



New South Wales

Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

WARWICK BENNETT, GENERAL MANAGER, GOULBURN MULWAREE COUNCIL
As delegate for the local plan-making authority

Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 8)*.

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.

4 Maps

The maps adopted by *Goulburn Mulwaree Local Environmental Plan 2009* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Goulburn Mulwaree Local Environmental Plan 2009

[1] Clause 1.3 Land to which this Plan applies

Omit clause 1.3 (2).

[2] Clause 1.8 Repeal of planning instruments applying to land

Insert at the end of the note to clause 1.8 (1):

Mulwaree Local Environmental Plan 1995

[3] Land Use Table

Insert “Boarding houses;”, “Group homes;” and “Hostels;” in alphabetical order in item 4 of the matter relating to Zone R5 Large Lot Residential.

[4] Clause 4.1AA Minimum subdivision lot size for community title schemes

Insert after clause 4.1AA (2) (b):

- (c) Zone R5 Large Lot Residential,
- (d) Zone E2 Environmental Conservation,
- (e) Zone E3 Environmental Management,
- (f) Zone E4 Environmental Living,

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

Omit clause 4.1A (3). Insert instead:

- (3) Despite clause 4.1, development consent may be granted to a single development application that provides for the subdivision of land and the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, but only if the area of each resulting lot is greater than or equal to 350 square metres.

[6] Clause 4.1C Lot averaging subdivision in certain rural, residential and environment protection zones

Omit “Despite clause 4.1,”. from clause 4.1C (3).

Insert instead “Despite the other provisions of this plan,”.

[7] Clauses 4.1D and 4.1E

Insert after clause 4.1C:

4.1D Boundary adjustments in certain rural and environmental zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU6 Transition,
 - (d) Zone E3 Environmental Management,

- (e) Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to the subdivision of land to which this clause applies by way of boundary adjustment between adjoining lots, where one or more of the resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, but only if the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the subdivision will not result in fragmentation and alienation of resource lands or lands with natural and ecological values, and
 - (c) actual or potential land use conflict will be minimised, and
 - (d) the rural character, environmental heritage and scenic quality of the land will not be adversely affected.

4.1E Minimum subdivision lot size for certain split zones

- (1) The objective of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes sustainable land uses.
- (2) This clause applies to any lot (an *original lot*) that contains:
 - (a) land in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential, and
 - (b) land in Zone RU2 Rural Landscape, Zone RU6 Transition, Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to the subdivision of an original lot if:
 - (a) one of the resulting lots will contain:
 - (i) land in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential that has an area greater than or equal to the minimum lot size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land that is in Zone RU2 Rural Landscape, Zone RU6 Transition, Zone E2 Environmental Conservation or Zone E3 Environmental Management, and
 - (b) all other resulting lots have an area greater than or equal to the minimum lot size shown on the Lot Size Map in relation to that land.
- (4) For the purposes of calculating an area of land under subclause (3), the area of any access handle used for the purpose of providing vehicular access from the lot to a road is not to be included.

[8] Clause 4.2A Erection of dwelling houses on land in certain rural and environmental zones

Omit “clause 4.1” from clause 4.2A (2) (a). Insert instead “this Plan”.

[9] Clause 4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones

Insert after clause 4.2B (2) (b):

- (c) Zone R5 Large Lot Residential,

- (d) Zone E2 Environmental Conservation,
- (e) Zone E3 Environmental Management,
- (f) Zone E4 Environmental Living.

[10] Clause 4.6 Exceptions to development standards

Omit clause 4.6 (8) (ca). Insert instead:

- (ca) clause 4.1C or 7.6.

[11] Clause 5.3 Development near zone boundaries

Insert after clause 5.3 (3) (a):

- (aa) land in Zone E4 Environmental Living, or

[12] Schedule 5 Environmental heritage

Omit “356–358” from the matter relating to item I070 in Part 1. Insert instead “356–360”.

[13] Schedule 5, Part 1, item I070

Insert “; Lot 1, DP 1099144” after “Lot 1, DP 770738”.

[14] Schedule 5, Part 1, item I085

Omit “Lot 1, DP 871967”. Insert instead “Lot 1, DP 1184873”.

[15] Schedule 5, Part 1, item 237

Omit “124 Mary’s Mount Road”. Insert instead “8 Ben Street”.

[16] Schedule 5, Part 1, item 237

Omit “Lot 2, DP 632246”. Insert instead “Lot 19, DP 1141601; SP 20683”.

[17] Schedule 5, Part 1, item 296

Omit “32 Verner Street”. Insert instead “42 Verner Street”.

[18] Schedule 5, Part 1, item 314

Omit “Local*”. Insert instead “Local”.

[19] Schedule 5, Part 1, item 320

Omit “69,”.

[20] Schedule 5, Part 1, item 320

Omit “3, 4 and 6”. Insert instead “3 and 4”.

[21] Schedule 5, Part 1, item 322

Omit “89–91”. Insert instead “91”.

[22] Schedule 5, Part 1, item 322

Omit “Lots 4–6”. Insert instead “Lots 5 and 6”.

[23] Schedule 5, Part 2

Omit “HER-002 to HER-013” from the matter relating to Goulburn City Conservation Area.

Insert instead “HER_001DA to HER_001DG”.

[24] Schedule 5, Part 2

Insert in appropriate order:

Goulburn Water Works Conservation Area	Shown by a red outline with red hatching and labelled “Conservation Area—General” on Sheets HER_001D and HER_001DA of the Heritage Map
Kenmore Conservation Area	Shown by a red outline with red hatching and labelled “Conservation Area—General” on Sheet HER_001F of the Heritage Map
Lansdowne Estate Conservation Area	Shown by a red outline with red hatching and labelled “Conservation Area—General” on Sheets HER_001DF, HER_001DI and HER_001E of the Heritage Map

[25] Schedule 5, Part 2

Omit “Sheet HER-020” from the matter relating to Marulan Township Conservation Area.
Insert instead “Sheet HER_003D”.