



New South Wales

# **Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 5)**

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*.

**RICHARD PEARSON**

As delegate for the Minister for Planning and Infrastructure

## **2013 No 463**

Clause 1            Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 5)

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# **Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 5)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 5)*.

### **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.

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

**[1] Land Use Table**

Insert “Bulky goods premises;” after “Animal boarding and training establishments;” in item 4 of the matter relating to Zone RU5 Village.

**[2] Land Use Table, Zone R1 General Residential, item 3**

Omit “Business premises;” and “Office premises;”.

**[3] Land Use Table, Zone R1 General Residential, item 3**

Insert in alphabetical order:

- Food and drink premises;
- Plant nurseries;

**[4] Land Use Table, Zone B4 Mixed Use, item 1**

Insert at the end of the item:

- To maintain and reinforce the role and function of the Goulburn central business district as a major regional centre.
- To protect the amenity of the areas surrounding the commercial core from encroachment by commercial and retail development, which should be located within the commercial core because of the demand generated by such development for parking and public infrastructure.

**[5] Land Use Table, Zone B6 Enterprise Corridor, item 4**

Omit “Shops;”.

**[6] Land Use Table, Zone IN1 General Industrial, item 3 and Zone IN2 Light Industrial, item 3**

Omit “Bulky goods premises;” wherever occurring.

**[7] Clause 4.1A Exceptions to minimum lot sizes for certain residential development**

Insert after clause 4.1A (4):

- (5) This clause does not apply to land on which a heritage item is located.

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**[8] Clause 4.1B Minimum lot sizes for multi dwelling housing and residential flat buildings**

Insert after clause 4.1B (2):

- (3) This clause does not apply to land on which a heritage item is located.

**[9] Clause 4.6 Exceptions to development standards**

Insert after clause 4.6 (8) (c):

- (ca) clause 7.6.

**[10] Clause 6.2A**

Insert after clause 6.2:

**6.2A Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,

- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environment protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

**[11] Clauses 7.5 and 7.6**

Insert after clause 7.4:

**7.5 Active street frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.
- (2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the

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building will have an active street frontage after its erection or change of use.

- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicular access.
- (5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building:
  - (a) are used for the purposes of business premises or retail premises if the premises face the street, and
  - (b) have direct pedestrian access from the street.

### 7.6 Gross floor area of shops in Zone B4 and Zone B6

Development consent must not be granted for development for the purpose of shops unless the gross floor area does not exceed:

- (a) if the development is on land in Zone B4 Mixed Use—450 square metres, or
- (b) if the development is on land in Zone B6 Enterprise Corridor—150 square metres.

### [12] Dictionary

Insert in alphabetical order:

*Active Street Frontages Map* means the Goulburn Mulwaree Local Environmental Plan 2009 Active Street Frontages Map.