



New South Wales

# **Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 2)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**SAM HADDAD**

As delegate for the Minister for Planning and Infrastructure

## 2012 No 323

Clause 1 Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 2)

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# Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Plan

This Plan is *Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 2)*.

### 2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 3 Land to which Plan applies

This Plan applies to the land to which *Goulburn Mulwaree Local Environmental Plan 2009* applies and, in particular, to the following land:

- (a) in relation to minimum lot sizes for multi dwelling housing and residential flat buildings—land in Zone R1 General Residential or Zone R2 Low Density Residential,
- (b) in relation to the subdivision of land for the purpose of attached dwellings, semi-detached dwellings or dwelling houses—land in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential,
- (c) in relation to the subdivision of land for the purpose of residential accommodation—land in Zone E3 Environmental Management or Zone E4 Environmental Living.

### 4 Maps

Each map adopted by *Goulburn Mulwaree Local Environmental Plan 2009* (and as in force immediately before the commencement of this Plan) that is specified in Column 1 is declared by this Plan to be replaced by the maps specified in Column 2 of the table as approved by the Minister on the making of this Plan:

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
Goulburn Mulwaree Local Environmental Plan 2009 Flood Planning Land Map	not replaced
Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_001A_020_2012_0413)
	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_001B_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_001D_020_2012_0413)
	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_001E_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_001G_020_2012_0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_003C_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Floor Space Ratio Map (3310_COM_FSR_003D_020_2012_0329)

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Clause 4 Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 2)

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_001D_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_001E_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_001F_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_002A_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_002B_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_002C_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_003A_020_2012 0329)
Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_003B_020_2012 0329)

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Name of replaced map	Name of adopted map
Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_003C_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Height of Buildings Map (3310_COM_HOB_003F_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001_160_20120 329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001D_020_2012 0413)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DA_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DB_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DC_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DD_005_201 20329)

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DE_005_201 20413)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DF_005_201 20413)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DG_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DH_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001DI_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001E_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001F_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001G_020_2012 0329)

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Name of replaced map	Name of adopted map
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_001I_010_20120 329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_002_160_20120 329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_002CA_010_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_003_160_20120 413)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_003BA_010_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_003CA_005_201 20329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_003D_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_003FA_005_201 20329)

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
	Goulburn Mulwaree Local Environmental Plan 2009 Heritage Map (3310_COM_HER_004_160_20120329)
Goulburn Mulwaree Local Environmental Plan 2009 Land Application Map	Goulburn Mulwaree Local Environmental Plan 2009 Land Application Map (3310_COM_LAP_001_300_20120329)
Goulburn Mulwaree Local Environmental Plan 2009 Land Reservation Acquisition Map	Goulburn Mulwaree Local Environmental Plan 2009 Land Reservation Acquisition Map (3310_COM_LRA_001A_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Reservation Acquisition Map (3310_COM_LRA_001D_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Reservation Acquisition Map (3310_COM_LRA_001E_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Reservation Acquisition Map (3310_COM_LRA_001F_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Reservation Acquisition Map (3310_COM_LRA_001G_020_20120413)
Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001_160_20120531)



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Name of replaced map	Name of adopted map
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001A_020_2012 0608)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001B_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001C_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001D_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001E_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001F_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001G_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_001H_020_2012 0531)

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Clause 4 Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 2)

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_002_160_201206 08)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_002A_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_002B_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_002C_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003_160_201205 31)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003A_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003B_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003C_020_2012 0531)

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Name of replaced map	Name of adopted map
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003D_020_2012 0608)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003E_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003F_020_2012 0531)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_003G_020_2012 0608)
	Goulburn Mulwaree Local Environmental Plan 2009 Land Zoning Map (3310_COM_LZN_004_160_201205 31)
Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001_160_201203 29)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001A_020_2012 0413)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001B_020_20120 329)

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<u>Name of replaced map</u>	<u>Name of adopted map</u>
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001C_020_20120 329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001D_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001E_020_20120 329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001F_020_20120 329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001G_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_001H_020_2012 0329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_002_160_201203 29)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_002A_020_2012 0413)

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Name of replaced map	Name of adopted map
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_002B_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_002C_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003_160_20120608)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003A_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003B_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003C_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003D_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003E_020_20120329)

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_003F_020_20120329)
	Goulburn Mulwaree Local Environmental Plan 2009 Lot Size Map (3310_COM_LSZ_004_160_20120329)
Goulburn Mulwaree Local Environmental Plan 2009 Minerals and Extractive Resources Land Map	not replaced
Goulburn Mulwaree Local Environmental Plan 2009 Natural Resources Sensitivity Map—Biodiversity	not replaced
Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map	Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map (3310_COM_URA_001A_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map (3310_COM_URA_001B_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map (3310_COM_URA_001C_020_20120413)
	Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map (3310_COM_URA_001D_020_20120413)

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<b>Name of replaced map</b>	<b>Name of adopted map</b>
	Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map (3310_COM_URA_003C_020_2012 0413)
	Goulburn Mulwaree Local Environmental Plan 2009 Urban Release Area Map (3310_COM_URA_003D_020_2012 0413)

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Schedule 1 Amendment of Goulburn Mulwaree Local Environmental Plan 2009

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### **Schedule 1 Amendment of Goulburn Mulwaree Local Environmental Plan 2009**

#### **[1] Clause 1.3 Land to which Plan applies**

Insert at the end of clause 1.3:

- (2) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the Land Application Map.

#### **[2] Clauses 4.1A–4.1C**

Insert after clause 4.1AA:

##### **4.1A Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to land in the following zones:
  - (a) Zone R1 General Residential,
  - (b) Zone R2 Low Density Residential.
- (3) Despite clause 4.1, development consent may be granted to the subdivision of a lot on land to which this clause applies on which development for any of the following purposes is proposed to be carried out if the area of each resulting lot is equal to or greater than the area specified for that purpose:
  - (a) attached dwelling—350 square metres,
  - (b) semi-detached dwelling—350 square metres.
- (4) Despite clause 4.1 and subclause (3), development consent may be granted to a single development application for development to which this clause applies that is both of the following:
  - (a) the subdivision of land into 5 or more lots,
  - (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.

##### **4.1B Minimum lot sizes for multi dwelling housing and residential flat buildings**

- (1) The objective of this clause is to achieve planned residential density in certain zones.



- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

Column 1	Column 2	Column 3
Multi dwelling housing	Zone R1 General Residential	1,050 square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,050 square metres
Residential flat building	Zone R1 General Residential	1,050 square metres

#### 4.1C Lot averaging subdivision in certain residential and environmental zones

- (1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.
- (2) This clause applies to land in the following zones:
- Zone R5 Large Lot Residential,
  - Zone E3 Environmental Management,
  - Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the *Community Land Development Act 1989*) to create lots of any size if:
- the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and
  - the average area of the lots resulting from the subdivision will not be less than the minimum size shown on the Lot Size Map for the relevant land, and
  - the consent authority is satisfied that the development retains, and is complementary to, the environmental attributes of the land and its surrounds, and

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Schedule 1 Amendment of Goulburn Mulwaree Local Environmental Plan 2009

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- (d) in relation to land in Zone E3 Environmental Management or Zone E4 Environmental Living, each lot resulting from the subdivision will have an area of at least 10 hectares.

### [3] **Clause 7.1 Flood planning**

Omit clause 7.1 (2). Insert instead:

- (2) This clause applies to land identified as “Flood Planning Area” on the Flood Planning Map.

### [4] **Clause 7.2 Terrestrial biodiversity**

Omit clause 7.2 (2). Insert instead:

- (2) This clause applies to development on land that is identified as “Biodiversity” on the Terrestrial Biodiversity Map.

### [5] **Clause 7.4 Restrictions on development adjoining mineral resource areas**

Omit clause 7.4 (2). Insert instead:

- (2) This clause applies to land adjoining, or in the vicinity of, land that is identified as “Mineral resources” on the Mineral Resource Area Map.

### [6] **Schedule 5 Environmental heritage**

Insert “I00” before the items 1–9, respectively, under the column headed **Item No** in the table to Part 1.

### [7] **Schedule 5, Part 1, table**

Insert “I0” before the items 10–99, respectively, under the column headed **Item No**.

### [8] **Dictionary**

Omit the definitions of *Environmentally Sensitive Land Map*, *Flood Planning Land Map*, *Minerals and Extractive Resources Land Map* and *Natural Resources Sensitivity Map—Biodiversity*.

Insert instead in alphabetical order:

*Flood Planning Map* means the Goulburn Mulwaree Local Environmental Plan 2009 Flood Planning Map.

*Mineral Resource Area Map* means the Goulburn Mulwaree Local Environmental Plan 2009 Mineral Resource Area Map.

*Terrestrial Biodiversity Map* means the Goulburn Mulwaree Local Environmental Plan 2009 Terrestrial Biodiversity Map.