foster conditions that enable local and small/home-based businesses to grow.*

Community: Strategy CO2- *Encourage and facilitate active and creative participation in community life.*

The council has an important role in facilitating and supporting local events, which in turn promote the area as a tourist destination and facilitate active and creative participation in community life. The council, in part, facilitates this through enabling community events to be held on council owned and/or managed land. This planning proposal seeks to make the establishment of such events by community groups and organisers an easier, less bureaucratic process by including this development type within exempt development. This removes the requirement for such events to gain development consent and reduce the time and cost of conducting such events in the local area.

This planning proposal seeks to make a number of common development types, which have a minimal impact, exempt from the requirement for a development application. These include the erection of external lighting and the display of goods on footpaths. A development application for these development types is considered unnecessarily burdensome on business, particularly small businesses, relative to their impacts. The removal of the requirement to gain development consent, for these development types, is considered to better support and foster conditions to help businesses grow in the local area by reducing the cost and time implications associated with the planning process.

The planning proposal also includes proposed amendments to the current exemptions within Schedule 2 of the GM LEP 2009 in relation to advertisements and displays. These amendments break up the exemptions into general requirements and advert specific requirements. This provides additional clarity and certainty to local business owners as to what they are able to undertake without development consent and in turn supports local businesses to grow. This planning proposal is considered consistent with the objectives and actions in the Tablelands Regional Community Strategic Plan 2036.

3.4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Council Local Strategic Planning Statement 2020

The *Local Strategic Planning Statement* (LSPS) highlights an incremental growth of the visitor economy of the region particularly in sports tourism and events. It identifies that the Council has an important role in leading the development and promotion of tourism and events to create awareness of the area as a tourism destination.

The LSPS includes the following related Council Actions:

- Continue to undertake Cultural Events

- Grow Agricultural based tourism and events
- Develop and grow the visitor economy

This proposal seeks to remove community events on council owned and/or managed land from the requirement for development consent. This aims to reduce the bureaucratic burden, cost and time implications for event organisers and encourage a greater number and diversity of events. This will in turn facilitate the growth in the visitor economy and encourage a greater number of tourists to the local area.

In addition, the LSPS includes Planning Priority 2: City, Town and Village Centres with the following vision:

Vibrant, accessible town centres which provide a range of services to meet the community's needs.

The proposed additions to the exempt provisions, seek to promote business activities in urban centres by reducing the administrative burden on businesses when seeking to display goods on footpaths, add/or replacing signage and advertising and erecting external lighting. This easing of the bureaucratic burden seeks to increase the vitality of the LGA's commercial areas. This is particularly the case for the display of goods on footpaths which has the ability to create a vibrant atmosphere and enhance the value of the public realm.

3.5 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

State Environmental Planning Policy (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. It identifies the aims of the SEPP as follows:

- a) To provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- b) To provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality, and
- c) To support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

Comment: This planning proposal is seeking to remove the requirement for development consent for community events held on Council owned and/or managed land. These event areas are existing areas used for recreation and events and generally occur within the Goulburn urban area. Typically these sites include public toilet facilities. Events must be operated in accordance with established Plans of Management for the sites, under the requirements of the Local Government Act 1993 and with the council licence/hire agreement. Further detail is provided in **Section 3.6 of this report under Direction 5.2.**

Water NSW Pre-referral response received on 10 June 2021 agrees with the above statement as the significant majority of community events are held on one of four council owned/operated sites which are sewered and include toilet facilities. It is noted however that the provision of amenities needs to be proportionate to the scale of the

event proposed and any human waste collected at portable facilities requires transferring to the reticulated sewerage system at the completion of the event. These matters should be taken into account when considering issuing approval for community events on Council-owned land under Section 68 of the Local Government Act 1993.

A copy of Water NSW Pre-referral response is available in **Appendix 8**.

Water NSW Post-Gateway referral response received on 2 August 2021 reiterated their previous advice, stating *‘the revised planning proposal incorporates and reflects our comments made on 10 June’*. Water NSW had no further comment to make provided there are no material changes to the provisions.

A copy of Water NSW Post-Gateway response is available in **Appendix 9**.

State Environmental Planning Policy No.64- Advertising and Signage

The aims, objectives of this SEPP are to:

- (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
 - (b) to regulate signage (but not content) under Part 4 of the Act, and
 - € to provide time-limited consents for the display of certain advertisements, and
 - (d) to regulate the display of advertisements in transport corridors, and
 - € to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Comment: This planning proposal includes amendments and additions to the existing advertisement and signage exemptions currently within Schedule 2 of the GM LEP 2009. However, this SEPP does not apply to signage which is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this policy.

This planning proposal seeks to amend the existing exemptions already provided within the Goulburn Mulwaree Local Environmental Plan.

Notwithstanding the above, the proposed amendments and additions to Schedule 2 of the LEP, separate signage and advert types and provide explicit development standards for each. These development standards seek to ensure they are of a high quality design and finish and do not seek to regulate the content of the signage.

This planning proposal is considered consistent with the aims and objectives of the Advertising and Signage SEPP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This SEPP aims to provide streamlined assessment processes for development by identifying types of exempt and complying development which have minimal impact.

Specifically the aims of this SEPP are to:

Provide streamlined assessment processes for development that complies with specified development standards by—

- (a) providing exempt and complying development codes that have State-wide application, and
- (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- € identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- (d) enabling the progressive extension of the types of development in this Policy, and
- € providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

Comment: This planning proposal seeks to add the following development types within Schedule 2 of the GM LEP 2009, thereby making them exempt where relevant requirements are met:

- Community events held on Council Land
- Erection of external lighting
- Display of goods on footpaths in B3, B4 and R3 zones
- Installation of letterboxes on local heritage items

These development types included within these proposed exemptions are of minimal environmental impact and the requirement for a development application is considered overly onerous for their scale. The proposed exemptions are also accompanied by development standards, as presented in **Appendix 1**, to ensure no adverse environmental impact. The purpose of this planning proposal is to remove the requirement for development consent, extend exempt provisions to a wider range of development types and streamline assessment processes. This planning proposal is therefore considered consistent with the aims of this SEPP.

This planning proposal is considered consistent with the Exempt and Complying Development Codes SEPP.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

Direction 1.1- Employment and Resources

Objectives of this direction are to:

- a) Encourage employment growth in suitable locations
- b) Protect employment land in business and industrial zones, and
- c) Support the viability of identified centres

When this direction applies a planning proposal must:

- a) Give effect to the objectives of this direction
- b) Retain areas and locations of existing businesses and industrial zones,
- c) Not reduce the total potential floor space area for employment uses and related public services in business zones
- d) Not reduce the total floor space area for industrial uses in industrial zones, and
- e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

Comment: Yes, this planning proposal is consistent with Direction 1.1 as it does not seek to remove, alter or create any business or industrial zones and would not reduce the potential floor space area for employment or industrial uses or related public services.

The planning proposal seeks to support the viability of identified centres by removing the requirement for a development application for some minor development types, thereby reducing the costs and administrative burden on local businesses.

The planning proposal seeks to remove the requirement for a development application for external lighting on residences and businesses and for the display of goods on footpaths in commercial zones B3 and B4 and relating to neighbourhood shops in the R3 zone. In addition the amendments to the display of advertisements, provide specific requirements per advertisement type. This will provide additional clarity and certainty for business owners on whether their advert proposal falls within the limits of exempt development.

The planning proposal gives effect to the objectives of this direction and does not amend or reduce employment or industrial zones or floor space and is considered consistent with this direction.

Direction 2.3- Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance.

When this direction applies 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 an area.
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects or 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.

Comment: Yes, this planning proposal is consistent with Direction 2.3. It seeks to make external lighting and the display of goods on footpaths exempt development in addition to letter boxes on local heritage items.

The associated controls presented in **Appendix 1** prevent external lighting from being affixed to a heritage item to ensure that the impacts of any such proposal on a heritage item can be appropriately assessed through the development application process.

The display of goods on footpaths proposed exemption would apply to B3, B4 and neighbourhood shops in R3 zones. Large areas of these zones fall within Heritage Conservation Areas. However the proposed controls in **Appendix 1** restrict this use to areas directly adjacent the business frontage and require their removal at the end of each business day. These restrictions ensure that any minor visual impact on the heritage conservation area is of a temporary nature and would relate to the functional operation of the historic commercial uses in these areas.

The construction or installation of letterboxes, free standing and banks of letterboxes, are currently only exempt development where it does not involve a heritage item or draft heritage item. The term heritage item is defined as *an item, place or object identified as a heritage item in an environmental planning instrument*. This definition covers both state and locally listed heritage items. State heritage items hold the greatest level of historical significance and state heritage items are not proposed to be included within the proposed exempt provisions for letterboxes. However, the LGA has over 586 local heritage items where the requirement to gain development consent for the erection of a letterbox is both considered onerous and unnecessary to safeguard heritage significance.

To enable the easing of the bureaucratic burden on homeowners of locally listed properties whilst ensuring the conservation of local heritage items, the requirement to gain development consent for free standing letterboxes is proposed to be removed by including the provision within Schedule 2 of the LEP. This exemption is accompanied by requirements to reduce their potential impact including:

- A limitation on height to no higher than 1.2 metres above ground level
- Be of a design, appearance and materials which complement the character of the property

This proposed exemption would only apply to free-standing letter boxes which are small in scale and easily removed but does not include banks of letterboxes which are larger in scale and more permanent in their construction.

The GM LEP 2009 already includes exemptions for advertising structures and display within Schedule 2, however these are relatively generic and do not currently provide advert specific requirements. This proposal seeks to amend the existing advertising structures and display exemptions by establishing general requirements applicable to all advertising structures and displays and setting out specific requirements and limitations for the following signage types:

- Wall signs
- Fascia signs
- Under awning signs

- Top hamper signs
- Window signs
- Projecting wall signs
- Temporary real estate signs
- Temporary A-frame signs

The general requirements applicable to all advertising structures and displays explicitly prevent their application on heritage items listed under the NSW Heritage Act 1977, namely State listed heritage items. Any advertisement and display proposal relating to a state listed heritage item would require development consent.

Wall signs on local heritage items or within a heritage conservation area have specific additional requirements to safeguard heritage significance, namely;

- Must not extend over any architectural decorative features on the building or structure
- Must not use primary colours as background colours
- Must not relate to signage directly painted on to a wall
- Must not be affixed on to face brick work (but may be fixed to the mortar joints)
- Must not amend, damage or demolish any part of the building or structure to accommodate the sign.

The exemption for top hamper signs and projecting wall signs do not apply to local heritage items, and in the case of projecting wall signs, also do not apply to a heritage conservation area, and must therefore gain development consent.

In addition, real estate signs are not exempt development if they are proposed to be affixed to a local heritage item.

This planning proposal includes provisions that facilitate the conservation of items of environmental heritage significance and is consistent with this ministerial direction.

Direction 2.6- Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

This direction applies to:

- a) Land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,
- b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out,
- c) The extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital- land:
 - i. In relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

- ii. On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)

This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).

- a) When this direction applies a planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) and land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:
- b) The planning proposal authority has considered whether the land is contaminated, and
- c) If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- d) If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land issued for that purpose.

Comment: Yes, this planning proposal is consistent with Direction 2.6. One of the four Council areas commonly used for community events is identified on the Councils local contaminated land register, namely Goulburn Recreation Ground, as illustrated in **Appendix 3**. The area is not however identified as significantly contaminated land. This planning proposal does not seek a change of use of the land, only the ability to undertake temporary community events on the land without prior development consent. This area is already zoned as RE1 Public Recreation where there is currently public access and where a number of regular events take place such as greyhound racing, harness racing and Goulburn Show. This proposal is seeking to permit, without development consent, an extension to the existing recreational use of the site, to community events.

These events will not result in the development of permanent structures and will involve very limited disturbance to the land and the proposal is not seeking to change the use of the land. The planning proposal is considered consistent with this direction and the current use of the site.

Direction 4.3- Flood Prone Land

The objectives of this direction are:

- a) To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction 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.

Where this direction applies:

- 4) 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*).
- 5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
- 6) 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.
- 7) 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).
- 8) 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 of 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).

Comment: Two of the four Council areas identified as commonly used for community events are not subject to flooding, namely Victoria Park and Belmore Park.

The Goulburn Recreation Area and the Goulburn Waterworks are identified Council event spaces which are subject to flooding, as illustrated in **Appendix 4**.

In terms of the Goulburn Waterworks, the 1 in 20 year flood event (**Appendix 4c**) encroaches the north eastern periphery of the site but stands outside of the central area of gravel hardstand upon which temporary events are held. The 1 in 100 year flood event (**Appendix 4d**) encroaches slightly deeper into the site but with only a minor encroachment into the event space.

The Goulburn Recreation Area stands adjacent to the Mulwaree River and as such the area is subject to flooding in the 1 in 20 year (**Appendix 4a**) and 1 in 100 year flood events (**Appendix 4b**).

The *NSW Flood Prone Land Policy* highlights that flood prone land should not be sterilised by unnecessarily precluding its development and that the policy should be

applied flexibly. The primary objective of the policy is to reduce the impact of flooding and flood liability on individual occupiers and owners of flood prone property and to reduce losses resulting from floods.

Both of these areas are zoned RE1 Public Recreation as illustrated in **Figures 1 & 2** and this planning proposal does not seek any rezoning of the land and only seeks to enable some temporary community events in addition to the usual recreational activities on site. These temporary events are not considered to have effects on other properties. The temporary and infrequent nature of the proposed community events would not lead to an increase in the development of the land and they would not result in any requirement for spending on flood mitigation measures, infrastructure or services.

These areas are existing recreational areas utilised for a number of events which are subject to the requirements of their respective Plans of Management. Whilst this planning proposal is seeking to remove the requirement for events to obtain development consent, all events will still be required to be approved by council through the booking form and licensing agreement, as per the Local Government Act 1993. This booking form will include a caveat that events will be postponed during flood events on the subject site(s) and the licensing agreement would not apply during these flood events.

It should also be noted that this is a development type which has previously been included as exempt development for a temporary period in 2020/21 until 18 April 2021 and this proposal is seeking to make this provision permanent.

Overall, the planning proposal to enable temporary community events on Council owned land which is subject to flooding is considered consistent with this direction.

Direction 4.4- Planning for Bushfire Protection

The objectives of this direction are:

- a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b) To encourage sound management of bush fire prone areas.

This direction applies where a planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

Comment: The majority of proposed exemptions, including the erection of external lighting, the display of goods on footpaths, letterboxes on local heritage items and changes to advertising structures and displays would have no effect on land mapped as bushfire prone land because they do not stand within a bushfire prone area and relate to temporary and/or easily removable development.

Goulburn Mulwaree Council regularly hosts a number of temporary events on land it owns or operates. These events are all undertaken on one of four primary recreation areas within the Goulburn urban area, namely;

- Victoria Park
- Belmore Park

- Goulburn Recreation Area
- Goulburn Waterworks

These sites are all located within the urban area and all, with the exception of Goulburn Waterworks, stand outside of land mapped as bushfire prone.

An area of bushfire prone land does cover part of the Goulburn Waterworks site but Council events conducted on the site all stand outside of the Asset Protection Zone in the area circled in **Appendix 5**.

Notwithstanding the above, the inclusion of this development type within exempt development provisions does not circumvent the requirement for events to be approved under Section 68 of the Local Government Act and to be operated in accordance with the requirements of a Plan of Management for the relevant site. Plans of Management identify bushfire risk where applicable.

It should also be noted that this is a development type which has previously been included as Exempt development for a temporary period in 2020/21 until 18 April 2021 and this proposal is seeking to make this provision permanent.

Council as part of its licence or hire agreement can include conditions in relation to days of extreme/catastrophic conditions as well as require risk management plans for events.

The Post-Gateway referral response from NSW Rural Fire Service raised no objections to the proposal subject to a suitable bush fire risk assessment being a requirement in the s68 Local Approval process for community events on council owned land which is bushfire prone.

A copy of NSW Rural Fire Serve Post-Gateway response is available in **Appendix 10**.

Direction 5.2- Sydney Drinking Water Catchment

The objective of this direction is to protect water quality in the Sydney Drinking Water catchment.

This direction applies to Goulburn Mulwaree Council.

This direction requires that a planning proposal be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected and that new development within the water catchment must have a neutral or beneficial effect on water quality.

This direction requires a relevant planning authority, when preparing a planning proposal to:

- a) Ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and
- b) Give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and
- c) Zone land within the special areas owned or under the care, control and management of the Sydney Catchment Authority generally in accordance with the following:

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
Land reserved under the National Parks and Wildlife Act 1974	E1 National Parks and Nature Reserves
Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level	E2 Environmental Conservation
Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.	SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)

and

- d) Consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and
- e) Include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.

Comment: This planning proposal is seeking to remove the requirement for development consent for community events held on Council owned and/or managed land.

Goulburn Mulwaree Council regularly hosts a number of temporary events on land it owns or operates. These events are generally undertaken on one of four primary recreation areas within the Goulburn urban area, namely;

- Victoria Park
- Belmore Park
- Goulburn Recreation Area
- Goulburn Waterworks

These event areas are existing areas used for recreation and events and all stand with the Goulburn urban area. They include public toilet facilities and events must be operated in accordance with established Plans of Management for the sites, under the requirements of the Local Government Act 1993.

The inclusion of this development type within exempt development provisions does not circumvent the requirement for events to be approved under Section 68 of the Local Government Act and to be operated in accordance with the requirements of a Plan of Management for the relevant site. Plans of Management typically identify utilisation areas such as wetlands, water courses and natural areas which may be excluded for usage for events which is consistent with the provisions of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

The urban location of the event sites, their existing operation for public recreation, the provision of existing toilet facilities, the temporary nature of the events and the requirement for events to be in accordance with established plans of management would all ensure a neutral effect on water quality.

It should also be noted that this is a development type which has previously been included as Exempt development for a temporary period in 2020/21 until 18 April 2021 and this proposal is seeking to make this provision permanent.

Water NSW Pre-referral response received on 10 June 2021 agrees with the above statement as the significant majority of community events are held on one of four council owned/operated sites which are sewered and include toilet facilities. It is noted however that the provision of amenities needs to be proportionate to the scale of the event proposed and any human waste collected at portable facilities requires transferring to the reticulated sewerage system at the completion of the event. These matters should be taken into account when considering issuing approval for community events on Council-owned land under Section 68 of the Local Government Act 1993.

The pre-referral response states that Strategic Land and Water Capability Assessments are not appropriate for this proposal given the nature of the provisions and that they will apply generically across the entire LGA. The response considers the planning proposal provides a thorough consideration of the risk of community events on council-owned land to water quality impacts and considering all factors would ensure a neutral effect on water quality.

A copy of Water NSW Pre-referral response is available in **Appendix 8**.

Water NSW Post-Gateway referral response received on 2 August 2021 reiterated their previous advice, stating *'the revised planning proposal incorporates and reflects our comments made on 10 June'*. Water NSW had no further comment to make provided there are no material changes to the provisions.

A copy of Water NSW Post-Gateway response is available in **Appendix 9**.

Direction 5.10- Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

Comment: The South East and Tablelands Regional Plan is applicable to this planning proposal and this has been considered in **Section 3.3.1** of this report. The planning proposal is considered consistent with this Regional Plan.

Direction 6.1- Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

When this direction applies a planning proposal must:

- a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - I. The appropriate Minister or public authority, and

- II. The Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),

Prior to undertaking community consultation in satisfaction of section 57 of the Act, and

- c) Not identify development as designated development unless the relevant planning authority:
- i. Can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - ii. Has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Comment: Yes, this planning proposal is consistent with Direction 6.1 as it does not propose to add any LEP provisions requiring approval or referral to a minister or other public authority. The primary objective of this planning proposal is to remove some minor development types from the requirement for a development application and consent. This planning proposal therefore seeks to encourage the efficient and streamlined development of external lighting, display of goods on footpaths (B3, B4 and R3 zones), letter boxes on local heritage items, community events on council land and advertising structures and displays. This planning proposal is therefore considered consistent with this Ministerial Direction.

Direction 6.3- Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

When this direction applies a planning proposal which amends another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- a) Allow that land use to be carried out in the zone the land is situated on, or
- b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

Comment: Yes, this planning proposal is consistent with Direction 6.3 because the following:

- a) Uses are already permitted in the zone or via clause 2.8 (temporary use of land)
- b) The planning proposal does not include any rezoning of the land
- c) The planning proposal reduces rather than adds restrictions to development

The primary intent of this planning proposal is to reduce the unnecessarily restrictive requirement for certain, minor and common development types, from requiring

development consent. The inclusion of community events on council owned/operated land, external lighting, the display of goods on footpaths, letterboxes on local heritage items and the amendment and refinement of advertisement exemptions will include some associated standards but these will all be contained within the principal environment planning instrument being amended, namely the Goulburn Mulwaree Local Environmental Plan 2009. This planning proposal is therefore considered consistent with this Ministerial Direction.

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?

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.

The proposed exemptions for the erection of external lighting, letterboxes on heritage items and the display of goods on footpaths and the amendments to adverts and displays are all minor developments types which relate to existing development, have little to no development footprint and are not considered to have any impact on biodiversity.

In relation to community events, the Goulburn Mulwaree Terrestrial Biodiversity Map Sheet Bio_001 encroaches into only one of the four event sites, namely Goulburn Waterworks. **Appendix 6a** illustrates a slither of land forming the river bank on the sites northern eastern boundary. This mapping layer does not encroach into the other 3 events areas as illustrated in **Appendix 6b, 6c and 6d**.

The NSW Environment & Heritage Bionet Map, illustrated in **Appendix 7** did not identify any species records on the Goulburn Recreation site or Victoria Park. A record of a crested pigeon was identified on Belmore Park but this is not a threatened species. The Bionet search also identified two records outside, but in close proximity to the entrance road of the Waterworks site. These were observations of Cootamundra Wattle and Bulloak. Neither of these species form a critical habitat or threatened species.

In addition to no identified critical habitats or threatened species on the principal events sites, it should be noted that these areas are already publicly accessible areas and regularly used for recreational activities. This planning proposal is not seeking a change in the use of the land and only seeks to exempt temporary community events, which already occur, from the need to obtain development consent.

It should also be noted that this is a development type which has previously been included as exempt development for a temporary period in 2020/21 until 18 April 2021 and this proposal is seeking to make this provision permanent.

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

External lighting is proposed to be exempt development by this proposal which raises potential concerns over amenity, particularly residential amenity and road safety from glare caused by lighting.

These potential concerns have been addressed through the provision of controls which must be met to ensure a lighting development complies with the exempt development provisions. These include excluding tennis courts and sports fields from the exemption as these development types tend to be larger scale with a greater intensity of luminosity than other lighting types.

In addition lighting must not cause glare to adjoining properties or streets and must comply with AS 4282-2019, Control of the Obtrusive Effects of Outdoor Lighting, to ensure residential amenity is not adversely affected. Lighting must not be directed onto a classified road to ensure the safety of road users and light fixtures are limited to a height of 3.6 metres above ground level to minimise their potential projection and subsequent impacts on adjoining properties and streets.

In relation to community events on land owned/managed by the council, environmental and amenity impacts are addressed through the license/hire agreement process and through a Plan of Management. These require that a risk assessment be undertaken, submitted and agreed upon by council prior to an event. This identifies hazards and explains how they will be addressed. In addition, any anticipated environmental effects resulting from a proposed event which can't be adequately mitigated can result in the council refusing to agree a licence to hold the event under the Local Government Act 1993.

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

The removal of the requirement to gain development consent, for the proposed development types, is considered to better support and foster conditions to help businesses grow in the local area by reducing the cost and time implications associated with the planning process. In addition, making the establishment of community events an easier, less bureaucratic and costly process aims to encourage a greater number and diversity of events, which in turn contribute to the wider economy of the Local Government Area.

The planning proposal also includes proposed amendments to the current exemptions within Schedule 2 of the GM LEP 2009 in relation to advertisements and displays. These amendments break up the exemptions into general requirements and advert specific requirements. This provides additional clarity and certainty to local business owners as to what they are able to undertake without development consent and in turn supports local businesses to grow.

This planning proposal is therefore considered to result in positive economic effects.

There are no identified social effects which have not already been addressed in this planning proposal.

Section D- State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

The proposed exemption to remove community events from the requirement for development consent are applicable to Council land only.

Commonly used areas have existing vehicular access, available water supplies, a sewer connection and all have existing toilet facilities. Therefore adequate infrastructure is available for the planning proposal.

Council as land owner/manager has control of usage, hire/licensing and can assess event suitability against Plans of Management and as part of the booking/hire process

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

No commonwealth public authorities have been consulted in the preparation of this planning proposal.

As noted in sections 3.5 and 3.6.7 of this planning proposal, Water NSW and Rural Fire Service have provided comment on the proposed amendments and additions to Schedule 2: Exempt Development.

No further state public authorities are expected to be consulted as part of this planning proposal.

Part 4- Mapping

There are no mapping amendments proposed as a result of this planning proposal.

Part 5- Community Consultation

As part of the Gateway assessment appropriate public exhibition of the proposal will be applied for the prescribed period.

It is envisaged that the proposal will be advertised in the prescribed manner under the Gateway procedures.

Part 6- Project Timeline

It is envisaged that the gateway process will take approximately 9-11 months for a project of this scale.

Gateway determination	July 2021
Timeframe for completion of technical studies	No studies identified
Timeframe for agency consultations	August 2021
Public exhibition	September 2021
Public hearing	No hearing identified
Consideration of submission	November 2021
Date of Submission of LEP to DPIE	January 2022

Anticipated date of plan made	February 2022
Anticipated date plan forwarded to DPIE for notification	March 2021

Part 7- Appendices

Additional maps and other relevant appendices included within this proposal are listed in the table below:

Appendix 1	Proposed draft Schedule 2 Exemptions of LEP
Appendix 2	Council Report & Resolution- 2 March 2021
Appendix 3	Local Contamination Map- Goulburn Recreation Ground
Appendix 4a	Goulburn Recreation Ground- 1 in 20 year flood map
Appendix 4b	Goulburn Recreation Ground- 1 in 100 year flood map
Appendix 4c	Goulburn Waterworks- 1 in 20 year flood map
Appendix 4d	Goulburn Waterworks- 1 in 100 year flood map
Appendix 5	Goulburn Waterworks Bushfire Prone Land Map
Appendix 6a	Goulburn Waterworks- Terrestrial Biodiversity Map
Appendix 6b	Goulburn Recreation Area- Terrestrial Biodiversity Map
Appendix 6c	Belmore Park- Terrestrial Biodiversity Map
Appendix 6d	Victoria Park- Terrestrial Biodiversity Map
Appendix 7a	Goulburn Waterworks- Bionet Map
Appendix 7b	Goulburn Recreation Area- Bionet Map
Appendix 7c	Belmore & Victoria Park- Bionet Map
Appendix 8	Water NSW Pre-referral Response- 10 June 2021
Appendix 9	Water NSW Post-Gateway Response- 2 August 2021
Appendix 10	NSW Rural Fire Service Post Gateway Response- 29 July 2021

Appendix 1: Proposed wording for Schedule 2 Exemptions in the LEP

Community Events on Council Land

- (1) For the purposes of development specified for this clause –

Development for the purposes of temporary uses (including, without limitation, events such as ceremonies, cultural celebrations, exhibitions, fetes, fairs, gatherings, markets or sporting events) that would, but for this clause, require development consent.

- (2) Must take place on land owned by the Council or for which the Council has care, control and management (including Crown land) or a public road for which the Council is the roads authority under the Roads Act 1993
- (3) Must allow and maintain egress for pedestrians and emergency vehicles
- (4) All vehicular parking requirements must occur on the subject land, or within on-street designated parking.
- (5) Must not involve any permanent physical change to any land including the erection of a permanent structure on the road or land
- (6) Must be consistent with any applicable Plan of Management under the [Local Government Act 1993](#) for the land.
- (7) Must be carried out in accordance with a licence or hire agreement granted by the Council.

Note—

The proposed event may involve activities that require approvals under the Local Government Act 1993 and other legislation. Such activities include the closure of public roads, the erection of temporary structures and activities on public land. Consultation with the Council will assist in identifying any requirements before organising such activities.

Lighting External

- (1) Must not be for the lighting of tennis courts or sports fields
- (2) Must not cause glare to adjoining properties or streets
- (3) Must not be directed onto a classified road under the Roads Act 1993
- (4) The light fixture must not exceed a height of 3.6 metres above existing ground level
- (5) Must not be fixed to a heritage item
- (6) Must comply with AS 4282-2019, Control of the Obtrusive Effects of Outdoor Lighting

Display of goods on footpath

- (1) Must be associated with a lawfully established business carried out on land used for the purpose of retail and:
- (i) Located on land in Zone B3 Commercial Core or Zone B4 Mixed Use, or
 - (ii) A neighbourhood shop in Zone R3 Medium Density Residential
- (2) Must be located within a road reserve for which the Council is the roads authority under the Roads Act 1993
- (3) Must be on part of the footpath which is directly adjacent the retail frontage
- (4) Must maintain continuous pedestrian paths of travel along the footpath and not obstruct access to the premises or adjoining properties.
- (5) All materials and equipment must be temporary and removed from the footpath at the close of each business day.

Note—

An approval or authorisation to use the footway may be required under Part 9 of the [Roads Act 1993](#) or, if on public land, under Division 2 of Part 2 of Chapter 6 of the [Local Government Act 1993](#). Part 5 of the [Crown Land Management Act 2016](#) may also apply.

Letterboxes

1. The construction or installation of a free-standing letterbox must comply with the following:
 - (a) Must not relate to a State Significant Heritage Item
 - (b) Stand within the lot boundary for the property the letterbox serves
 - (c) Stand no higher than 1.2 metres above ground level (existing)
 - (d) Be situated on the properties primary elevation
 - (e) Be of a design, appearance and materials which complement the character of the property

Signage, advertising structures and displays

1. General requirements for all advertising structures and display of an advertisement on it, or the display of an advertisement that is not on an advertising structure must comply with the following:
 - (a) Not to be carried out on or in relation to a building being used as restricted premises
 - (b) Not relate to a State Significant Heritage Item
 - (c) Must not cover mechanical ventilation
 - (d) Not include any live recording
 - (e) Must not be animated, flashing, illuminated or moving
 - (f) Must be 600mm from the kerb of any public road
 - (g) Must not obstruct the sight line of vehicular or pedestrian traffic
 - (h) Must relate to the lawful use of the building or place upon which it stands
 - (i) Must have consent of the owner of the property on which the sign is located
 - (j) The sign replaces an existing sign lawfully displayed on the same structure and
 - i. The replacement sign stands in the same position as the existing
 - ii. The dimensions of the replacement are the same or smaller than the existing sign

Wall Signs

2. A sign attached to the wall of a building (other than the transom of a doorway or display window) must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Not result in more than 1 wall sign per premises
 - (c) Not project more than 300mm from the wall
 - (d) Be located below the level of the awning
 - (e) Where the property comprises a heritage item or stands within a Heritage Conservation Area the following also apply:
 - (i) Must not extend over any architectural decorative features on the building or structure
 - (ii) Must not use primary colours as background colours
 - (iii) Must not relate to signage directly painted onto a wall
 - (iv) Must not be affixed directly on to face brickwork (but may be fixed to the mortar joints)
 - (v) Must not amend, damage or demolish any part of the building or structure to accommodate the sign

Fascia Signs

3. Signs attached to a building fascia or return of the awning must comply with the following:
 - (a) Meet the general signage requirements
 - (b) Not project more than 300mm from the fascia or return end of the awning to which it is attached

- (c) Have a maximum area of 2.5m²

Under Awning Signs

- 4. Signs attached to the underside of an awning other than a fascia must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Restricted to 1 sign per ground floor premises with a street frontage
 - (c) Stand at least 2.6m above a public footpath
 - (d) Have a maximum sign area of 1.5m²
 - (e) Have a minimum distance from the outer awning edge of 300mm

Top Hamper Sign

- 5. A sign attached to the transom of a doorway or display window of a building must comply with the following:
 - (a) Meet the general signage requirements
 - (b) Does not relate to a Local Heritage Item
 - (c) Have a maximum area not exceeding 2.5m²
 - (d) Comprise of no more than 1 sign per ground floor tenancy
 - (e) Must not extend below the top of a doorway or window
 - (f) Must not project more than 300mm from the façade of the building
 - (g) Must stand at least 2.6 metres above the footpath

Window Signs

- 6. A sign affixed and or displayed inside or outside a window of any existing building must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must not occupy more than 20% of the window area of the ground floor building frontage or 6m², whichever is the lesser
 - (c) Must be located on the façade fronting the primary street address on the ground floor
 - (d) Limited to 1 sign per ground floor tenancy

Projecting Wall Signs

- 7. A sign attached to the wall of a building and projecting more than 300mm must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must be attached to wall of building to which the sign relates
 - (c) Must not be located on a Local Heritage Item or within a Heritage Conservation Area
 - (d) Must be at least 2.6m above ground level (existing)
 - (e) Must be erected at right angles to the wall of the building to which it is attached
 - (f) Have a maximum sign area of 1.5m²
 - (g) Project no further from the building than 1.5m
 - (h) Restricted to 1 sign per premise or 1 per street frontage, whichever is greater

Temporary Signage

1. Real Estate Signs

A temporary sign which advertises the sale or lease of a property must comply with the following:

- (a) Must not be affixed to a Heritage Item
- (b) Should not exceed a maximum area for the sign of 2.5m² in Zones E1, E2, E3 and E4 or 3.5m² within all other zones
- (c) Should not stand more than 3m above existing ground level
- (d) Must not be animated, flashing, illuminated or moving

- (e) Must be removed within 14 days of sale or lease of the property
- (f) Must not impede pedestrian or vehicular access or movement

2. A-Frame Signs on private land

An A-frame sign on private land used in conjunction with an existing premise for which consent has been granted on land that is in Zone B2, B3, B4, B6, IN1, IN2 zones must comply with the following:-

- (a) Only 1 A-frame sign per property
- (b) Not exceed a maximum display area of 500mm area (on each side)
- (c) Must not involve any live recorded entertainment, including music, broadcast programmes and flashing lights
- (d) Must not obstruct access to the land or any adjacent land or obstruct the free flow of pedestrians
- (e) Must not involve construction work
- (f) Must be temporary and removed at the close of each business day

15.4 PLANNING PROPOSAL - AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND TO THE GOULBURN MULWAREE DCP FOR PRIVATE EVENTS

RESOLUTION 2021/70

Moved: Cr Alfie Walker

Seconded: Cr Andrew Banfield

That:

1. The report from the Senior Strategic Planner regarding proposed changes and additions to Schedule 2 of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to exempt development and amendment to the Goulburn Mulwaree Development Control Plan 2009 in relation to events on private land be received.
2. A planning proposal be prepared to amend Schedule 2: Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009.
3. The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Subject to (3) above, Council place the draft amendment to the '*Public Entertainment in rural zones*' Chapter of Development Control Plan 2009 in Attachment 2 on public exhibition with the planning proposal for a minimum of 28 days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.5 MOGO ROAD UPDATE

RESOLUTION 2021/71

Moved: Cr Denzil Sturgiss

Seconded: Cr Peter Walker

That

1. The Mogo Road Update report from the Director Planning & Environment and Director Operations be received.
2. The General Manager continue negotiation with Hi Quality to ensure the maximum upgrade of Mogo Road that can be achieved with the funds available and the work in kind being offered by Hi Quality.

15.4 PLANNING PROPOSAL - AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND TO THE GOULBURN MULWAREE DCP FOR PRIVATE EVENTS

Author: David Kiernan, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments:

1. Proposed wording for Schedule 2 Exemptions in the LEP [↓](#) 
2. Special Events on Private Land [↓](#) 
3. Events on Private land DCP differences [↓](#) 

Reference to LSPS:	Planning Priority 3: Community Facilities, Open Space and Recreation – Vision 2040 - Physical, social and cultural activity is supported by a range of facilities and shared spaces.
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RECOMMENDATION

That:

1. The report from the Senior Strategic Planner regarding proposed changes and additions to Schedule 2 of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to exempt development and amendment to the Goulburn Mulwaree Development Control Plan 2009 in relation to events on private land be received.
2. A planning proposal be prepared to amend Schedule 2: Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009.
3. The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Subject to (3) above, Council place the draft amendment to the '*Public Entertainment in rural zones*' Chapter of Development Control Plan 2009 in **Attachment 2** on public exhibition with the planning proposal for a minimum of 28 days.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

BACKGROUND

This matter has not previously been reported to Council.

REPORT

Events within the local government area (LGA), are in most instances, conducted on Council owned or operated land, on the grounds of schools or in a minority of cases held on private land. Currently the State has introduced temporary amendments to *State Environmental planning Policy (SEPP) (Exempt and Complying Development Codes)* which includes outdoor events on Council owned land as exempt development until April 2021.

This report considers amendments to the exempt provisions of *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* which will reduce the duplication of assessment/management processes required for events on Council land and will allow for the temporary amendments in the SEPP to permanently apply.

The report also clarifies the exemption of events associated with educational facilities and suggests further exemptions which can be added to the LEP for minor development types.

The following is an assessment of these development types and suggested changes to the LEP or Development Control Plan (DCP) and identification of other approval pathways (such as under a State Environmental Planning Policy exemption):

Proposed Amendments to 'Exempt Development' - Schedule 2 of the LEP

- Community Events on Council Land

Goulburn Mulwaree Council hosts a number of temporary events on community land which it owns or manages, including (but not limited to):

Table 1: Temporary Events on Community Land in Goulburn Mulwaree LGA

Temporary Events on Community Land in Goulburn Mulwaree LGA		
• Lilac Festival	• Steampunk	• Swap Meets
• Rotary Parkside Markets	• Pictures and Popcorn	• Goulburn Show
• Carols	• Youth events	• Blues Festival
• Vibefest	• Multicultural Festival	• Comic Con
• Australia Day		

The use of land for the above events is classified as development and usually requires development consent. A recent amendment to *SEPP (Exempt and Complying Development Codes)* has included outdoor events on Council owned land as exempt development up until 18 April 2021. The proposed amendments to LEP exemptions in this report would ensure that benefit is continued in perpetuity.

The *Local Government Act 1993* also requires such events to be operated in accordance with an adopted Plan of Management and does not allow for a simple delegated approval process. These Plans of Management should be in place for the land on which the event is being held before a development application can be approved on land classified as 'community'.

In addition to Plans of Management, Council events are required to have thorough risk management assessments for each event. Non Council events must also be consistent with the Plan of Management for the site and, pursuant to the *Local Government Act*, have a licence or agreement for the exclusive use of land classified for "community" use. In Goulburn Mulwaree this licence or agreement for exclusive use is currently managed through the booking process.

Council is currently revising and updating its Plans of Management, the first of which is for the Goulburn Recreation Area which is authorised by the Minister for Local Government for public exhibition.

The process of regularising the use of community land for events can be simplified by including this development type within Schedule 2 of the LEP to make them exempt from the requirement to submit a development application. This does not avoid the requirement for a Plan of Management to be in place for the events land, nor for a licencing agreement etc to be in place.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

Plans of Management are still required to be in place for the land events are being held on, even when the development is exempt from requiring a development application. As such most of the detailed operational requirements for such events are prescribed through either the sites' Plan of Management or through the licensing/hire agreement.

As Council is the land owner/ manager, ultimately the decision as to whether to grant the use of the site for any given event rests with the Council. There is no form of appeal against a Council decision using this process to refuse an event should the Council find through the application process that the event is unsuitable for the site or has had previous management issues etc.

- Events on School Grounds

Another common event type are events held on school sites which were considered as a part of this review on exemptions.

State Environmental Planning Policy (SEPP) (Educational Establishments and Child Care Facilities) 2017 provides a list of exemptions for different types of development and uses within the grounds of existing schools.

Part 4, section 38 of this SEPP enables the '*use of existing school facilities or buildings for the physical, social, cultural or intellectual development or welfare the community (whether or not it is a commercial use of the establishment)*'.

This is a broad definition which is considered to cover most events on school grounds. Due to this exemption, it is not necessary to include school grounds within the exemptions proposed to be added to Schedule 2 of the LEP.

- External Lighting

External lighting is a widespread type of development which is often ancillary to the operation of a business or dwelling. This type of development does not currently fall under *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes)* (referred to as the Exempt and Complying Development SEPP) or Schedule 2 of the LEP, and would therefore require a development application.

In the significant majority of instances such installations do not create a nuisance to local amenity and the requirement for a development application is considered disproportionate to the scale of most external lighting proposals and their impacts.

The inclusion of external lighting into Schedule 2 of the LEP enables business and residents to install external lighting within prescribed limits without the need for a development application. This exemption does not apply to the lighting of tennis courts or sports fields due to their potential adverse effects on local amenity and general light spillage. A development application is still required for such lighting, unless the site is a public reserve.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

- Display of goods on footpaths

The display of goods is a common occurrence on footpaths outside existing retail premises along Auburn Street and within the Goulburn Central Business District (CBD). It is proposed to include the display of goods on footpaths as exempt development within Schedule 2 of the LEP.

This would regularise this activity and provide clear limits and controls on what is acceptable. This enables conformity and fairness between businesses (i.e. one retail premises can't take more of the footpath than another retail business) and enables appropriate enforcement where limits have been exceeded.

The proposed exemption is limited to the CBD, ensures unobstructed pedestrians flows and requires the removal of the materials exhibited and equipment at the end of each business day.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

This exemption assists in making sure the Council is easy to do business with by limiting red tape and/or ambiguity of permissibility and making the LGA an easier place to operate a business in. It also seeks to enliven the CBD by making it easier and clearer for businesses to bring goods out into the public domain.

This new exemption relates only to retail and does not apply to outdoor dining areas on footpaths. Subdivision 20A of the Exempt and Complying Development SEPP already provides this exemption when carried out in accordance with approvals under the *Roads Act 1993* and the Section 68 of the *Local Government Act 1993*.

- Letterboxes relating to local heritage items

Letterboxes are minor development types with very little overall impact on street scape character or local amenity. Letterboxes both free-standing and in banks are currently exempt under the Exempt and Complying Development SEPP for all properties with the exception of heritage items.

Goulburn Mulwaree LGA currently has over 300 heritage items which must seek development approval for the installation of this minor and common development type.

This proposal seeks to provide local heritage items with the ability to erect a freestanding letterbox without the need for development consent. The proposed exemption only applies to local heritage items and unlike standard letterbox exemptions for standard property types, does not include banks of letterboxes. Banks of letterboxes are of a more permanent construction and generally have a more significant impact on the street scene than freestanding letterboxes. To ensure any potential impact on the significance of heritage items is further reduced the exemption includes controls on design and appearance, height and siting.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

- Signage, Advertising Structures and Displays

Advertising structures and displays are the only set of exemptions currently within Schedule 2 of the LEP. However these exemptions are generic to all types of signage and do not seek to provide specific detail and controls for different types of signage and adverts.

The proposed exemptions for signage and adverts rewrites the existing LEP Schedule 2 and breaks the exemptions down by signage type with an overall general requirement which all types must adhere to.

Not all signs and adverts are the same with each having its own particular requirements, constraints and impacts. The revised controls seek to more effectively and accurately reflect these within the exemption controls.

If signage exceeds these limits they will require development consent for the signage/adverts. The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report. **Table 2** below highlights the amendments and additions which the proposed exemptions seek to make to existing signage and advert exempt controls.

Table 2: Amendments & Additions to Schedule 2 Advert Exemptions

Signage/Advert category in proposed exemptions	Difference with existing Schedule 2 Advert Exemptions
General Requirements	Makes clear the exemptions do not apply to state significant heritage items or restricted premises.
	Ensure adverts and signage are not only non-illuminated but they also do not include live recording, animation, flashing and are not moving.
	Tightens the permissibility of replacement signs to include a requirement for the signage to stand in the same position as existing and be of the same or smaller dimensions.
	Requires the consent of the owner of the property on which the sign is located.
Wall signs	Restricts the number of wall signs to 1 sign per premises.
	Sets a maximum projection of the sign from the façade.
Fascia Signs	Sets a maximum projection of the sign from the façade.
	Applies a maximum fascia sign area in all zones.
Under Awning Signs	Restricts the number to 1 under awning sign per premises.
	Applies a maximum under awning sign area applicable to all zones, providing a better relationship with zones in the CBD.
	Prescribes a minimum distance from the awning edge.
Top Hamper Sign	Excludes exemptions for local heritage items.
	Applies a maximum Top Hamper Sign area applicable to all zones, providing a better relationship with zones in the CBD.
	Restricts the number of top hamper signs to 1 sign per premises.
	Sets a maximum projection of the sign from the façade.
Window Signs	Reduces the maximum surface area of a window sign and applies to the window area rather than the elevation.
	Restricts the number of window signs to 1 sign per tenancy.
	Restricts the siting of the window sign to the front, road facing façade.
Projecting Wall Signs	Excludes exemptions for local heritage items and within the Heritage Conservation Area.
	Sets a maximum projection of the sign from the façade.
	Restricts the number of projecting wall signs to 1 sign per premises.
	Applies a maximum projecting sign area in all zones.
Temporary Signage	
Real Estate Signs	Restricts real estate signs from being affixed to a heritage item.
	Requires removal of the real estate sign 14 days after the sale or lease of the property.
	Prevents real estate signs from impeding pedestrian or vehicular movement.
A-Frame Signs	A-frame signs are not currently exempt under Schedule 2 of the LEP.

- Temporary Structure Associated with Events

A number of development types associated with the use of land for events such as tents, marquees, stages and platforms are often classified as exempt development and do not require a development application depending on size, location etc.

Proposed Amendments to the DCP

- Special Events on Private Land

The above mentioned exemptions proposed for community events on council owned land, coupled with existing exemptions for events on school grounds, is considered to cover a large majority of special and temporary events held within the Goulburn Mulwaree LGA.

These exemptions do not apply to similar events held on private land which will still require the submission and approval of a development application.

The requirement for a development application for events on private land is considered an important one to ensure a range of requirements are met and impacts/constraints are appropriately addressed or mitigated. This includes matters such as:

- Ensuring site suitability
- Provision of adequate toilet facilities
- Maintaining public safety (i.e. consideration of bushfire hazard, road access/suitability etc.)
- Consideration of impacts on amenity of surrounding locality (such as noise).
- Gaining Water NSW concurrence on water quality impacts
- Managing traffic and parking
- Ensuring an adequate emergency response plan
- Ensuring a suitable level of insurance cover
- Mobile Food Premises registration

These issues are addressed through the requirements for Plans of Management or licencing agreement on Council owned land and through the DCP for similar events on privately owned land.

The DCP currently includes a chapter titled '*Public Entertainment in rural zones*' which seeks to provide a number of controls for festivals in rural areas. These controls are relatively narrow in that they apply to rural areas only and not the wider LGA and the term festival is poorly defined.

In light of the proposed exemptions for community events on council land it is timely and appropriate to revise the existing public entertainment in rural zones chapter to mirror the requirements to be met on events on council land prescribed through Plans of Management or licencing.

The updated draft DCP chapter is titled '*Special Events on Private Land*' and is presented in **Attachment 2** of this report. The main differences between the existing DCP chapter and the newly drafted special events on private land chapter are presented in **Table 3 below**.

Table 3: Differences between existing and proposed DCP Chapter

Old: Public entertainment in Rural Zones	New: Special Events on Private Land
Applies only to rural zones	Applies LGA wide on private land (land not operated or owned by Council or an educational establishment).
The term festival is poorly defined	Guidance on what a special event is and is not and when it applies.
Requires noise level mitigations regardless of location or impact	Requires a noise impact assessment depending on the scope, timescale and location of the event.

Limits events duration to a maximum of 30 days in any 12 month period	Restricts the approval of the event to the specified dates for the events operation. Current provision not consistent with Clause 2.8 of LEP which allows events for up to 52 days within a 12 month period.
Requires provision of toilet facilities	Specific toilet standards set relating to expected attendance of event.
Requires insurance arrangements	Specific requirements regarding minimum liability insurance cover and guidance on additional potential insurance requirements.
	Includes a requirement for application submission at least 3 months in advance of the event.
	Highlights additional potential licensing requirements.

Conclusion and Recommendation

In conclusion it is recommended that Council proceed prepare a planning proposal to amend the Schedule 2 exempt provisions of the LEP and to amend the DCP in relation to events on private land. The amendments align with current temporary State exemptions for events on public land which are intended to reduce red tape. The proposed amend to the LEP will make the temporary State provisions permanent.

The Plans of Management for community classified land are a requirement under the *Local Government Act, 1993* regardless of the proposed changes to the LEP for events, in addition to this licencing or hire agreements can also be used to manage detail. However, the exemptions suggested in this report for Council land will require these plans to potentially be updated to identify event areas etc.

FINANCIAL IMPLICATIONS

The Plans of Management for community classified land are a requirement under the *Local Government Act, 1993* regardless of the proposed changes to the LEP for events. However, the exemptions suggested in this report for Council land will require these plans to potentially be updated to identify event areas etc. The introduction of the amended exempt provisions will remove the requirement for DA fees for events on Council owned/managed land.

Attachment 1: Proposed wording for Schedule 2 Exemptions in the LEP

Community Events on Council Land

- (1) For the purposes of development specified for this clause –

Development for the purposes of temporary uses (including, without limitation, events such as ceremonies, cultural celebrations, exhibitions, fetes, fairs, gatherings, markets or sporting events) that would, but for this clause, require development consent.
- (2) Must take place on land owned by the Council or for which the Council has care, control and management (including Crown land) or a public road for which the Council is the roads authority under the Roads Act 1993
- (3) Must allow and maintain egress for pedestrians and emergency vehicles
- (4) All vehicular parking requirements must occur on the subject land, or within on-street designated parking.
- (5) Must not involve any permanent physical change to any land including the erection of a permanent structure on the road or land
- (6) Must be consistent with any applicable Plan of Management under the [Local Government Act 1993](#) for the land.
- (7) Must be carried out in accordance with a licence or hire agreement granted by the Council.

Note—

The proposed event may involve activities that require approvals under the Local Government Act 1993 and other legislation. Such activities include the closure of public roads, the erection of temporary structures and activities on public land. Consultation with the Council will assist in identifying any requirements before organising such activities.

Lighting External

- (1) Must not be for the lighting of tennis courts or sports fields
- (2) Must not cause glare to adjoining properties or streets
- (3) Must not be directed onto a classified road under the Roads Act 1993
- (4) The light fixture must not exceed a height of 3.6 metres above existing ground level
- (5) Must not be fixed to a heritage item
- (6) Must comply with AS 4282-2019, Control of the Obtrusive Effects of Outdoor Lighting

Display of goods on footpath

- (1) Must be associated with a lawfully established business carried out on land used for the purpose of retail and:
 - (i) Located on land in Zone B3 Commercial Core or Zone B4 Mixed Use, or
 - (ii) A neighbourhood shop in Zone R3 Medium Density Residential
- (2) Must be located within a road reserve for which the Council is the roads authority under the Roads Act 1993
- (3) Must be on part of the footpath which is directly adjacent the retail frontage
- (4) Must maintain continuous pedestrian paths of travel along the footpath and not obstruct access to the premises or adjoining properties.
- (5) All materials and equipment must be temporary and removed from the footpath at the close of each business day.

Note—

- (c) Have a maximum area of 2.5m²

Under Awning Signs

4. Signs attached to the underside of an awning other than a fascia must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Restricted to 1 sign per ground floor premises with a street frontage
 - (c) Stand at least 2.6m above a public footpath
 - (d) Have a maximum sign area of 1.5m²
 - (e) Have a minimum distance from the outer awning edge of 300mm

Top Hamper Sign

5. A sign attached to the transom of a doorway or display window of a building must comply with the following:
 - (a) Meet the general signage requirements
 - (b) Does not relate to a Local Heritage Item
 - (c) Have a maximum area not exceeding 2.5m²
 - (d) Comprise of no more than 1 sign per ground floor tenancy
 - (e) Must not extend below the top of a doorway or window
 - (f) Must not project more than 300mm from the façade of the building
 - (g) Must stand at least 2.6 metres above the footpath

Window Signs

6. A sign affixed and or displayed inside or outside a window of any existing building must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must not occupy more than 20% of the window area of the ground floor building frontage or 6m², whichever is the lesser
 - (c) Must be located on the façade fronting the primary street address on the ground floor
 - (d) Limited to 1 sign per ground floor tenancy

Projecting Wall Signs

7. A sign attached to the wall of a building and projecting more than 300mm must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must be attached to wall of building to which the sign relates
 - (c) Must not be located on a Local Heritage Item or within a Heritage Conservation Area
 - (d) Must be at least 2.6m above ground level (existing)
 - (e) Must be erected at right angles to the wall of the building to which it is attached
 - (f) Have a maximum sign area of 1.5m²
 - (g) Project no further from the building than 1.5m
 - (h) Restricted to 1 sign per premise or 1 per street frontage, whichever is greater

Temporary Signage

1. Real Estate Signs

A temporary sign which advertises the sale or lease of a property must comply with the following:

- (a) Must not be affixed to a Heritage Item
- (b) Should not exceed a maximum area for the sign of 2.5m² in Zones E1, E2, E3 and E4 or 3.5m² within all other zones
- (c) Should not stand more than 3m above existing ground level
- (d) Must not be animated, flashing, illuminated or moving

- (e) Must be removed within 14 days of sale or lease of the property
- (f) Must not impede pedestrian or vehicular access or movement

2. A-Frame Signs on private land

An A-frame sign on private land used in conjunction with an existing premise for which consent has been granted on land that is in Zone B2, B3, B4, B6, IN1, IN2 zones must comply with the following:-

- (a) Only 1 A-frame sign per property
- (b) Not exceed a maximum display area of 500mm area (on each side)
- (c) Must not involve any live recorded entertainment, including music, broadcast programmes and flashing lights
- (d) Must not obstruct access to the land or any adjacent land or obstruct the free flow of pedestrians
- (e) Must not involve construction work
- (f) Must be temporary and removed at the close of each business day

- Council
- NSW Police
- NSW Rural Fire Service
- NSW Ambulance Service and/or St John Ambulance Service

5.10.3 Insurance requirements

- The applicant is to hold current and valid insurance for the event that covers the dates of the event, and are to submit evidence of this with the application or placed as a condition of consent, and
- As a minimum insurance cover should include suitable public liability insurance cover at a minimum of \$20,000,000.

Note: Consideration should be given to other potential insurance requirements such as:

- Public Liability insurance of any sub-contractor
- Volunteers insurance
- Workers Compensation
- Professional Indemnity Insurance

5.10.4 Emergency Response Plan

- An Emergency Response Plan must be prepared in accordance with the requirements of the local area command for NSW Police Service, NSW Fire Brigades, NSW Ambulance Service, NSW WorkCover Authority and the Council which includes the following:
 - Contact details of both the event organiser and the on-site organiser responsible for decision-making;
 - The chain of command identifying which staff are responsible for various components of the event;
 - Location of main emergency response area;
 - Proposed means of access for all emergency vehicles including fire brigade truck access to the event;
 - Proposed evacuation procedures;
 - Proposed security management and procedures plan, and
 - Proposed crowd management procedures.

Note: The emergency response plan should, where applicable, include crowd management measures, crowded places self-assessment, relate to bushfire emergency management and evacuation and a flood emergency response plan.

5.10.5 Toilet Facilities

- Adequate toilet facilities must be provided for the duration of the event including adequate facilities for those with disabilities, in line with Table 1 below:

Table 1: Required Toilet Facilities

Patron number	Wheelchair accessible		Females		Males		
	WC	Hand Basins	WC	Hand Basins	WC	Urinals	Hand Basins
<500	2	1	10	2	2	8	2
500-1000	4	2	15	4	5	10	3
1000-2000	6	3	20	8	7	15	5

2000-3000	8	4	25	10	9	20	7
3000-5000	10	5	30	14	12	25	10

- (b) Sites unconnected to the town sewer should provide portable toilets and wash facilities as per the numbers specified by the manufacturer for the number of patrons.

5.10.6 Traffic Management Plan

A Traffic Management Plan should be submitted with a development application and should include the following components:

- **Proposed Route** which sets out an easy and safe access to the site;
- **Traffic Control Plan** which details how the route is to be protected with signs, barriers, cones etc.;
- **Contingency Plan** for adverse weather conditions, attendance exceeding expectations, accidents etc.;
- **Advertise traffic changes** for a minimum period of seven days prior to the event;
- **Traffic Marshals** locations detailed;
- **Parking**;
- **Heavy Vehicle alternate route** for arrival and departure of coaches and equipment trucks;
- **Special conditions**;
- **Pedestrian access and safety**, and
- **Loading Zones**.

Note: "Guide to Traffic and Transport Management for Special Events- 2006" provides a comprehensive guide to the requirements of various agencies involved in traffic and transport management and provides assistance in the preparation of a Transport Management Plan.

5.10.7 Information to be submitted with a Development Application

A Development Application should include the following:

- (a) The Development Application form signed by the site(s) owner(s);
- (b) Traffic Management Plan which includes a Traffic Control Plan in line with Clause 5.10.6;
- (c) An Emergency Response Plan in line with clause 5.10.4;
- (d) A Statement of Environmental Effects which should include:
 - (i) Full details of the type and scale of the proposed event;
 - (ii) The anticipated number of people attending the event;
 - (iii) Dates and hours of operation including set-up and dismantle times (bump in/bump out);
 - (iv) The number and types of stalls;
 - (v) Waste and recycling measures to be implemented;
 - (vi) Car parking and access arrangements;
 - (vii) Details of proposed outdoor entertainment acts as part of the event which may necessitate a noise impact assessment, and
 - (viii) A Water Quality Impact Assessment.

- (e) A Site Plan which includes proposed:
- (i) Seating arrangements, whether indoor or outdoor
 - (ii) Lighting arrangement and location
 - (iii) Location of any marque or tent
 - (iv) Location and number of toilets which meets the requirements in Clause 5.10.5
 - (v) Location of firefighting equipment
 - (vi) Location of security, parking/traffic associated with the event
 - (vii) Location of first aid and other emergency service areas
 - (viii) Emergency access arrangements within the site and through the local road system
 - (ix) Vehicular and pedestrian access arrangements to and from the site
 - (x) Location of food and drink stalls and other vendor stalls

Note: A Water Quality Impact Assessment should be proportionate to scope and impact of the event. Larger events are advised to consult Water NSW prior to submitting a Development Application.

5.10.8 Licensing Requirements

A development application only provides approval for the use and operation of the land during the established timeframe. It does not afford consent, approvals or licensing for activities and operations at the event which may be regulated by external agencies or Council functions outside statutory planning. The list below seeks to highlight additional licensing or consent requirements which may be needed to lawfully operate the event and or its activities. This list is not exhaustive.

Food

Food handling businesses should be directly licensed by NSW Food Authority and if not already licensed should notify the authority of their business details.

Temporary food outlets must comply with the relevant Council codes, such as, where applicable;

- Food Standards Code 3.2.3- Food Premises and Equipment
- GMC Food Premises Fit out Guide
- Guidelines for food businesses at temporary events, and
- Complete Mobile Food Premises Registration with Council.

Alcohol

If the event includes the sale and/or consumption of alcohol, an appropriate liquor license(s) will be required from Liquor & Gaming NSW.

Live or pre-recorded music

Live or pre-recorded music will require a license from ONE Music Australia for events to avoid Copyright infringement.

Fundraising

If the event involves fundraising the approval of NSW Fair Trading may be required.

Firework/Pyrotechnic Displays

If the event includes Firework/Pyrotechnic Displays a license is required from SafeWork NSW.

Amusement Devices

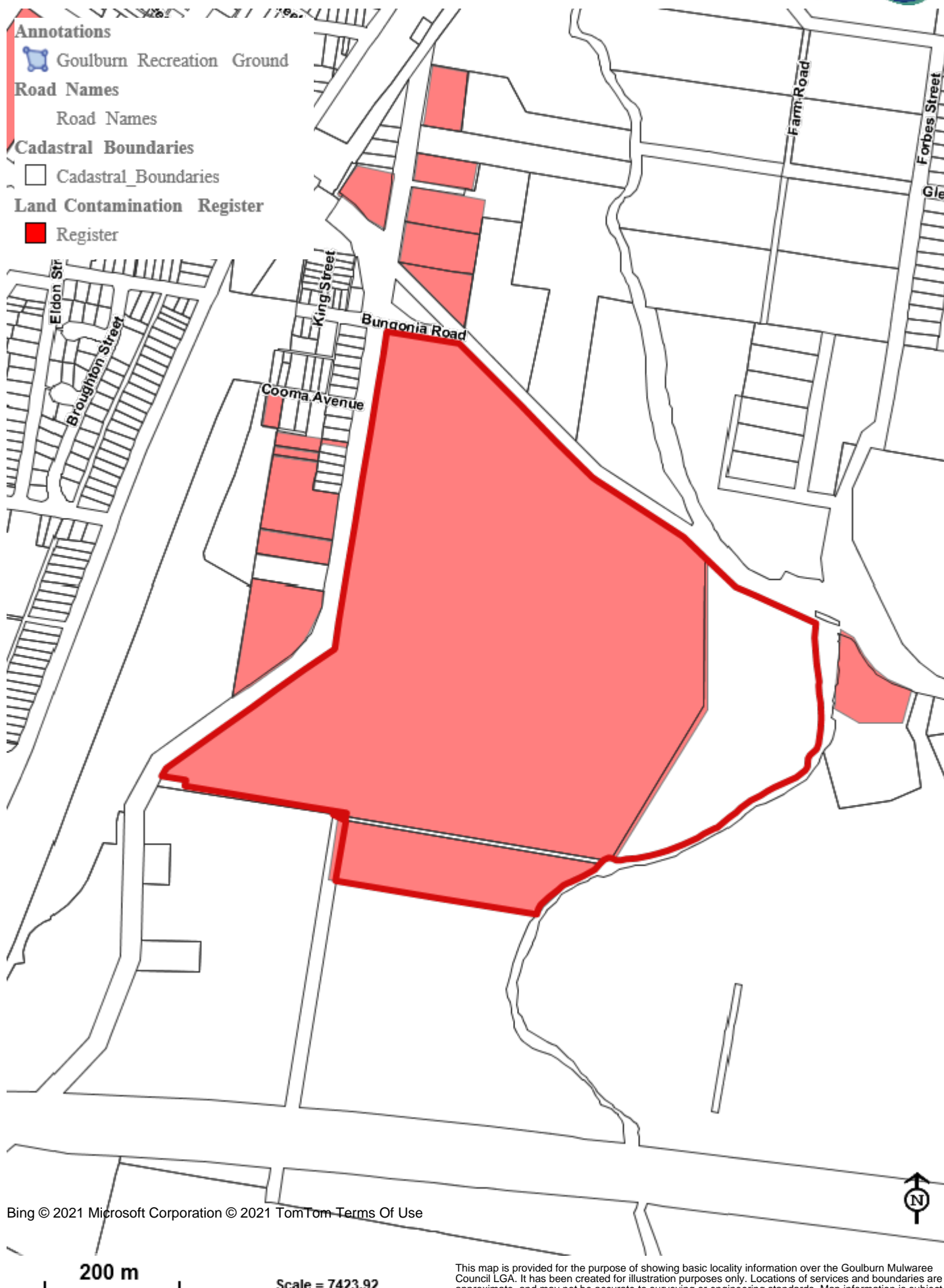
If the event includes provision of amusement devices current SafeWork NSW registration will be required, as will registration with Council.

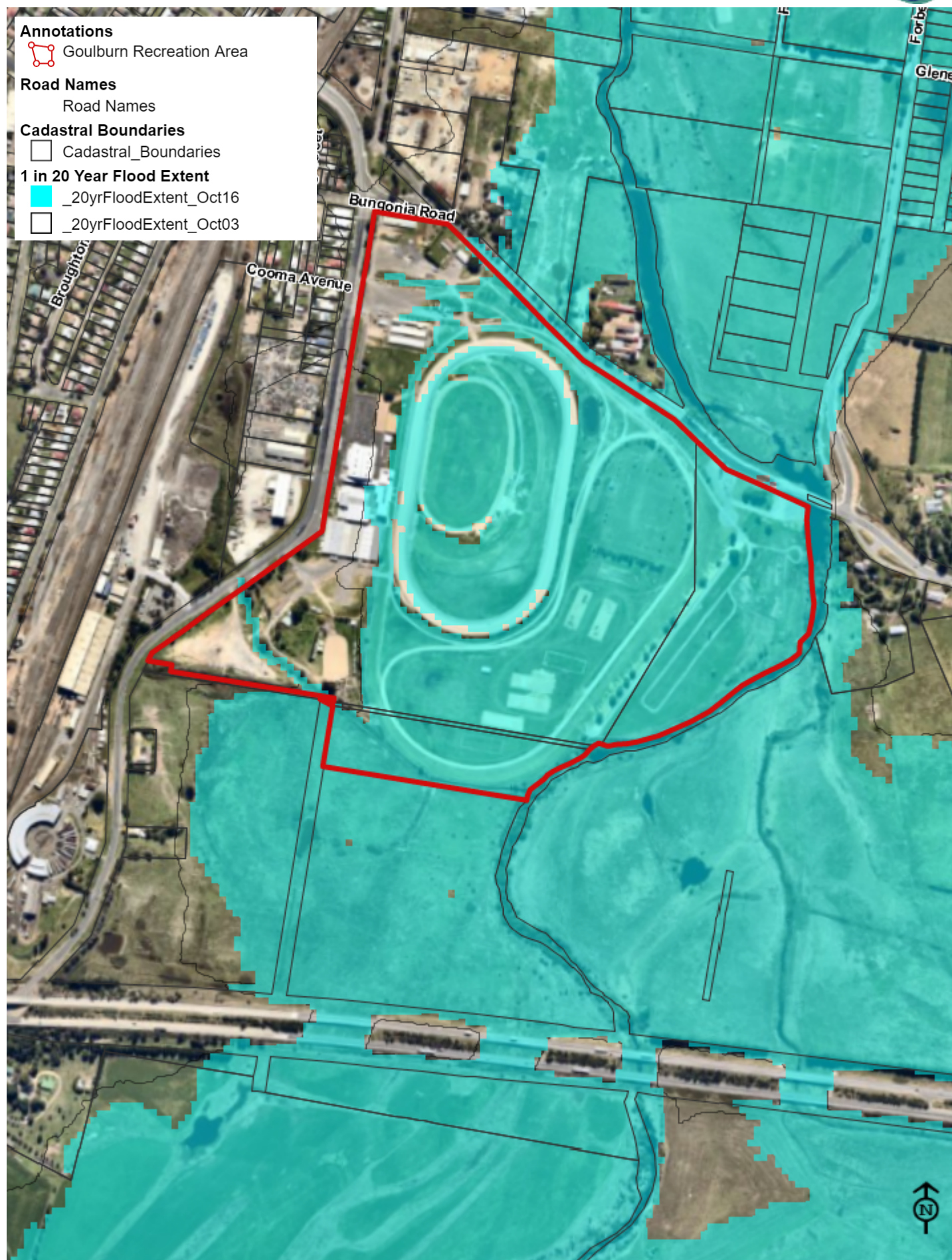
Road Closures

The temporary closure of a public road will require the consent of the appropriate road authority (being Council or Transport for NSW) under the Crown Lands Act 1989, Local Government Act 1993 or the Roads Act 1993.

Attachment 3: Main differences between existing Public Entertainment in Rural Zones DCP chapter and proposed Special Events on Private Land DCP chapter.

Old: Public entertainment in Rural Zones	New: Special Events on Private Land
Applies only to rural zones	Applies LGA wide on private land (land not operated or owned by Council or an educational establishment)
The term festival is poorly defined	Guidance on what a special event is and is not and when it applies
Requires noise level mitigations regardless of location or impact	Requires a noise impact assessment depending on the scope, timescale and location of the event
Limits events duration to a maximum of 30 days in any 12 month period	Restricts the approval of the event to the specified dates for the events operation. Current provision not consistent with Clause 2.8 of LEP which allows events for up to 52 days within a 12 month period.
Requires provision of toilet facilities	Specific toilet standards set relating to expected attendance of event
Requires insurance arrangements	Specific requirements regarding minimum liability insurance cover and guidance on additional potential insurance requirements
	Includes a requirement for application submission at least 3 months in advance of the event
	Highlights additional potential licensing requirements





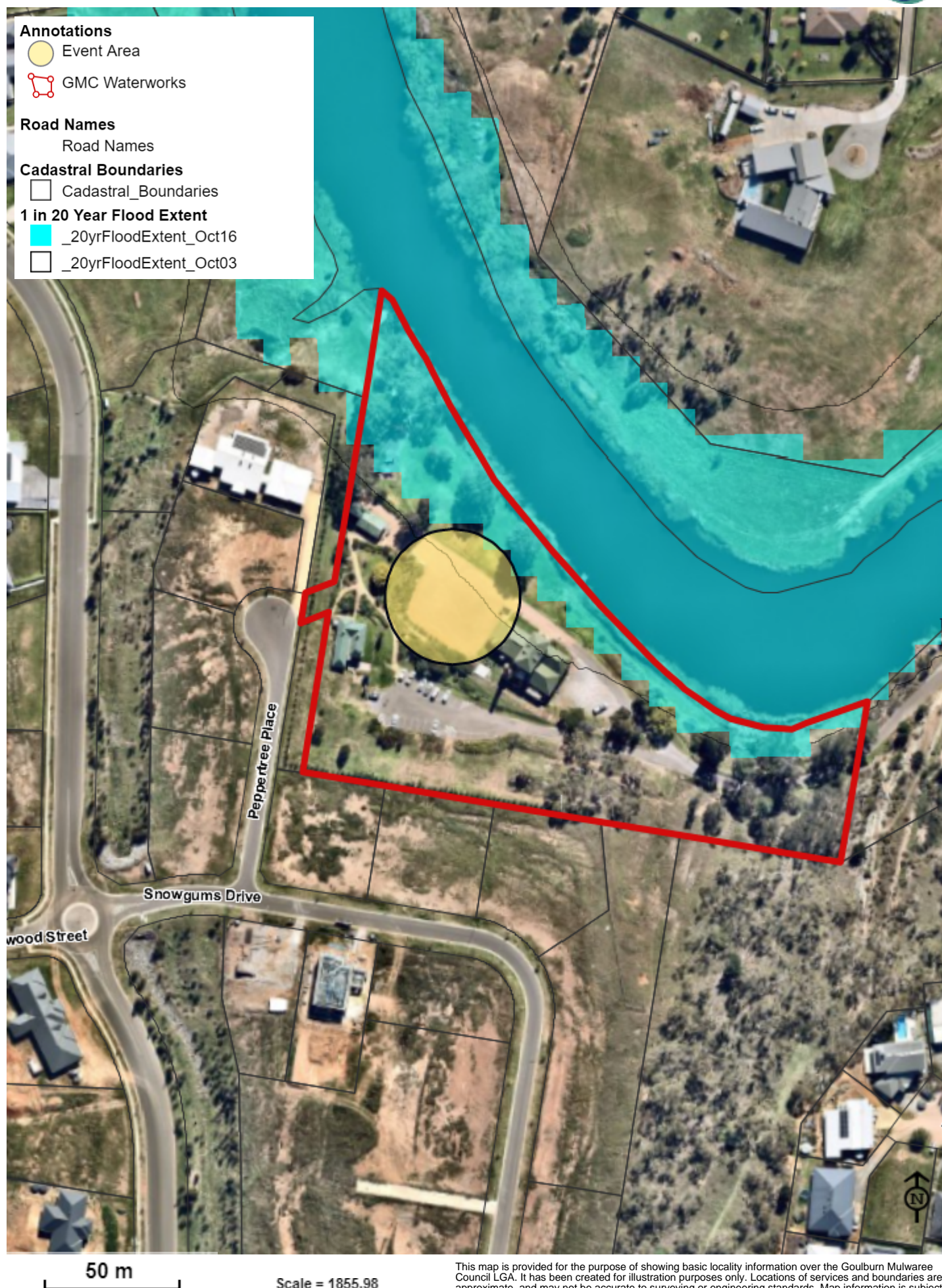
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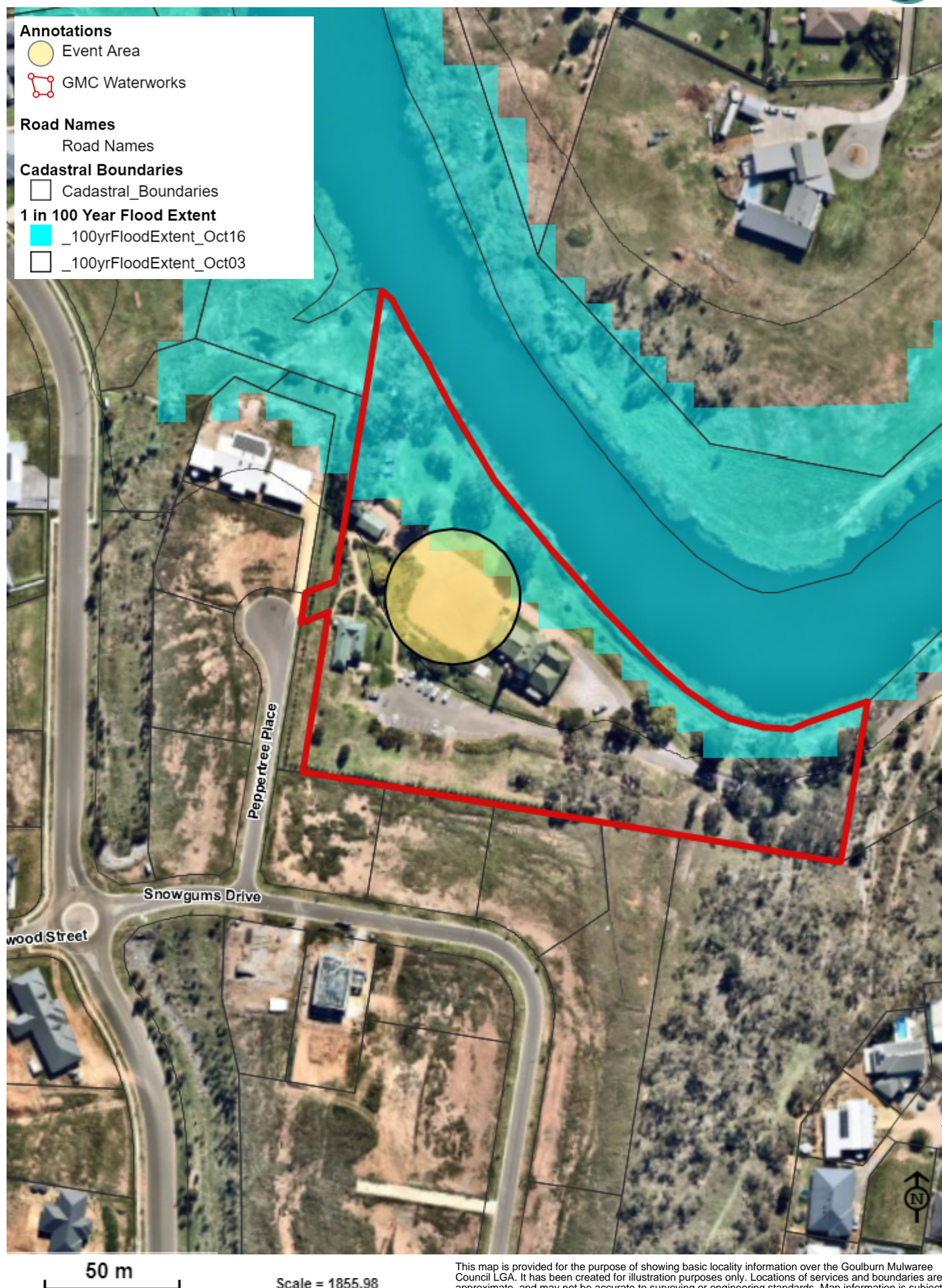
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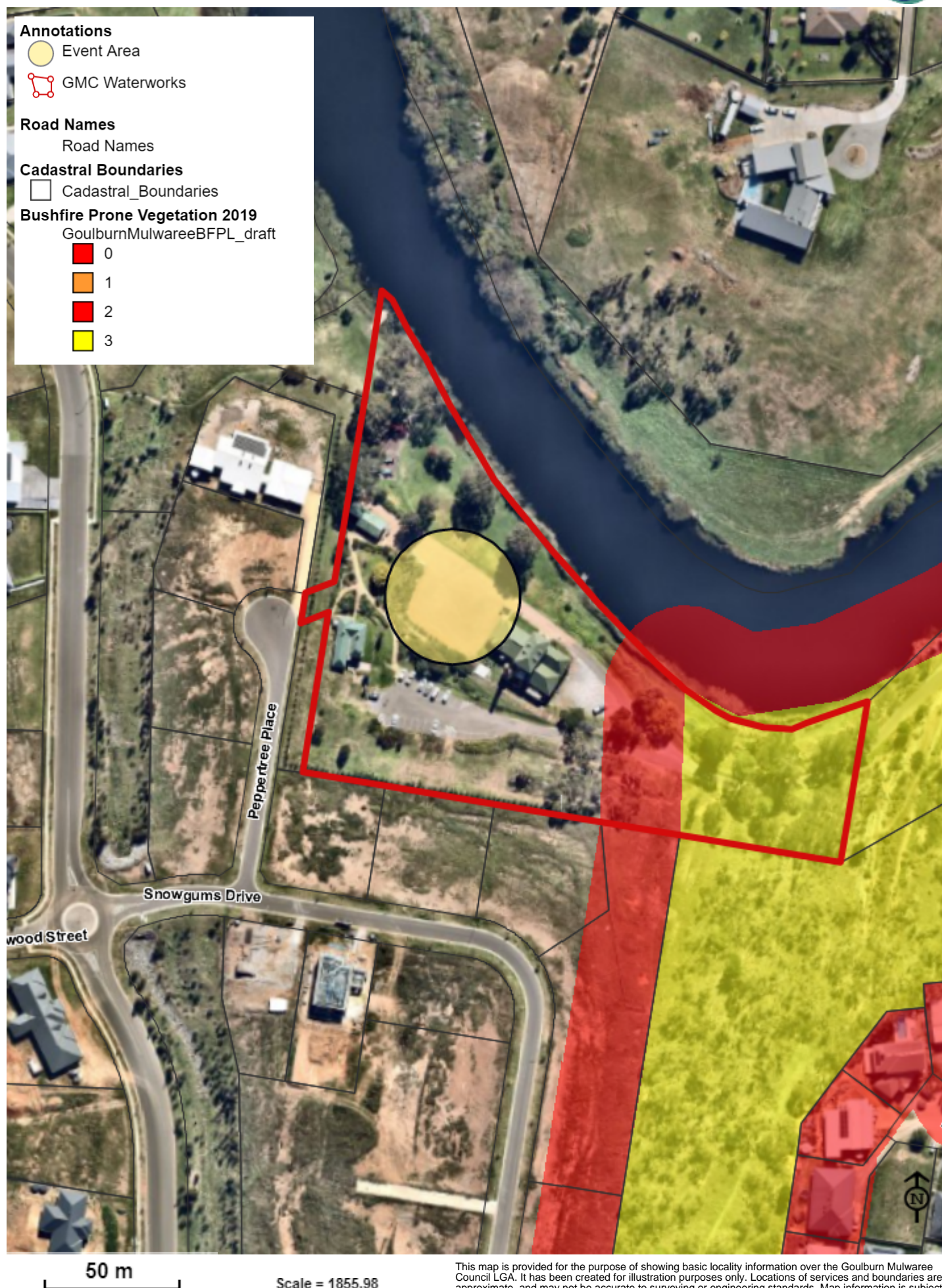
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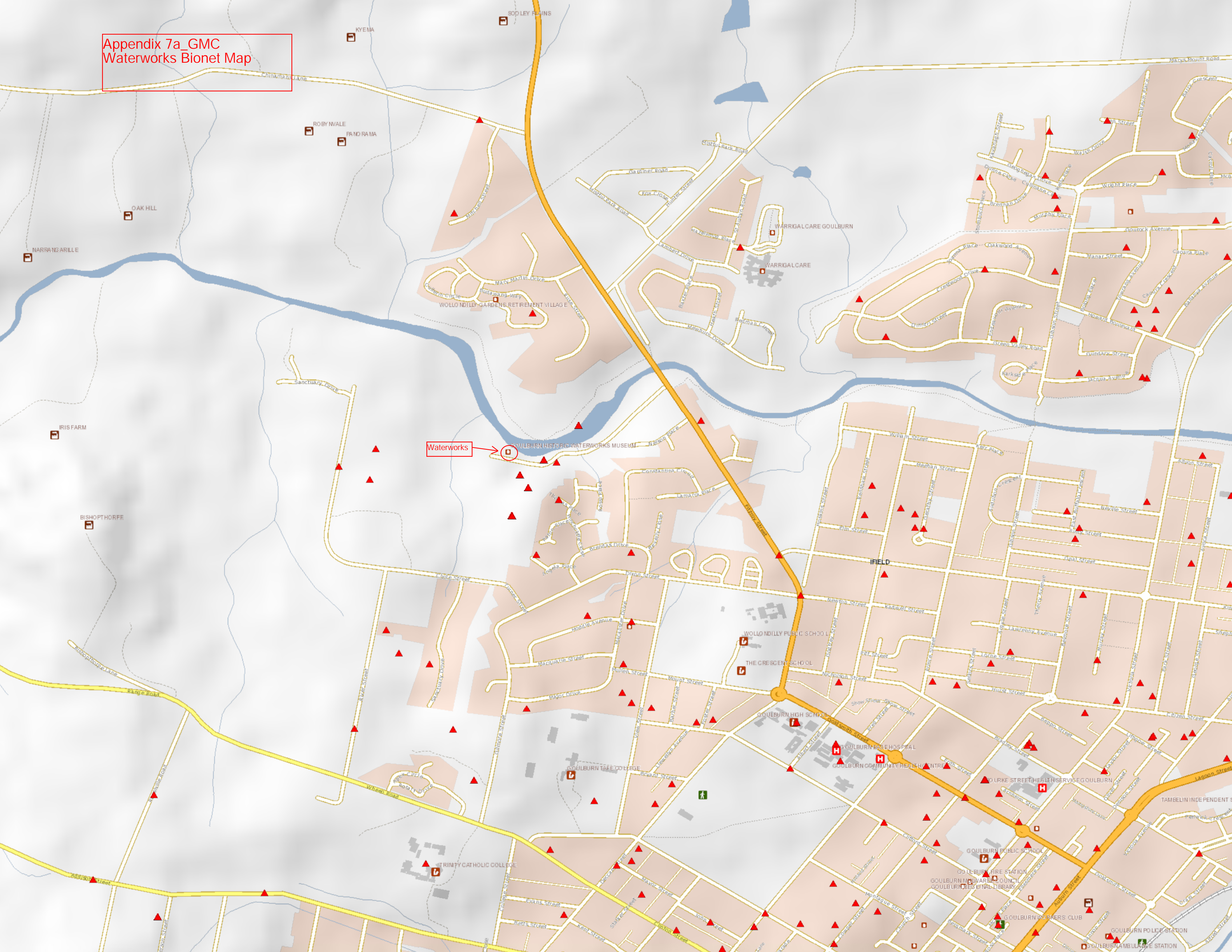


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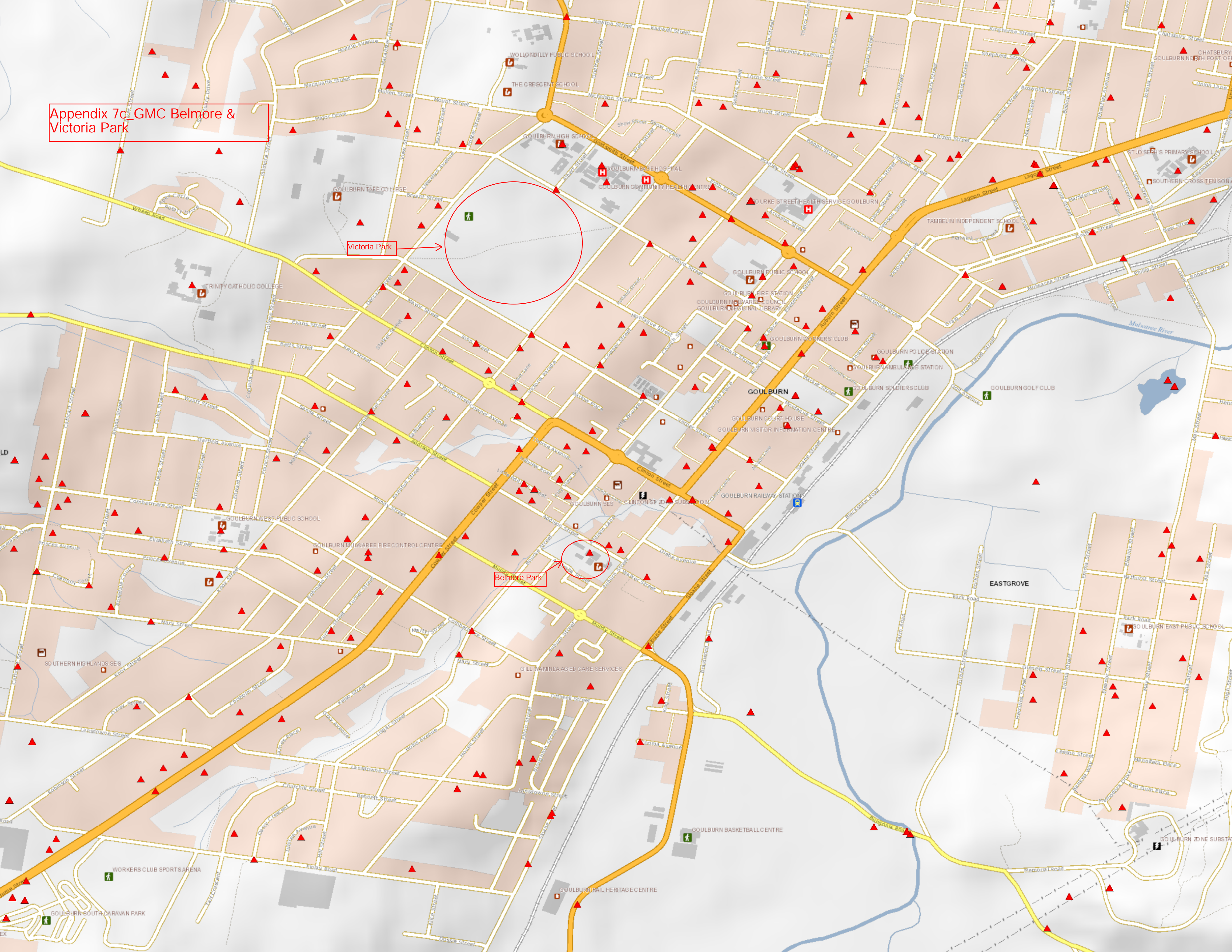
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Appendix 7a_GMC
Waterworks Bionet Map



Appendix 7b_GMC Rec Area Bionet Map

Appendix 7a GMC Belmore & Victoria Park





10 June 2021

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/66914*

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Kiernan,

Planning Proposal for Amendments and Additions to Exempt Development Provisions (Schedule 2) of Goulburn Mulwaree Local Environmental Plan 2009 – REZ/0003/2021

I refer to your email of 4 May 2021 seeking pre-gateway consultation regarding a Planning Proposal for Amendments and Additions to Exempt Development Provisions (Schedule 2) of the Goulburn Mulwaree Local Environmental Plan 2009 (the LEP) (REZ/0003/2021). The amendments propose to add the following works to exempt development types listed under Schedule 2 of the LEP:

- Erection of external lighting.
- The display of goods on footpaths in B3, B4 and neighbourhood shops in R3 zones.
- The installation of letterboxes on local heritage items.
- Community events to be held on Council owned/managed land.

The Proposal also seeks to amend the existing exemptions on advertisements and displays within Schedule 2 of the LEP to add clarity and certainty.

Works listed as 'exempt development' are excluded from the development assessment process and do not require consideration of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP). They therefore are not subject to the requirements of the SEPP such as the need to have a neutral or beneficial effect on water quality and the concurrence of WaterNSW.

WaterNSW has no objection to the additional uses being added to Schedule 2 of the LEP or the amendments proposed for advertisements and displays. However, we request Council to consider the sewerage management issues for community events on Council owned land when approval for such events is sought under s 68 of the Local Government Act 1993 (LG Act).

For the community events exemption, we note that outdoor community events on Council-owned land were temporarily included as exempt development under State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 (the Codes SEPP) from 21 December 2020 until 18 April 2021. Council is now seeking to reinstate a similar provision over the longer-term through amendments to its LEP. As such events require approval under s 68 of the LG Act, the proposed amendment would remove the duplication of approval processes occurring through development application and consent process.

The Planning Proposal notes that the vast majority of community events are held on four existing public recreation areas: Goulburn Recreation Ground, Goulburn Waterworks, Victoria Park, and Belmore Park. The Proposal notes that the 'commonly used areas have available vehicular access, water supplies, a sewer connection and all have existing toilet facilities'. It also notes that events must be managed in accordance with the established Plans of Management for the sites. Given that such areas are generally sewered, we do not object to the proposed exemption. However, we note that the provision of amenities need to be proportionate to the scale of event proposed, so at times additional portable toilets may be required. Any human waste collected by portable amenities would need to be transferred to the reticulated sewerage system at the completion of the event. We ask Council to take these matters into account when considering issuing approval to community events on Council-owned land under s 68 of the LG Act.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The Planning Proposal responds to the provisions State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. We agree with the statements made and emphasis given to the potential sewerage issue for community events on Council-owned land. As these sites typically include toilet facilities, we have no objection the Proposal proceeding.

Direction 5.2 Sydney Drinking Water Catchment

The Planning Proposal includes a response to the provisions of section 9.1 Direction 5.2 Sydney Drinking Water Catchment. The Direction requires Planning Proposals to be consistent with the SEPP, give consideration to the outcomes of any relevant Strategic Land and Water Capability Assessment (SLWCA), and zone Special Areas as stated in the Direction. No Special Areas are affected by this Proposal. SLWCAs are also are not appropriate for this Proposal given the nature of the provisions and that they will apply across generically across the entire LGA.

The Planning Proposal response provides a thorough consideration of the risk of community events on Council-owned land to water quality-related impacts. It identifies that the urban location of the event sites, their existing operation for public recreation, the provision of existing toilet facilities, the temporary nature of the events and the requirement for events to be in accordance with established plans of management would all ensure a neutral effect on water quality. We generally agree with this conclusion but also ask Council to consider sewerage management issues when considering approval under s 68 of the LG Act.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely



ALISON KNIHA
Catchment Protection Planning Manager



2 August 2021

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/87010*

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Kiernan,

RE: Planning Proposal for Amendments and Additions to Exempt Development within Schedule 2 of the Goulburn Mulwaree LEP 2009

I refer to your email of 2 August 2021 referring a Planning Proposal for Amendments and Additions to the Exempt Development provisions within Schedule 2 of the *Goulburn Mulwaree Local Environmental Plan 2009*. WaterNSW provided pre-Gateway comments to Council on 10 June 2021 in accordance with s 9.1 Direction 5.2 Sydney Drinking Water Catchment (our ref: D2021/66914). In that submission we raised no objection to the Proposal but asked Council to consider sewerage management issues for community events on Council-owned land when approval is sought under s 68 of the *Local Government Act 1993*.

The revised Planning Proposal incorporates and reflects our comments made on 10 June. It provides a comprehensive response to Direction 5.2 as well as giving due consideration to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. We have no further comments to make on the Proposal. Provided that there are no other material changes to the provisions, WaterNSW does not need to provide further comment on the Proposal at public exhibition stage.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha", with a long horizontal stroke extending to the right.

ALISON KNIHA
Catchment Protection Planning Manager



NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Your reference: (REF-660) REZ/0003/2021
Our reference: SPI20210718000107

ATTENTION: David Kiernan

Date: Thursday 29 July 2021

Dear Sir/Madam,

Strategic Planning Instrument

LEP Amendment – Planning Proposal

Amendments and Additions to Exempt Development within Schedule 2 of the GM LEP 2009

I refer to your correspondence dated 14/07/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS raises no objections to the proposal subject to a suitable bush fire risk assessment being a requirement in the s68 Local Approval process for community events on Council owned/managed land mapped bush fire prone.

The bush fire risk assessment must incorporate a Bush Fire Emergency Management and Evacuation Plan consistent with the NSW RFS document: *A guide to developing a bush fire emergency management and evacuation plan*.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Anna Jones

**Supervisor Development Assessment & Plan
Built & Natural Environment**

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au