

Goulburn Local Environmental Plan 1990

[1990-744]



New South Wales

Status Information

Currency of version

Historical version for 2 July 2004 to 9 December 2004 (accessed 17 May 2025 at 4:27)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2004](#)

Authorisation

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File last modified 19 November 2004

Goulburn Local Environmental Plan 1990



New South Wales

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Goulburn Local Environmental Plan 1990



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Goulburn Local Environmental Plan 1990*.

2 Land to which plan applies

This plan applies to all land within the City of Goulburn.

3 Aims, objectives etc

(1) The aims of this plan are:

- (a) to provide direction and guidance as to the manner in which growth and change are proposed to be managed within the City of Goulburn,
- (b) to repeal all existing local environmental planning instruments which apply to land within the City of Goulburn and to replace those instruments with a single comprehensive local environmental plan,
- (c) to simplify land use and environmental management criteria to provide adaptability and flexibility responsive to the evolutionary circumstances of growth and change,
- (d) to provide for immediate and direct response to matters of local environmental significance by giving the Council broader responsibilities for environmental planning, and
- (e) to provide a mechanism for local land use management decisions based on general, particular and specific statements of local planning policy and intent, within which more detailed complementary planning provisions relevant to particular activities or matters of environmental concern may evolve and operate.

(2) The general objectives of this plan are:

- (a) to establish and preserve a functionally efficient and attractive urban environment, by maintaining a sensitive and equitable balance between existing

and future urban development requirements and the protection and enhancement of the natural and cultural environmental heritage having regard to the social and economic costs of protecting that heritage,

- (b) to provide adequate and dynamic opportunity within the City's activity systems to satisfy diverse land use interests, and the demands and expectations of present and future populations,
 - (c) to achieve an urban structure characterised by a high level of efficiency and amenity, and to provide urban development with a reasonable level of protection against naturally-occurring or land-use-related harm or inconvenience,
 - (d) to promote the social and economic welfare of the City of Goulburn and its inhabitants and to ensure orderly, economic and equitable development through the co-ordination of activities and processes related to growth and change, and
 - (e) to achieve confidence, understanding and realistic expectations regarding the pattern and nature of land use, the direction of future growth and the operation of the environmental management process.
- (3) The particular strategies and policies to achieve the aims and objectives of this plan are set out in Schedule 1.

4 Relationship to other environmental planning instruments

- (1) This plan repeals the following environmental planning instruments:
 - (a) *Goulburn Planning Scheme Ordinance*,
 - (b) Interim Development Orders Nos 31, 32, 35, 39, 40, 41, 43, 45 and 46—Goulburn, and
 - (c) such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, to the extent to which those instruments applied to that land.
- (2) Clauses 6, 9 and 10 of *State Environmental Planning Policy No 4—Development Without Consent* do not apply to the carrying out of development in conservation areas or in relation to a heritage item, and
- (3) clauses 7 and 8 of *State Environmental Planning Policy No 4—Development Without Consent* do not apply to the change of use of development on land to which clause 40 applies.

5 Definitions

- (1) In this plan:

advertisement means the display of any message, or any notice, symbol, representation or other device (including flashing lights and bunting) to promote a product, service, building, place or event, or to convey information, instructions, directions or the like (other than for public safety and non-commercial convenience) whether or not that display involves the erection of a structure or the undertaking of any work.

agriculture means:

- (a) the cultivation of any plants for the production of fruit, vegetables or flowers (including berries or vines), or
 - (b) the use of land for the keeping or breeding of livestock (including bees or poultry),
- but does not include any cultivation or husbandry carried out on any land mainly for the personal enjoyment of or consumption by the owner or occupier of the land or any other activity elsewhere specifically defined in this plan.

animal establishment means a building or place used for the purpose of breeding, boarding, keeping or caring for animals whether or not for gain, including a kennel or cattery, stud, riding school or place of livery but excluding any building or place used for any such purpose for the personal enjoyment of its owner or of the occupier of the land.

appointed day means the day on which this plan takes effect.

aquaculture means the cultivation of the resources of the sea or inland waters, such as fish, oysters, crustaceans and seaweed, and includes farms established by the inundation or further inundation by water of an area of land or water held in tanks or dams.

bed and breakfast establishment means a dwelling used by its permanent residents to provide short term paid accommodation (which may include meals) for visitors on a room basis and includes homestay accommodation but does not include an establishment providing accommodation:

- (a) for more than six visitors at any one time,
- (b) that involves interference with the amenity of the neighbourhood, or
- (c) that involves the selling of liquor.

bulky goods sales room or showroom means a building or place used for the retail sale (including sale by auction), hire or display of goods or materials where the goods or materials sold or displayed are, in the opinion of the Council, of such a shape, size or weight as to require:

- (a) a large area for handling, storage or display, or

(b) direct vehicular access to the building or place by members of the public for the purpose of loading goods or materials into their vehicles after purchase,

including a building or place used for the sale of motor-powered or motor-drawn vehicles and agricultural or industrial plant or machinery but not including a building or place used for the sale of foodstuffs or clothing.

bushfire hazard reduction means a reduction or modification of combustible material by controlled burning or any other chemical, mechanical or manual means to reduce the hazard of bushfires.

bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the native vegetation.

business means a building or place used for an occupation, profession, industry or trade providing a service directly and regularly to the public, but does not include a building or place used for any activity elsewhere specifically defined in this plan.

child care centre means a building or place without provision for residential care, used for the purpose of supervising or caring for 5 or more children under school age (including any children related to the owner or operator of the child care centre) during the day whether or not for gain, but does not include a building or place:

(a) used to provide residential care for children (other than the children of the owner or operator), or

(b) used primarily for the education of children.

classified road means a road or work or a proposed road or work declared under section 4 of the *State Roads Act of 1986* to be:

(a) a main road,

(b) a secondary road,

(c) a State highway,

(d) a tourist road,

(e) a State work,

(f) a freeway, or

(g) a controlled access road,

and shown on the map by:

(h) a continuous or intermittent red line on white between firm black lines, or

(i) a broken red band on white between firm black lines.

club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause.

commercial sign has the meaning ascribed to it in *Ordinance No 55* under the [Local Government Act 1919](#).

community facility means a building or place owned or controlled by the Council, a public authority or a body of persons associated for the physical, social, cultural, economic or intellectual welfare of the local community, and used as or to provide facilities for:

- (a) a public library, rest rooms, meeting rooms, recreation, child care (including ancillary education), cultural activities or social functions,
- (b) a local community club for persons sharing like interests, other than a club registered under the [Registered Clubs Act 1976](#), or
- (c) health and social care services (but not a hospital or medical centre or medical consulting rooms) or other related business,

whether or not that building or place is also used for other purposes.

community land has the same meaning as in the [Local Government Act 1993](#).

Council means the Council of the City of Goulburn.

dual occupancy means two dwellings (whether attached or detached) on a single allotment of land (or which would be on a single allotment were it not for the fact that the allotment is to be subdivided as part of the development).

dwelling means a room or a number of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

educational establishment means a building or place used for the giving and receiving of tuition, whether or not for the purpose of gain, and includes:

- (a) a school,
- (b) a tertiary institution, being a university, teachers' college or other specialist

college, that provides education beyond secondary education and which is constituted or established by or under an Act,

- (c) an art gallery or museum (other than a shop), and
- (d) accommodation for staff and students.

environmental facilities means a structure or work which provides for:

- (a) nature or scientific study or display such as walking tracks, board walks, observation decks, bird hides or the like, or
- (b) environmental management or restoration such as bushland regeneration, wetland restoration, run-off prevention works, erosion control measures and the like.

exhibition home means a dwelling (which may or may not contain a small office) used by a property-developer to give potential purchasers an example of the type of dwelling the developer has on offer.

existing holding means land held at the appointed day or, where adjoining or adjacent lands were then held in the same ownership, the aggregate of land so held.

existing ground level, in relation to land, means the actual level, of so much of the site as has not been developed:

- (a) in the case of land where no previous development has taken place, in its undisturbed state, or
- (b) in the case of land on which development has previously taken place, of so much of the site as has not been developed,

before any demolition, excavation work or construction takes place.

forestry includes arboriculture, silviculture, the destruction of trees and shrubs for the purpose of afforestation, forest protection and the cutting, dressing and preparation (other than in a sawmill) of wood and other forest products and any activity carried out for forest protection.

habitable floor area means the sum of the internal floor areas of a dwelling, including the area of any bedroom, living room, kitchen, permanently enclosed verandah or sleepout, but not including the area of any bathroom, pantry, laundry, storeroom of up to 5 square metres in area, or garage.

hazardous industry or activity means an industry or activity which:

- (a) by reason of the process involved or the methods employed or the nature of the materials used or produced, or

(b) because of the manner in which materials are stored or handled,

represents a significant source of hazard to human life or health or property or to the bio-physical environment.

health consulting rooms means a room or a number of rooms forming either the whole or part of or attached to or within the curtilage of an existing dwelling house used by not more than 3 persons in partnership (if more than one) to provide professional treatment or health care services (or dental and optical services) to members of the public.

home industry means an industry carried on in a building (other than a dwelling) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house occupied by the person carrying on the industry, and
- (b) the industry does not:
 - (i) involve the employment of more than two persons other than those residents,
 - (ii) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,
 - (iii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
 - (iv) require the provision of any essential service main of a greater capacity than that available in the locality.

home occupation means an occupation carried on in a dwelling by the permanent residents of the dwelling which does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*,
- (b) the employment of persons other than those residents,
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,
- (d) the display of goods, whether in a window or otherwise,
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name and occupation of the resident), or

- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items by retail.

hospital means a building or place used for the care (including diagnosis, preventative care and counselling) of, or the provision of medical or surgical treatment or other professional health services to, people as inpatients, whether or not outpatients are also cared for or treated.

hotel means premises for which a hoteliers licence is in force under the [Liquor Act 1982](#) and includes a tavern for which such a licence is in force.

industry means the use of any building or place for the principal purpose of manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, clearing, washing, dismantling, processing or adapting any goods or other articles for trade, sale, or gain but does not include a use of a building or place elsewhere defined in this plan.

institution means a penal or reformatory establishment.

intensive agriculture means any form of agriculture which predominantly and usually takes place within the confines of a building or buildings in which or on which cattle, sheep, goats, poultry or other livestock are held for the purposes of nurturing by a feeding method other than natural grazing, but does not include any cultivation or husbandry carried out mainly for the personal enjoyment of or consumption by the owner or occupier of the land concerned or any other activity elsewhere specifically defined in this plan.

land-clearing means the removal or destruction of bushland, trees and other vegetation other than noxious, diseased, dead, unsound or otherwise undesirable trees, shrubs, bush or ground cover but does not include the removal of incomplete regrowth from land previously cleared for agriculture or forestry use or the cutting down of individual trees for farming purposes.

landscaping means the treatment of land for the purposes of enhancing or protecting the amenity of the land and the locality in which it is situated by:

- (a) screening with fences, walls or other means,
- (b) planting of trees, shrubs, ground covers or grasses,
- (c) formation of banks, terraces or other earthworks,
- (d) laying out of gardens or courts,
- (e) treatment of surfaces, including pathways, driveways and courts,
- (f) provision of furniture and features including lighting,

(g) division of functional areas, or

(h) any other device.

light industry means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved, or the machinery or materials used, do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit, or oil or for any like reason.

local business centre means:

(a) a grouping of buildings or part or parts of a building or buildings, whether physically contiguous or not, and whether established in a co-ordinated fashion or not, or

(b) a complex of buildings in the form of an integrated development established in a co-ordinated fashion,

accommodating or intended in part or wholly to accommodate the provision of retail, business, office and professional services to local residents.

materials recycling depot means a building or place used for the collection, dismantling, abandonment or recycling of second hand or scrap materials for the purpose of resale, whether in part or in whole.

medical centre means a building or place used for providing care, (including diagnostic and preventative care and counselling) or medical or surgical treatment or other professional health services to outpatients only.

mixed business means a single shop (the total floor area of which does not exceed 200 square metres) trading principally in groceries, smallgoods and associated items intended for the day-to-day needs of the local neighbourhood.

motel means premises, not being a hotel, used for the temporary or short-term accommodation of travellers and the vehicles used by them whether or not the premises are also used in the provision of meals to those travellers or the general public.

natural hazard means any natural or man-made feature that is likely to cause problems for development, such as earthquake, river erosion, flood liable land, land subject to land slip, land with expansive soils, thin soils or dispersive soils, unstable steep slopes, loose surface rock or man-made fill.

office means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities which do not include:

(a) dealing with members of the public on a direct and regular basis (otherwise than

by appointment), except where this is a minor activity clearly ancillary to the main purpose for which the building or place is used, or

(b) any other use elsewhere specifically defined in this plan.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of public worship, an institution or an educational establishment.

place of worship means a building or place used primarily for the purpose of religious worship (whether or not also used for counselling or social events) and includes an educational establishment used primarily for the purpose of religious tuition or training, and halls, residential accommodation or other buildings associated with and ancillary to any such building or place.

plant nursery means a building or place used for the growing and selling (whether by retail or wholesale, or both) of plants, whether or not ancillary products are also sold.

public utility undertaking means an undertaking carried on by a public authority or in pursuance of any Commonwealth or State Act for the purposes of:

(a) rail, road, water or air transport,

(b) the provision of sewerage or drainage services, or

(c) the supply of water, hydraulic power, electricity or gas.

rear building alignment means a straight or irregular line following the rear wall or walls of the main building on a premises and extending across the width of the land. In the case of a premises located on the corner of two streets, rear building alignment also means a line projected from the rear external corner of the main building closest to the secondary street and parallel to the property boundary adjoining the secondary street.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation, whether used for the purpose of gain or not, but does not include a place of assembly.

restaurant means a building or place, including any coffee shop, tea room, cafe, or other establishment, the principal purpose of which is to provide food or beverages for consumption on the premises.

road means a street, lane, highway, pathway or thoroughfare (including a bridge, culvert, causeway, road ferry, ford, crossing, and the like on the line of a road through

or over a watercourse) that is open to the public for the passage of vehicles, persons and animals.

road transport terminal means a building or place used principally for the purpose of bulk handling of goods for transport by road, and includes any facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

rural industry means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).

shop means a building or place used for the purpose of selling, or exposing or offering for sale by retail or auction or hiring, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this plan, or a building or place used for a purpose elsewhere specifically defined in this plan.

temporary advertisement means an advertisement which is displayed for a period not exceeding 60 days (whether consecutive or non-consecutive) in any one year.

the Act means the [*Environmental Planning and Assessment Act 1979*](#).

the map means the series of maps marked “*Goulburn Local Environmental Plan 1990*”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Goulburn Local Environmental Plan 1990 (Amendment No 1)

Goulburn Local Environmental Plan 1990 (Amendment No 2)

Goulburn Local Environmental Plan 1990 (Amendment No 3)

Goulburn Local Environmental Plan 1990 (Amendment No 4)

Goulburn Local Environmental Plan 1990 (Amendment No 10)

Goulburn Local Environmental Plan 1990 (Amendment No 16)

transport terminal means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

tree means:

(a) a perennial plant with:

- (i) one or more self supporting trunks, any one of which has a circumference of 30 cm or more (at a height of 40 cm above existing ground level), or
- (ii) a height of 2.5 metres or more, or a branch spread of more than 2.5 metres, or

(b) any tree or plant, irrespective of size, listed on Council's Register of Significant Vegetation.

utility installation means a building or work used for a public utility undertaking.

vacant land means an allotment or holding on which no dwelling is erected.

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

waste disposal depot means a building or place used for the disposal of waste materials whether domestic, commercial or industrial, and includes a materials recycling depot.

(3) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
- (c) a reference to land within a zone specified in the Table to clause 8 is a reference to land shown on the map in the manner indicated in clause 7 as the means of identifying land in the zone so specified.

6 Consent authority

The Council is the consent authority for the purposes of this plan.

6A Notes

The notes in the text of this plan are explanatory and do not form part of this plan.

Part 2 General restrictions on development of land

7 Zones indicated on the map

For the purposes of this plan, land shown on the map in the manner specified in Column 1 of the Table to this clause shall be within the zone specified opposite it in Column 2 of the Table.

Table

Column 1

Column 2

1 RURAL

- | | |
|---|---|
| (a) Light brown with heavy black edging and lettered "1 (a)". | Zone No 1 (a) Rural General Zone. |
| (b) Light brown with heavy black edging and lettered "1 (b)". | Zone No 1 (b) Rural (Urban Investigation) Zone. |
| (c) Light brown with heavy black edging and lettered "1 (c)". | Zone No 1 (c) Rural (Closer Residential Settlement) Zone. |
| (d) Light brown with heavy black edging and lettered "1 (d)". | Zone No 1 (d) Rural (Flood Hazard) Zone. |

2 LIVING AREA

Light scarlet with heavy black edging and lettered "2".	Zone No 2 Living Area Zone.
---	-----------------------------

3 BUSINESS

- | | |
|--|-------------------------------------|
| (a) Light blue with heavy black edging and lettered "3 (a)". | Zone No 3 (a) Town Centre Zone. |
| (b) Light blue with heavy black edging and lettered "3 (b)". | Zone No 3 (b) Highway Service Zone. |

4 INDUSTRIAL

Purple with heavy black edging and lettered "4".	Zone No 4 Industrial Zone.
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5 SPECIAL USES

Yellow with heavy black edging and lettered "5".

Zone No 5 Special Uses Zone.

6 OPEN SPACE

Dark green with heavy black edging and lettered "6".

Zone No 6 Open Space Zone.

7 ENVIRONMENTAL PROTECTION

Orange with heavy black edging and lettered "7".

Zone No 7 Environmental Protection (Scenic) Zone.

9 RESERVATION

Heavy black edging with red and white bands and lettered "9".

Zone No 9 Reservation (Traffic Relief Route) Zone.

7A Exempt development

- (1) Development specified in Schedule 5 is **exempt development**, subject to subclauses (2) and (3).

Note—

Exempt development is development that is permissible without development consent.

- (2) Development is exempt development only if:
- (a) it does not cause interference with the amenity of the neighbourhood due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
 - (b) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (c) it does not contravene any condition of a development consent applying to the land, and
 - (d) it does not obstruct drainage of the site on which it is carried out, and
 - (e) it does not restrict any vehicular or pedestrian access to or from the site, and
 - (f) it does not require a tree to be removed, and
 - (g) it is carried out behind the rear building alignment, where it is carried out in the Heritage Conservation Area, and
 - (h) it excludes the use of secondhand external building materials.

- (3) Development is not exempt development if it is development on land that:
- (a) is listed on the State Heritage Register or is subject to an order under the *Heritage Act 1977*, or
 - (b) is a listed Heritage Item under the provisions of this plan, or
 - (c) is located within the Heritage Conservation Area under the provisions of this plan except where specifically permitted by subclause (2) (g) or Schedule 5, or
 - (d) is land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (e) is located within Zone No 7 Environmental Protection (Scenic) under the provisions of this plan, or
 - (f) is an aquatic reserve under the *Fisheries Management Act 1994*, or
 - (g) is land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.

Notes—

- (a) Part 5 of the Act does not apply to exempt development.
- (b) Section 76 (3) of the Act states that exempt development cannot be carried out on land that:
 - (i) is a critical habitat (under the *Threatened Species Conservation Act 1995*), or
 - (ii) is, or is part of, a wilderness area (under the *Wilderness Act 1987*).

7B Complying development

- (1) Development specified in Schedule 6 is **complying development**, subject to subclauses (2), (3) and (4).

Note—

Complying development is development that may be carried out subject to a complying development certificate first being obtained.

- (2) Development is complying development only if:
- (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (b) it does not contravene any condition of development consent applying to the land, and
 - (c) it excludes the use of secondhand external building materials.
- (3) Development is not complying development if it is development on land that:

- (a) is located within the Heritage Conservation Area under the provisions of this plan, or
 - (b) is a listed Heritage Item under the provisions of this plan, or
 - (c) is located adjoining, adjacent to or in the vicinity of a listed Heritage Item under the provisions of this plan, or
 - (d) is land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (e) is located within Zone No 1 (d) Rural (Flood Hazard), Zone No 5 Special Uses, Zone No 6 Open Space, Zone No 7 Environmental Protection (Scenic) and Zone No 9 Reservation (Traffic Relief Route) under the provisions of this plan, or
 - (f) is an aquatic reserve under the *Fisheries Management Act 1974*, or
 - (g) is land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
 - (h) is unsewered and affected by *State Environmental Planning Policy No 58—Protecting Sydney’s Water Supply*.
- (4) A complying development certificate issued for any development is to be subject to the conditions for the development specified in Schedule 6.

Notes—

Section 76A (6) of the Act states that the following cannot be complying development:

- (a) State significant development
- (b) Designated development
- (c) Any development that requires the prior concurrence of a person other than the consent authority or the Director-General of National Parks and Wildlife as referred to in Section 79B (3) of the Act
- (d) Development on land that:
 - (i) is a critical habitat (under the *Threatened Species Conservation Act 1995*), or
 - (ii) is, or is part of, a wilderness area (under the *Wilderness Act 1987*), or
 - (iii) is subject to an order or is listed on the State Heritage Register under the *Heritage Act 1977*, or
 - (iv) is a listed Heritage Item under the provisions of this plan.

8 Zone objectives and land use management table

- (1) The land use management Table which follows indicates for each zone:
 - (a) the objectives of the zone, and

- (b) the purposes for which development may be carried out without development consent (shown in the Table under the heading “Development that does not need consent”), and
 - (c) the purposes for which development may be carried out only with development consent (shown in the Table under the heading “Development that needs consent”).
- (2) The council must consider the zone objectives in determining development applications relating to land within the zone.
- (3) Except as otherwise provided by this plan, the Council shall not grant consent to an application to carry out of development on land to which this plan applies unless the Council is satisfied that the carrying out of the development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) Rural General Zone

Objectives of zone

- (1) The principal objectives of this zone are:
- (a) to indicate land which is not required for, or is unsuited to, development for future urban purposes, and
 - (b) to retain that land for rural and related purposes.
- (2) The particular objectives of this zone are:
- (a) to prevent land in respect of which it is uneconomical or impractical to provide public facilities and essential services from being used for urban purposes,
 - (b) to permit the continuation of traditional forms of rural land use and occupation in a manner which sustains efficient and effective agricultural production potential and maintains the integrity of agricultural activity,
 - (c) to provide for specialist and intensive agricultural pursuits consistent with the level of services available and the capabilities of the land,
 - (d) to permit other forms of development which are associated with rural uses, or which, by virtue of their character, require siting outside urban localities, and which are in keeping with the rural character of

the land and are consistent with the capabilities of the land, with the pattern of rural holdings in the locality and with the level of services and amenities available,

- (e) to maintain a pattern of low density settlement,
- (f) to encourage retention of the City of Goulburn's traditional identity and contained urban form by requiring development to be carried out on land within the zone in a manner which conserves, enhances and does not adversely affect the physical character, environmental quality and scenic value of the City's rural setting,
- (g) to ensure that new rural holdings created by subdivision are of a size suitable for their proposed use,
- (h) to ensure that development on rural land is carried out in a manner that minimises risks from natural hazards, and
- (i) to ensure that industries and services which support agriculture are not disrupted.

2 Development that does not need consent

General

- agriculture (other than intensive agriculture)
- home occupations

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 1 (b) Rural (Urban Investigation) Zone

1 Objectives of zone

- (1) The principal objectives of this zone are:
 - (a) to identify land within the City of Goulburn which may be required to accommodate the future urban growth of the City, and

(b) to permit interim development of the land within this zone for purposes that will not compromise their possible future use for urban and related development and which will maintain the existing character of the locality.

(2) The particular objectives of this zone are:

(a) to set aside land uncommitted to other uses for the determination of its long term use in the light of future circumstances and demand, including demand for adequate areas of land for industrial and residential purposes,

(b) to permit detailed investigation of the suitability of the land for a variety of urban purposes consistent with general and particular future requirements,

(c) to restrict development of the land for any purpose which may prejudice the eventual future use of the land for urban purposes,

(d) to ensure that development conserves, enhances and does not adversely affect the physical characteristics, environmental qualities and scenic attributes of perimeter urban lands,

(e) to ensure that development does not create an unreasonable or uneconomic demand for the provision or extension of public amenities or services, and

(f) to permit interim development of the land within the zone which will not compromise future development for urban purposes by reason of the nature or duration of, or investment in, the development or by fragmentation of the land, and which is in keeping with the existing character of the locality.

2 Development that does not need consent

General

- agriculture (other than intensive agriculture)
- home occupations

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 1 (c) Rural (Closer Residential Settlement) Zone

1 Objectives of zone

- (1) The principal objectives of this zone are:
 - (a) to identify rural land within the City of Goulburn suitable for use for closer residential settlement, and
 - (b) to facilitate and promote an increased range of living opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.
- (2) The particular objectives of this zone are:
 - (a) to permit the use of rural land having ready access to the urban facilities of the City of Goulburn for residential purposes,
 - (b) to provide for the creation of rural oriented living areas by allowing the subdivision of land into a variety of small allotment sizes,
 - (c) to provide for a residential living style and related activities which are not catered for or which are not generally appropriate in urban zones,
 - (d) to ensure that the type and intensity of development is appropriate having regard to the characteristics of the land, the rural environment and the efficient provision of public services and amenities,
 - (e) to allow development to be located so as not to jeopardize the efficient and effective economic expansion of urban localities and so as not to have any appreciable impact on agricultural activities or production or on the environmental integrity of the City of Goulburn,
 - (f) to promote residential development in harmony rather than in conflict with the rural environment, having particular regard to maintaining the rural character of the locality and to minimising disturbance to the landscape and visual amenity of the City's perimeter lands,
 - (g) to encourage subdivision of land that is consistent with the constraints and opportunities of the land and concerned with the

creation of suitable housing sites rather than adherence only to achieving minimum allowable lot sizes,

- (h) to limit the use of the land for rural purposes to those purposes that are compatible with the residential nature of the land,
- (i) to permit other forms of development to be carried out on land within the zone if in keeping with the rural character of the locality and compatible with the existing or likely future use of the land for residential purposes, and
- (j) to ensure that development for residential purposes meets the full cost of all necessary services and amenities, and takes place in accordance with a programme for the provision of services and amenities.

2 Development that does not need consent

General

- agriculture (other than intensive agriculture)
- home occupations

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 1 (d) Rural (Flood Hazard) Zone

1 Objectives of zone

- (1) The principal objectives of this zone are:
 - (a) to identify land liable to periodic inundation and generally within the high hazard storage or floodway areas of the Wollondilly River and Mulwaree Ponds which should be kept free of development liable to be damaged by floodwaters or likely adversely to affect the flow of floodwaters or to endanger human life,
 - (b) to ensure the proper management of land within this zone which is of

environmental significance or vulnerability by excluding or controlling development likely to have an adverse effect on the environmental value of that land, and

- (c) to identify urban floodways as localities requiring special planning considerations and development control policies.

(2) The particular objectives of this zone are:

- (a) to reduce risk to life and damage to property and the environment in localities subject to hazard flooding,

- (b) to permit development for certain purposes (including public utility undertakings and environmental facilities) only where it can be demonstrated:

- (i) that the development would not adversely affect or be adversely affected by flood processes, and

- (ii) that such development will not destroy, damage or compromise ecological processes and hydraulic function, or otherwise degrade the scenic amenity, landscape quality, recreation opportunities or heritage significance of the land forming the riverine environment along those reaches of the Mulwaree Ponds and Wollondilly River within the City of Goulburn,

- (c) to encourage recreational use of the riverine environments, including wetland systems along the Mulwaree Ponds,

- (d) to control land-clearing and surface modification, and

- (e) to enhance visual diversity in the urban environment by defining substantial riverine environments which transect and define urban development and provide opportunity for internal landscape focus.

2 Development that does not need consent

General

- flood mitigation works

Exempt development

- nil

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 2 Living Area Zone

1 Objectives of zone

- (1) The principal objectives of this zone are:
 - (a) to identify certain lands within the City of Goulburn suited to use for residential purposes,
 - (b) to facilitate the orderly, economic and immediate availability of an adequate supply of land for residential purposes and associated urban activities consistent with emerging demand and preferences,
 - (c) to facilitate and promote the effective provision of a range of adequate, affordable and suitable housing to cater for varying household needs and community preferences, and
 - (d) to manage land use to ensure that development is consistent with the primary use of land within the zone for residential purposes.
- (2) The particular objectives of this zone are:
 - (a) to encourage effective variety and choice in housing by allowing a diversity of residential allotment sizes, tenure forms, dwelling types and intensity of residential land use in so far as this is practicable and compatible with the physical capability and environmental quality of the land concerned and adequacy of services available to the locality,
 - (b) to provide generally for the retention of low-intensity residential development in existing residential localities characterized by single dwelling development and to allow increased intensity of residential land use in selected localities consistent with the maintenance of reasonable standards of residential amenity and where greatest advantage can be taken of utility services and community facilities,
 - (c) to permit other forms of development and services which are associated with, ancillary to, or supportive of, a living area, if they are compatible with or complementary to the particular amenity, character and requirements of residential localities within the zone,

including:

- (i) educational establishments,
 - (ii) community facilities,
 - (iii) hospitals and health care facilities,
 - (iv) open space and recreation facilities,
 - (v) mixed businesses and local business centres,
 - (vi) utility installations,
 - (vii) places of worship, and
 - (viii) animal establishments in localities shown cross hatched on the map,
- (d) to permit full and efficient use of the existing social and physical infrastructure and the future provision of services and facilities to meet new or increased demand,
- (e) to encourage the creation, expansion, redevelopment, conservation, revitalization and rehabilitation of residential localities through promotion of greater flexibility and appreciation of design in urban construction and built form (including infill, alterations, additions and civil works) in a manner consistent with maintaining or enhancing the particular and general environmental character, aesthetic quality, residential amenity and physical attributes of individual localities,
- (f) to promote achievement of a high quality of residential life-style by providing for reasonable standards of privacy, solar access, open space and freedom from intrusive, offensive, hazardous or environmentally insensitive development,
- (g) to allow residents to conduct a reasonable range of activities from their homes where such activities are not likely adversely to affect the living environment of neighbours,
- (h) to permit development for other purposes where it can be demonstrated that suitable land or premises for the proposed use are not available elsewhere, and that the proposed use will not detrimentally affect the amenity of the residential locality, and

- (i) in respect of land to which clause 29 applies:
 - (i) to permit the short-term release of that land for residential purposes where there is a demonstrated insufficiency of land available elsewhere within Zone No 2 to provide housing in accordance with foreseeable demand, and
 - (ii) to allow interim development of the land which will be compatible with the anticipated future residential development of the area, and which will not frustrate that development.

2 Development that does not need consent

General

- home occupations

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 3 (a) Town Centre Zone

1 Objectives of zone

- (1) The principal objectives of this zone are:
 - (a) to protect and enhance the character, functional integrity, viability and status of the traditional multi-functional town centre,
 - (b) to encourage comprehensive development and growth which will reinforce the role of the town centre as a regional and local focus for private and public enterprise and for community activity, and
 - (c) to define the main area for business and commercial activity within the City of Goulburn.
- (2) The particular objectives of this zone are:
 - (a) to facilitate the development and expansion of a diverse range of commercial land uses centrally located to maximize commercial and

community convenience, including but not limited to:

- (i) convenience and speciality retailing,
 - (ii) business and professional services,
 - (iii) office and administrative functions,
 - (iv) entertainment and amusement facilities, and
 - (v) personal service activities,
- (b) to facilitate development for a variety of allied commercial and non-commercial activities associated with, ancillary to, or supportive of, the function of the town centre, including but not limited to:
- (i) entertainment and recreation facilities,
 - (ii) community and welfare facilities,
 - (iii) cultural and social activities,
 - (iv) tourist facilities and attractions,
 - (v) traveller services and accommodation,
 - (vi) religious, education and public health uses,
 - (vii) service industries and trades including motor vehicle maintenance and repairs,
 - (viii) public transport, and
 - (ix) municipal and government services,
- (c) to permit residential development where attainment of the commercial and service objective is not prejudiced,
- (d) to permit development for which suitable land or premises are not available elsewhere and which will not detrimentally affect the existing or future environmental quality or the function of the town centre, and
- (e) to promote and facilitate the maintenance and enhancement of visual variety, diversity and interest through the rejuvenation and redevelopment of the town centre in accordance with its strong heritage character and themes.

2 Development that does not need consent

General

- nil

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 3 (b) Highway Service Zone

1 Objectives of zone

- (1) The principal objective of this zone is to set aside certain land toward the periphery of the City of Goulburn and adjacent to the Hume Highway for the purpose of providing services to the travelling public and highway user.
- (2) The particular objectives of this zone are:
 - (a) to restrict development generally to the provision of services required by the travelling public and highway user, being development for the purposes of refreshment, short-term accommodation and motor vehicle service facilities (separate or integrated),
 - (b) to permit complementary development for purposes associated with or ancillary to highway services, but only where it is integral to such a service and is of a scale and nature in keeping with that service, and
 - (c) to ensure that development does not impinge upon the effective operation of the Hume Highway, and
 - (d) to encourage wider development opportunities by permitting a diversity of land uses that are compatible with or complementary to the particular amenity, character and function of the locality. Such land uses include (but are not limited to) the following: advertising structures; bulky goods sales rooms and show rooms; exhibition homes; hotels; light industries; plant nurseries; recreation facilities;

road transports terminals; taverns; transport terminals and warehouses.

2 Development that does not need consent

General

- nil

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 4 Industrial Zone

1 Objectives of zone

(1) The primary objectives of this zone are:

- (a) to identify certain land within the City of Goulburn suited to development for industrial purposes, and
- (b) to recognize and provide for the diverse demands and implications of industry, warehousing, transport and servicing activities and allied land uses.

(2) The particular objectives of this zone are:

- (a) to facilitate the availability of an adequate stock of physically suitable and servicable land to provide for a broad range of industrial development,
- (b) to locate and control industry so that its particular requirements will be met while ensuring minimal adverse physical and visual impact on the environment and on the amenity of land used for urban purposes,
- (c) to create recognizable industrial land use areas throughout the City of Goulburn by the expansion and consolidation of existing industrial localities,
- (d) to promote convenience and accessibility between inter-related and

inter-dependent activities by encouraging integration of complementary service industries (such as transport, storage and warehousing) with secondary industries (such as manufacturing, assembling and processing),

- (e) to locate industrial development where it has ready or direct access to the existing and proposed main transport networks and is accessible to other urban localities without adversely intruding on the function, safety and convenience of the urban road network,
- (f) to allow other forms of development and services which are associated with or ancillary to industrial development including but not limited to:
 - (i) development for business, commercial, office and retail purposes in conjunction with an industry or warehouse and situated on the same land as the industry or warehouse,
 - (ii) bulky goods salesrooms and showrooms,
 - (iii) mixed businesses and restaurants intended to serve the daily workforce,
 - (iv) development for community activities, education and health purposes intended to serve the needs of industry and the associated workforce,
 - (v) entertainment and recreation facilities, and
 - (vi) dwellings erected and used in conjunction with development for a purpose permissible within the zone and situated on the same land as that development, and
- (g) to allow development for other purposes where it can be demonstrated that suitable lands or premises for that development are not available elsewhere and that the proposed use would not prejudice any existing use of, or future development on, the land or other land in the locality for industrial purposes.

2 Development that does not need consent

General

- nil

Exempt development

- as specified in Schedule 5 to this plan

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 5 Special Uses Zone

1 Objectives of zone

- (1) The principal objective of this zone is to identify land that is currently developed or required to be developed for certain specific purposes (generally of a public nature) and that, by the particular features or characteristics of that purpose, requires special planning consideration to protect its function and to avoid conflict with other land uses.
- (2) The particular objectives of this zone are:
 - (a) to safeguard the role and efficiency of development for specific special purposes against intrusion by other land uses,
 - (b) to ensure that the location of development for certain specific purposes may be easily identified and the impact upon development in adjoining zones may be readily appreciated,
 - (c) to enable the development of land for other purposes where it can be demonstrated that the development will not affect the usefulness of the land for the purpose for which the land is zoned, and
 - (d) to allow use of land for community facilities that are compatible with the principal purpose of the land.

2 Development that does not need consent

General

- the particular purpose indicated by lettering on the map and any purpose associated with or ancillary to that purpose

Exempt development

- nil

3 Development that needs consent

Local development

- drains
- public parks and gardens
- utility installations
- roads
- any development other than development specified in item 2

Zone No 6 Open Space Zone

1 Objectives of zone

- (1) The principal objectives of this zone are:
 - (a) to identify land which is used, or intended to be used, for the purposes of open space and for recreation and associated purposes of a kind requiring or compatible with areas of open space, and
 - (b) to provide opportunities for the enhancement of environmental quality of the City of Goulburn.
- (2) The particular objectives of this zone are:
 - (a) to identify land which:
 - (i) in the case of an area shown unhatched on the map, is used, or intended to be used, for the purpose of open space and recreation (whether the land is owned publicly or privately), or
 - (ii) in the case of an area shown hatched on the map, is considered desirable for use for the purposes of public open space and is reserved for acquisition or dedication by a public authority,
 - (b) to ensure there is adequate land that is appropriate to meet both present and likely future open space recreation needs and is conveniently located and readily accessible to living and public activity areas,
 - (c) to permit the development of a comprehensive range of environments and facilities to maximise opportunity for informal and casual open space leisure activities and for a variety of organized

sporting and other open space activities in accordance with community needs,

- (d) to permit development of the land within this zone for uses which are associated with, or ancillary to, the use of the land for recreation open space purposes where such uses:
 - (i) are compatible with development permitted elsewhere in the locality,
 - (ii) are an integral part of the development of the land for open space purposes and are of a scale and nature appropriate to the needs of that development, and
 - (iii) will not prejudice the use or amenity of the land or adjoining land within the zone for open space purposes,
- (e) to ensure the proper management of land which is of environmental or visual significance within this zone by controlling development likely to have an adverse effect on the environmental value or scenic amenity of that land, and
- (f) to provide for the establishment of an open space network extending through the City of Goulburn which will:
 - (i) enhance potential for waterside and nature-orientated recreation by making natural watercourses more accessible and by preserving substantial areas of natural vegetation for public use,
 - (ii) conserve significant landscape elements for public use, particularly intermediate ridgelines, watercourses and visually exposed locations, and
 - (iii) encourage recreational use and public understanding of the natural environment.

2 Development that does not need consent

General

- works for the purpose of gardening, ground works, landscaping and the repair or maintenance of associated facilities and improvements
- bushfire hazard reduction

Exempt development

- nil

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 7 Environmental Protection (Scenic) Zone

1 Objectives of zone

- (1) The principal objective of this zone is to conserve those lands possessing a high scenic amenity or landscape value to the City of Goulburn.
- (2) The particular objectives of the zone are:
 - (a) to enable development of land within the zone only where that development will maintain or enhance:
 - (i) the scenic environment along elevated lands on the urban perimeter of the City of Goulburn,
 - (ii) key landscape features, being the dominant ridgelines and slopes and the intermediate ridges forming a visual backdrop to existing and future urban localities and places of special landscape amenity, or
 - (iii) the scenic amenity of localities that are exposed to principal transport corridors and areas of major public activity within the City of Goulburn, and
 - (b) to exclude any development which is visually intrusive or which would to any extent degrades the environmental value, landscape integrity, or visual amenity of this zone or surrounding zones, and
 - (c) to exclude any development of land that contains remnant vegetation and is of conservation significance.

2 Development that does not need consent

General

- bushfire hazard reduction

- noxious weed control

Exempt development

- nil

3 Development that needs consent

Local development

- any development other than development specified in item 2

Zone No 9 Reservation (Traffic Relief Route) Zone

1 Objectives of zone

- (1) The principal objective of this zone is to identify land within the City of Goulburn required for the purpose of a traffic relief route by-passing traffic flows on the Hume Highway around the urban centre.
- (2) The particular objectives of the zone are:
 - (a) to facilitate construction of a classified controlled access road on land within the reservation, and
 - (b) to prevent development on the land which would hinder future acquisition and construction of a classified road.

2 Development that does not need consent

General

- road works and associated activities

Exempt development

- nil

3 Development that needs consent

Local development

- any development other than development specified in item 2

9 Determination of zone boundaries

- (1) Where a boundary between two zones as shown on the map does not correspond with a cadastral boundary, the Council may determine a precise boundary following survey.

- (2) In determining a zone boundary under this clause, the Council shall have regard to the characteristics of the land as indicated by the survey and the relationship of those characteristics with the objectives of the zones on either side of the boundary.
- (3) A boundary determined under this clause shall approximate its position indicated on the map.
- (4) Where a zone boundary is determined under this clause, land shall be taken to be within the appropriate zone as identified by that boundary.

10 Minor variation of zone boundaries

- (1) This clause applies to land within 20 metres of a boundary between any two zones, except where:
 - (a) one of the zones is Zone No 1 (d), or
 - (b) the land is separated from the adjoining zone boundary by a road, reservation or water course.
- (2) Subject to this clause, development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out within the adjoining zone, having regard to the objectives of that zone.
- (3) The Council shall not consent to development referred to in subclause (2) unless:
 - (a) the land forms part of, or is proposed to be consolidated with, adjoining or adjacent land within the zone referred to in subclause (2),
 - (b) the development is to be complementary to an existing or proposed development on the land within the zone referred to in subclause (2), and
 - (c) in the opinion of the Council, the carrying out of the development is desirable or necessary due to planning, design, ownership, servicing or similar criteria relating to the optimum development of the land to which this clause applies.
- (4) The Council may require that an area of land be provided in the adjoining zone referred to in subclause (2):
 - (a) on which development may, with or without the consent of the Council, be carried out for any purpose for which development could have been carried out on the land the subject of the consent, and
 - (b) which is, in the opinion of the Council, sufficient, suitable and necessary for the carrying out of such development.

11 Land shown uncoloured

Despite any other provision of this plan, except clause 16, development shall not be

carried out on any land shown uncoloured on the map without the consent of the Council.

12 Subdivision generally

- (1) Land to which this plan applies shall not be subdivided except with the consent of the Council.
- (2) Land shall not be subdivided so as to create allotments whose boundaries cut across the boundaries, if any, between zones as shown on the map, except as allowed by subclause (3).
- (3) The Council may consent to a plan of subdivision where the boundaries of allotments created by the subdivision will not correspond with the boundaries between different zones as shown on the map if the boundaries are so situated (and the zones are such) that, in the opinion of the Council, clause 10 applies to the allotment.
- (4) Where, on registration of a plan of subdivision referred to in this clause, the boundary between land is determined in a different position from the boundary between different zones indicated on the map, the land is to be treated, for the purposes of this plan and of any development consent, as being within the appropriate zone if so determined by the Council.
- (5) In any subdivision created under this plan any residue from the whole of the original area of land to be subdivided shall not be less than the minimum area, if any, and shall satisfy the same criteria as required under this plan in respect to the allotments proposed to be created.

13 Subdivision applications

The Council may grant its consent to subdivide land within any zone only where the application for consent:

- (a) states, in relation to each allotment to be created by the subdivision, the primary purpose for which that allotment is intended to be used,
- (b) identifies any allotment which is intended to be used primarily for the purposes of a dwelling, and
- (c) identifies any allotment on which it is intended to erect a dwelling and states whether or not the erection of the dwelling is the primary purpose for which the allotment is being created.

13A Development for public purposes

Despite any other provision of this plan development by or for Council on land owned or controlled by Council for the following purposes is development that may be carried out without development consent:

- (a) Bridges, staircases in public parks and recreation spaces with a maximum span of 5 metres.
- (b) Goal posts, sight screens, similar ancillary sporting structures on existing sporting or playing fields for use in sporting events (excluding grandstands, dressing sheds and other structures).
- (c) Park/street furniture, seats, bins, picnic tables, minor shelters.
- (d) Playground equipment on land classified as “community”.
- (e) Street signs comprising name plates, directional signs and advance traffic warning signs.
- (f) Chainwire fences around Council owned compounds and depots.

All development to be in accordance with the *Building Code of Australia* and referenced technical standards.

Note—

Environmental Assessment under Part 5 of the [Environmental Planning and Assessment Act 1979](#) is applicable to development under this clause.

14 Acquisition of land

- (1) The owner of any land within a zone specified in Column 1 of the Table to this clause (and which satisfies any other condition so specified) may, by notice in writing, require the public authority specified in Column 2 of the Table opposite that zone to acquire the land.

Table

Column 1	Column 2
Zone No 6—Open Space Zone if the land is shown by hatching on the map	Council
Zone No 9—Reservation (Traffic Relief Route) Zone	Roads and Traffic Authority

- (2) Upon receipt of a notice referred to in this clause, the public authority concerned shall, subject to subclause (3) or (4), acquire the land.
- (3) Neither the Council nor the Roads and Traffic Authority is required to acquire land the subject of a notice referred to in this clause where the land is required to be dedicated to the Council, or dedicated as a public road, as a condition of development consent or consent to subdivision.
- (4) The Roads and Traffic Authority shall be required to acquire land the subject of a

notice referred to in this clause only if:

(a) the land is vacant, or

(b) the land is not vacant but:

(i) the land is included in a 5 year works program of the Roads and Traffic Authority current at the time of the receipt of the notice, or

(ii) the Roads and Traffic Authority has decided not to give concurrence under clause 15 to an application for consent to the carrying out of development on the land, or

(iii) the Roads and Traffic Authority is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

(5) In this clause **vacant land** means land on which, immediately before the day on which a notice under this clause is given, there were no buildings other than fences.

(6) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.

15 Development of reserved land pending acquisition

(1) Land to which clause 14 applies may, with the consent of the Council, be developed:

(a) for a purpose for which development may be carried out on land in an adjoining zone, or

(b) for any other purpose which, in the opinion of the Council, is compatible with development which may be carried out on land in an adjoining zone.

(2) The Council shall not grant consent to development on any land that is within Zone No 9 unless it has obtained the prior written concurrence of the Roads and Traffic Authority.

(3) In determining whether to grant consent under this clause, the Council shall take into consideration:

(a) the effect of the proposed development on the costs of acquisition,

(b) the imminence of acquisition,

(c) the imminence of development of the land for the purposes for which it is zoned,

(d) whether the proposed development will render the land unfit for those purposes,

(e) the costs of reinstatement of the land for the purposes for which the land is to be acquired,

- (f) whether a refusal to grant consent or concurrence will cause undue financial hardship to any owner, mortgagee or lessee of the land, and
 - (g) any other relevant circumstances, including the impact of the development on land in any adjacent zone.
- (4) The Council shall not grant consent under this clause unless the Council is satisfied that any necessary arrangements have been made (whether by the imposition of conditions under section 91 of the Act or otherwise) with respect to each of the following:
- (a) the removal or alteration of any building, work or excavation to be erected or carried out on the land pursuant to the consent,
 - (b) the reinstatement of the land, and
 - (c) the removal of any waste material or refuse from the land.
- (5) In deciding whether to grant concurrence to proposed development under this clause, the Roads and Traffic Authority shall take the following matters into consideration:
- (a) the need to carry out development on the land for the purpose for which the land is reserved,
 - (b) the imminence of acquisition,
 - (c) the likely additional cost to the Roads and Traffic Authority resulting from the carrying out of the proposed development.

16 Savings

Nothing in this plan shall be construed as requiring development consent to be obtained or otherwise restricting or prohibiting or permitting the Council to restrict or prohibit:

- (a) the carrying out of a development or activity of any description specified in Schedule 2,
- (b) the use of existing buildings of the Crown by the Crown, or
- (c) minor alterations or additions to an existing building or to the use of land, consent for which has been granted by the Council,

except in respect of development referred to in Division 3 of Part 3.

17 Suspension of certain laws etc

- (1) This clause applies to development on any land to which this plan applies.
- (2) For the purpose of permitting development to be carried out in accordance with this plan (as in force at the time the development is carried out), or in accordance with a

consent granted under the Act, any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to development carried out in accordance with this plan.

- (3) Nothing in this clause affects the rights and interests of any public authority pursuant to any registered interest.
- (4) Pursuant to section 28 of the Act, before the making of this plan, the Governor approved of subclause (2).

Part 3 Special provisions

Division 1 Rural, open space and environmental protection zones

18 Matters for consideration

- (1) Despite any other provision of this Division, in determining any application for consent to development of land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 6 or 7, the Council shall make an assessment of:
 - (a) the impact of the development on the retention or embellishment of the rural character or environmental value of the land,
 - (b) the effect of the development on natural drainage systems and on measures to control stormwater run-off, soil sediment and erosion,
 - (c) the availability of an adequate reticulated water supply and, where such a supply is unavailable, the source and capacity of any alternate water supply intended to service the needs of the development,
 - (d) the availability of facilities for the removal or disposal of sewage effluent and wastes, including, where necessary and appropriate, the ability of the land to accommodate on-site disposal,
 - (e) the availability of other utility services and social facilities having regard to the likely demand for those services or facilities and the cost of their provision,
 - (f) the standard and capacity of public roads serving the land,
 - (g) the need for all-weather access to the development,
 - (h) the impact of any proposed land clearing or surface modification on the physical and visual environment and any measures proposed for environmental protection, site rehabilitation or reforestation,
 - (i) the need for the retention or reinstatement of vegetation to protect the physical and visual environment and comply with the relevant provisions of the Soil

Conservation Act,

- (j) the risk from flooding, bushfire or other natural hazard, and the adequacy of any measures proposed for the prevention or mitigation of risk,
 - (k) the nature and topography of the land as related to the intensity of development, and
 - (l) the siting and design of any buildings, structures or works proposed.
- (2) In considering an application, the Council shall have regard not only to the land the subject of the application, but also to other land in the locality.
- (3) Despite this clause, the Council may grant consent to development which does not satisfy one or more of the principles set out in this clause if:
- (a) in the circumstances of the case there is a contradiction between one or more of those principles, or
 - (b) the nature of the site or of the development makes it unreasonable to comply with one or more of those principles, and non-compliance would not result in any significant adverse social, economic or environmental effect.

19 Subdivision for agricultural purposes in Zone No 1 (a), 1 (b), 1 (d) or 7

- (1) Subject to this clause, the Council may consent to the subdivision of land within Zone No 1 (a), 1 (b), 1 (d) or 7 where the Council is satisfied that any allotment to be created by the subdivision is to be used for the purposes of agriculture.
- (2) The Council must be satisfied that:
- (a) each allotment is to be used for the purposes of intensive agriculture, and
 - (b) each allotment to be created will be capable of sustaining use for the purposes of agriculture.
- (3) In determining an application to subdivide land pursuant to this clause, the Council may consult with the Director-General of the Department of Agriculture and Fisheries and the Commissioner of the Soil Conservation Service, and may also require supporting evidence from the applicant to demonstrate the technical and economic sustainability of the proposed use.
- (4) Despite this plan, a person may, with the consent of the Council, subdivide vacant land to which this clause applies for the purpose only of its transfer to other persons engaged in an agricultural activity, where the Council is satisfied that the allotments are intended to be used only for the purposes of agriculture, and:
- (a) the allotments are to be used together with adjacent or adjoining lots, parcels or portions as an agricultural holding, or

- (b) the allotments are to be transferred to the adjoining or adjacent lots, portions or parcels and consolidated with those lots, portions or parcels.
- (5) Despite this clause, the Council may consent to the subdivision of land to which this clause applies on which a dwelling has been lawfully erected if:
 - (a) one allotment will comprise the allotment on which that dwelling is erected, and
 - (b) any other allotments to be created by the subdivision are to be consolidated with an adjacent or adjoining lot, portion or parcel that is used as an agricultural holding.
- (6) An allotment that has been created by a subdivision referred to in this clause may not be further subdivided.

20 Subdivision for other purposes in Zone No 1 (a), 1 (b), 1 (d), 6 or 7

The Council may consent to the subdivision of land within Zone No 1 (a), 1 (b), 1 (d), 6 or 7 to create an allotment which the Council is satisfied is intended to be used primarily for a purpose permissible in the zone other than agriculture or the erection of a dwelling if, in the opinion of the Council, the size of the allotment is not more than is reasonably necessary for the purpose for which it is intended to be used and is adequate to permit the appropriate location of proposed buildings, if any.

21 Closer rural settlement

- (1) Land within Zone No 1 (c) may be subdivided, with the consent of the Council, only if:
 - (a) the Council is satisfied that each allotment to be created by the subdivision (unless it is an allotment referred to in subclause (5)) is intended to be used for the purpose of the erection of a dwelling, and
 - (b) the Council is satisfied the land is to be used primarily for residential purposes.
- (2) The Council may grant consent to an application to subdivide land within Zone No 1 (c) for the purpose of the erection of a dwelling only if:
 - (a) the area of any allotment to be created by the subdivision of land where reticulated sewerage is not available is not less than 1 hectare and there is an adequate area of suitable soils available for on-site septic effluent disposal located away from drainage lines, shallow or impervious soils, and land subject to inundation, and
 - (b) the area of any allotment to be created by the subdivision will be not less than 2 000 square metres if a reticulated water supply and reticulated sewerage is available to the land.
- (3) The Council may grant consent to the erection of one or more dwellings on land within

zone No 1 (c) only where the land has site area in respect of each proposed dwelling:

- (a) of not less than 1 hectare, if reticulated sewerage is not available to the land, and
- (b) of not less than 2 000 square metres, if a reticulated water supply and reticulated sewerage is available to the land.

- (4) Nothing in this clause prevents the erection of a dwelling on land on which another dwelling (which was lawfully erected) is situated if the new dwelling is intended to replace the other dwelling.
- (5) The Council may consent to the subdivision of land within Zone No 1 (c) to create an allotment which the Council is satisfied is intended to be used for a purpose permissible in the zone other than for the erection of a dwelling if in the opinion of the Council:
 - (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality, or
 - (b) the allotment is to be used for a public utility undertaking.

22 Development in urban investigation zone

- (1) This clause applies to land within Zone No 1 (b).
- (2) In determining any application for development on land within Zone No 1 (b), the Council shall, in addition to the matters set out in clause 18 and clause 20, give particular attention to the following matters as they relate to the use of the land to be investigated:
 - (a) the strategic implications of the development on the future pattern of land use,
 - (b) the relationship of the development to the use of surrounding land,
 - (c) the demand for development of the land,
 - (d) the availability of land elsewhere within the City of Goulburn specifically zoned to permit the development, and whether the development could not otherwise be located on such land, and
 - (e) the characteristics of the development as they impact on environmental management, strategies for the provision of utility services, likely future road networks, and the future urban use of land in the locality.

23 Dwellings in Zone No 1 (a), 1 (b), 6 or 7

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 6 or 7.
- (2) The Council may grant consent to the erection of a single dwelling on vacant land to

which this clause applies only if the land:

- (a) comprises an allotment created in accordance with clause 19 (2) or clause 20 and the use of the dwelling will be ancillary to the purpose for which the allotment was created and, in the opinion of the Council, will not interfere with the purpose for which the land is being used, or
 - (b) comprises an existing holding, or
 - (c) comprises an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a single dwelling could lawfully have been erected immediately before the appointed day.
- (3) Nothing in this clause prevents the Council from consenting to the erection of a single dwelling on an allotment that has been affected only by a subdivision of land for a purpose for which the consent of the Council is not required under any State environmental planning policy or regional environmental plan which applies to the land to which this plan applies.
- (4) Nothing in this clause prevents the erection of a dwelling on land on which another dwelling (which was lawfully erected) is situated, if the new dwelling is intended only to replace the other dwelling.

24 Erection of additional dwellings

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 6 or 7.
- (2) Subject to this clause, the Council may grant consent to the erection of more than one dwelling on land on which a single dwelling may be erected in accordance with clause 23 if the Council is satisfied that:
- (a) the use of the additional dwelling will be ancillary to the use to which the land is put, being other than a residential use,
 - (b) the use to which the land is put may not be fully realised without the presence on that land of such an additional dwelling,
 - (c) the use to which the land is put is lawfully commenced prior to the proposed erection of the additional dwelling,
 - (d) any other dwelling on the land is being used by persons substantially engaged in the use to which the land is being put,
 - (e) the person to occupy the additional dwelling is engaged or employed in the use to which the land is being put, and
 - (f) separate ownership of the proposed additional dwelling could only be achieved by a subdivision of that land.

- (3) In determining an application to erect additional dwellings pursuant to this clause where the use of the land is for the purposes of agriculture, the Council may consult with the Director-General of the Department of Agriculture and Fisheries, and may also require supporting evidence to demonstrate the necessity for an additional dwelling on the land.
- (4) Except as provided by this plan, the Council shall not consent to the subdivision of land on which additional dwellings are erected in pursuance of this clause.
- (5) Nothing in this clause shall prevent the Council from granting consent to carry out development on land within Zone No 1 (a) for:
 - (a) dual occupancy, whether by the erection of an additional dwelling or the erection of a single building containing two dwellings, or the alteration of or addition to an existing dwelling-house erected on the land so as to create two dwellings, if, in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purpose for which the land is being used, or
 - (b) multiple occupancy in accordance with the provisions of any State environmental planning policy.

25 Development in open space zone

- (1) The Council may consent to the carrying out of development on land within Zone No 6, being land owned or controlled, or proposed to be owned or controlled, by the Council, only where consideration has been given to:
 - (a) the need for the proposed development that land,
 - (b) the impact of the proposed development on the existing or likely future use on the land, and
 - (c) the need to retain the land for its existing or likely future use.
- (2) The Council shall not approve of a plan of subdivision of land of which land within Zone No 6 forms part unless the land within that zone is included as a separate allotment.

Division 2 Living areas

26 Allotment sizes and site areas for residential development within Zone No 2

- (1) This clause applies to land within Zone No 2.
- (2) The Table to this clause sets out the minimum areas for new allotments to be created by a subdivision of land to which this clause applies within Residential Development Area No 1, 2, 3 or 4 and the minimum site areas for the erection of one or more dwellings on any such land.

(3) However:

- (a) the minimum area for a new allotment to be created by a subdivision of land within Residential Development Area No 4 is the same as the minimum site area required for the dwellings that will be erected on the allotment, if the Council is satisfied that the allotment will be used for multi-unit development, and
- (b) a dwelling may, with the consent of the Council, be erected on an allotment of land within Zone No 2 of any size if the allotment existed as a separate allotment before the date of gazettal of *Goulburn Local Environmental Plan 1990 (Amendment No 5)*.

(4) This clause does not set a minimum size for a lot created by a subdivision under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986* or that is in accordance with a Residential Strategy Plan adopted jointly by the Council and the Department of Housing.

(5) In this clause:

large dwelling means a dwelling that has a habitable floor area of 85 square metres or more.

medium dwelling means a dwelling that has a habitable floor area of at least 55 but less than 85 square metres.

Residential Development Area No 1, 2, 3 or 4 means land shown edged heavy black, and so numbered, on the map marked “*Goulburn Local Environmental Plan 1990—Residential Development Areas*”.

small dwelling means a dwelling that has a habitable floor area of less than 55 square metres.

Table

Residential Development Area	Minimum size for each new allotment (in square metres)	Minimum amount of site area (in square metres)
No 1	3,500 m ²	3,500 m ² for each dwelling
No 2	1,750 m ²	1,750 m ² for each dwelling
No 3	660 m ²	255 m ² for each small dwelling 400 m ² for each medium dwelling 660 m ² for each large dwelling
No 4	550 m ² (if the allotment will not be used for multi-unit development)	212 m ² for each small dwelling 330 m ² for each medium dwelling 550 m ² for each large dwelling

27 Matters for consideration

- (1) The Council may grant consent to development of land within Zone No 2 only if it has made an assessment of:
 - (a) the physical characteristics of the land including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes,
 - (b) the desirability of retaining or enhancing the character and visual integrity of the locality, particularly having regard to the tradition, scale, form, appearance and intensity of development and the residential amenity of that locality, and
 - (c) whether it is possible to provide adequate community services and facilities to meet the demand which is likely to be generated by the development.

28 Height of buildings

- (1) This clause applies to land within Zone No 2.
- (2) In this clause, **height**, in relation to a building, means the distance measured vertically from any point on the roof of the building to the ground level immediately below that point.
- (3) Except with the consent of the Council, a building shall not be erected to a height greater than 8 metres on land to which this clause applies.

29 Future living area

- (1) This clause applies to land within Zone No 2 that is shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990—land to which clause 29 applies*".
- (2) The Council may consent to development for residential and associated urban purposes, including subdivision, of land to which this clause applies only if:
 - (a) it has made an assessment of:
 - (i) the stock of vacant, serviced, undeveloped or underdeveloped residential land and the potential housing opportunities available within Zone No 2, and
 - (ii) the rate of supply, the degree of choice and the current and projected rate of take-up and demand for residential land and housing types within the City of Goulburn, and
 - (b) it is satisfied that:
 - (i) there is insufficient land available within Zone No 2 to cater for projected household growth having regard to the need to ensure the efficient functioning of the housing market, or

- (ii) the land available within Zone No 2 is inadequate to satisfy the housing preferences or requirements of all segments of the housing market.
- (3) In determining whether to grant consent to development other than development referred to in clause 29 (2), the Council shall have regard to:
- (a) the matters contained in clause 22 (Development in urban investigation zone),
 - (b) whether the proposed development is likely to prejudice the future use of the land for residential purposes having regard to the matters contained in clause 29 2 (a) and 2 (b) (ii), and
 - (c) whether the period of consent should be limited to a particular period or to the occurrence of a particular event, or to whether the development will need to be relocated in the long term.

Division 3 Conservation of environmental heritage

30 Preliminary

- (1) In determining any matter arising under this Division the Council shall have regard to the advice provided by the person (if any) appointed by the Council as its Heritage Advisor.
- (2) In this Division:

alteration, in relation to a heritage item or to a building or work within a heritage conservation area, means:

- (a) the making of structural changes to the outside of the heritage item, building or work, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, but does not include the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

heritage conservation area means an area of heritage significance being any land shown edged heavy black and marked "Heritage Conservation Area" on the map marked "*Goulburn Local Environmental Plan 1990—Heritage Conservation Area*".

demolition, in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

heritage item means a building, work, relic, tree or place of heritage significance to the City of Goulburn described in Schedule 3.

heritage significance means historic, scientific, cultural, social, archaeological,

architectural, natural or aesthetic significance.

maintenance means the continuous protective care of the fabric of an item or its setting.

relic means any deposit, object, or material evidence relating to the settlement (including aboriginal habitation) of the area of the City of Goulburn, which is 50 or more years old.

31 Heritage items

- (1) Except with the consent of the Council, a person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish or alter the building or work,
 - (b) damage or move the relic,
 - (c) excavate for the purpose of exposing the relic,
 - (d) damage or despoil the place or tree,
 - (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree on the land on which the building, work or relic is situated or on the land which comprises the place.
- (2) The Council may grant consent to development referred to in this clause only if it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

32 Development in the vicinity of heritage items

The Council may only grant consent to an application to carry out development on land in the vicinity of a heritage item only after it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

33 Heritage conservation areas

- (1) Except with the consent of the Council, a person shall not, in respect of a heritage conservation area:
 - (a) demolish or alter a building or work within the area,
 - (b) damage or move a relic within the area,
 - (c) excavate, for the purpose of exposing or removing a relic, within the area,

- (d) damage or despoil a place or tree within the area, or
 - (e) erect a building on or subdivide land within the area.
- (2) The Council may grant consent to development referred to in this clause only if it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area and the building, work, relic, tree or place.
- (3) The Council may grant consent to an application for such development made under this clause, being an application to erect a new building or to alter an existing building, only if the Council has made an assessment of:
- (a) the form of the body of the building and the pitch and stylistic elements and form of the roof,
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area.
- (4) Nothing in clauses 6, 9 or 10 of *State Environmental Planning Policy No 4—Development Without Consent* authorises the carrying out of development referred to in this clause without the need to obtain development consent.

34 Advertisements and notifications

- (1) Except as provided by this clause, sections 79 and 79C of the Act (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to and in respect of:
- (a) the demolition of a building or work that is a heritage item, and
 - (b) the demolition of a building or work within a heritage conservation area, and
 - (c) the use of a building or land referred to in clause 35 (1) for the purpose which, but for that clause, would be prohibited under this plan,
- in the same way as those provisions apply to designated development.
- (2) Where a person makes a development application to demolish a building or work that is a heritage item or within a heritage conservation area, the Council shall not grant consent to that application until 28 days after the Council has notified the secretary of the Heritage Council of its intention to do so.
- (3) Subclauses (1) and (2) do not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will not adversely affect the heritage significance of the heritage

item, the heritage conservation area and the building or work in relation to the environmental heritage of the City of Goulburn.

35 Conservation incentives

- (1) Nothing in this plan prevents the Council from granting consent to an application for:
- (a) the use, for any purpose, of a building that is a heritage item, or of the land on which the building is erected, or
 - (b) the use, for any purpose, of a building within a heritage conservation area, or of the land on which the building is erected,
- if it is satisfied that:
- (c) the proposed use would have little or no adverse effect on the amenity of the area, and
 - (d) the conservation of the building depends on the granting of consent under this clause.

36 Exemption of minor development

- (1) If, but for this Division, the consent of the Council would not otherwise be required under this plan to the development of land being:
- (a) land that contains or comprises a heritage item,
 - (b) land within a heritage conservation area, or
 - (c) land in the vicinity of a heritage item,
- then despite clauses 31, 32 and 33, development consent is not necessary in order to carry out development referred to in those clauses if in the opinion of the Council the development would not adversely affect the heritage significance of the item or the conservation area in relation to the environmental heritage of the City of Goulburn.
- (2) Any interested person may apply in writing to obtain the Council's opinion for the purposes of this clause.

Division 4 Environmental and hazard control

37 Development in drainage lines

- (1) Development shall not be carried out for any purpose on any land:
- (a) that forms part of the bed of a river, creek, pond or other natural drainage line, or
 - (b) that has been reclaimed,

without the consent of the Council.

- (2) Development for the purposes of the construction of a private dam or other diversionary works shall not be carried out on any land without the consent of the Council if the work involves the use of any barrier constructed in a drainage line to hold back, divert or restrict the free flow of water and to raise its level.
- (3) Works referred to in this clause to which the Council consents shall be constructed to standards acceptable to the Soil Conservation Service.

38 Development on flood liable land

- (1) In this clause:

flood liable land means the portion of the river valley adjacent to the channel of the Wollondilly River or the Mulwaree Ponds which is covered with water when the river rises and overflows its channel during floods, and includes land that would be inundated by the 1 in 100 year flood, as determined by the Council.

floodway means:

- (a) the channel of the Wollondilly River or the Mulwaree Ponds, and
- (b) the portions (determined by the Council) of the flood plain adjoining the channel that are required to carry and discharge flood waters at such a depth or velocity (or both) as to have potential to cause hazard to life or property, being approximately the portions of the flood plain adjoining the channel that would be inundated by the 1 in 20 year flood, as determined by the Council.

flood standard means the flood level established by the 1 in 100 year flood, as determined by the Council.

- (1A) For the purposes of this clause, in determining:

- (a) the level of the 1 in 100 year flood, the Council is to treat the land shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990—Flood Liable Land*" as approximating land that would be inundated in the 1 in 100 year flood, and
- (b) the level of the 1 in 20 year flood, the Council is to treat the land shown diagonally hatched with black lines on the map marked "*Goulburn Local Environmental Plan 1990—Flood Liable Land*" as approximating land that would be inundated in the 1 in 20 year flood.

- (2) Despite any other provision of this plan, development shall not be carried out for the purpose of the erection of a building or the carrying out of any work on land that is flood liable except with the consent of the Council.

- (3) The Council may consent to development on land referred to in this clause only if the Council is satisfied that:
- (a) the development would not adversely affect the efficiency, or unduly restrict the capacity, of a floodway to carry and discharge floodwaters,
 - (b) the development would not significantly impede the flow of flood waters,
 - (c) the development would not significantly increase the level of flooding on other land in the vicinity,
 - (d) the structure of any building or work the subject of the application is capable of withstanding flooding,
 - (e) the development would not exacerbate the consequences of floodwaters with regard to erosion, siltation, debris deposit or the destruction of vegetation, and
 - (f) the development would not result in risk to life or human safety, to property or to the environment in the event that the land or adjoining lands are inundated by flood waters, and
 - (g) satisfactory arrangements are made for access to the development during a flood.
- (4) The Council may consent to the erection of a dwelling on flood liable land only where it is satisfied that, in addition to the matters contained in subclause (3):
- (a) the land is not within a floodway, and
 - (b) the habitable floor level of the dwelling is located not less than 500 millimetres above the flood standard.
- (5) Subclause (4) shall not apply to extensions and repairs to existing dwellings provided that such work does not increase the likelihood of flood damage.
- (6) Nothing in this clause shall limit or restrict the authority of the Council to consent to the carrying out of water control measures.
- (7) In considering any application relating to land referred to in this clause, the Council shall have regard to the principles and guidelines contained in the current *Flood Plain Development Manual* prepared by the New South Wales Government.

39 Hazardous industry or activity

- (1) In determining whether an activity is a hazardous industry or activity the Council shall have regard to the current circulars and guidelines published by the Department relating to hazardous development.
- (2) The Council shall require a preliminary hazard analysis to accompany development applications for hazardous industry or activity.

- (3) In respect of any hazardous industry or activity, the Council shall, where relevant, as a condition of any consent, include requirements for the preparation of:
 - (a) a hazard and operability study,
 - (b) an updated hazard analysis,
 - (c) a specialized fire study,
 - (d) an emergency procedures scheme,
 - (e) a construction safety study, and
 - (f) annual independent hazard audits.
- (4) (Repealed)

40 Odour control buffer zone

- (1) This clause applies to land shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990—land to which clause 40 applies*" being land within 400 metres of an odour source within the Goulburn Sewerage Treatment Works.
- (2) The Council shall not grant consent to the erection of a dwelling on land to which this clause applies.
- (3) The Council shall not consent to development on land to which this clause applies if the development involves:
 - (a) the processing or storage of foodstuffs or other materials likely to be contaminated or tainted by exposure to airborne odours, or
 - (b) the employment of persons engaged in those or any other activities on the land,unless the Council is satisfied measures can be taken for odour control sufficient to mitigate adverse impacts on the nature of the activities and on the persons engaged in activities on the land.

Division 5 Roads

41 Development on land adjoining a classified road

- (1) This clause applies to land:
 - (a) having a frontage to a classified road,
 - (b) which relies on a classified road for sole direct means of access, or
 - (c) which has direct access to another road at a point less than 90 metres from the road's junction with a classified road.

- (2) The Council shall not consent to development on land to which this clause applies unless it is satisfied that:
- (a) the development, by its nature, intensity or the volume and type of traffic it is likely to generate, is unlikely to constitute a traffic hazard or materially to reduce the capacity and efficiency of the classified road,
 - (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies its being near to a classified road,
 - (c) the location, standard and design of access points and on-site arrangements for vehicle movement and parking ensure that through traffic movements on the classified road are not impeded,
 - (d) the development will not prejudice such future improvements to, or re-alignments of, a classified road as may be indicated to the Council from time to time by the Roads and Traffic Authority, or any associated proposal to declare part of a road a State highway or freeway within the meaning of the *State Roads Act 1986*,
 - (e) the development will not prejudice future improvements to, or realignments of, a classified road with regard to the number of access points to main roads,
 - (f) any building or structure is set back from the nearest alignment of the classified road at such a distance (determined by the Council) as is sufficient to maximise visibility for drivers, including the visibility to points of access to the road, and to minimise distractions to drivers using the road, and
 - (g) the views of the local traffic committee or the relevant Development Committee under *State Environmental Planning Policy No 11* (as is appropriate) have been obtained and considered by the Council.
- (3) The Council shall not consent to an application to carry out development on land which has frontage to a classified road unless access to that land is provided by a road other than a classified road, wherever practicable.

42 Restrictions on access

- (1) The Council shall not, without the approval of the Roads and Traffic Authority, cause to be aligned or realigned any road which the Roads and Traffic Authority has notified as a classified road.
- (2) A road, or other means of access, which forms a junction or intersection with an existing road or a proposed road shall not be opened without the approval of the Council.
- (3) The Council shall not consent to an application to open a road forming an intersection

or junction with a classified road without first having obtained the consent of the Roads and Traffic Authority.

- (4) A road or other means of access shall not be opened to a road or to land proposed to be acquired for a road, being a controlled access road under Division 2 of Part 3 of the *State Roads Act 1986*, other than at those points designated on the plan indicating the boundaries of the controlled access road.

Division 6 Miscellaneous

43 Advertisements

- (1) Except as provided by this clause, an advertisement is not permitted on any land within Zone No 1 (a), 1 (b), 1 (c), 1 (d), 2, 5, 6, 7 or 9.
- (2) A single advertisement, not being a commercial sign, may, with the consent of the Council, be erected on any land to which this clause applies:
 - (a) for the sole purpose of directing the travelling public to specific buildings, facilities, services or places of tourism interest, or
 - (b) for the purpose of displaying an advertisement specific to the lawful use of the land on which the advertisement is to be erected.
- (3) Development may be carried out on any land, without the consent of the Council, for:
 - (a) any window display,
 - (b) a single commercial sign in respect of the occupations carried out on the land,
 - (c) a temporary advertisement,
 - (d) any advertisement which is contained within the confines of a building or which is not visible from a road, river, railway, reserve, park or other public place or from any adjoining or adjacent land or building, or
 - (e) a public notice in a public reserve.

44 Development of certain land—Progress Street, Goulburn

- (1) This clause applies to Lot 160, DP 821713, Progress Street, Goulburn, as shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990 (Amendment No 16)*".
- (2) Despite any other provision of this plan, a person must not carry out any development on the land to which this clause applies except for the purposes of bushfire hazard reduction and noxious weed control.

45 Services

- (1) This clause applies to land within Zone No 2, 3 (a), 3 (b), 4, 5 or 6.
- (2) The Council shall not grant consent to an application:
 - (a) to subdivide land to which this clause applies unless a reticulated water supply and reticulated sewerage system is available to service the land, except where the Council believes the land is to be subdivided for a purpose which, in the opinion of the Council, does not require the provision of either or both a reticulated water supply and reticulated sewerage, or
 - (b) to erect a building or carry out a work on land to which this clause applies unless:
 - (i) a water supply and facilities for the removal or disposal of sewage are available to that land, or
 - (ii) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities,except where, in the opinion of the Council, the building or work is of a nature which does not require the provision of a water supply or facilities for the removal or disposal of sewage.
- (3) The Council shall not grant consent to any development on land to which this clause applies unless the Council is satisfied that arrangements satisfactory to it have been (or will be) made with respect to the drainage of the land.
- (4) The Council may require, as a condition of its granting of consent to the carrying out of development on land to which this clause applies, that satisfactory arrangements be made for the provision of one or more of the following:
 - (a) a reticulated electricity supply,
 - (b) telephone services, or
 - (c) a reticulated natural gas supply.

46 Tourism recreation attractions

- (1) In this clause, **tourism recreation attraction** means a facility providing for a range of tourist-orientated activities and experiences, whether:
 - (a) of a cultural, educational, entertainment, environmental, ethnic, historic, industrial, participational, scientific, social or traditional character, nature or theme,
 - (b) provided as a single activity or as a variety of activities, or
 - (c) operated for the purpose of gain or not,

and may include:

- (d) development for purposes associated with, ancillary to or supportive of tourist purposes, accommodation, retail, refreshment and service facilities, where such facilities are an integral part of the development for tourist purposes and are of a scale appropriate to the needs of that development, and
 - (e) speciality businesses, industries and retail outlets where the businesses or industry carried on or item offered for retail sale (as the case may be) is incidental to the character, nature or theme of the attraction.
- (2) Despite any other provision of this plan, development may, with the consent of the Council, be carried out for the purposes of a tourism recreation attraction on any land to which this plan applies.
- (3) The Council may grant consent to any such development only if it is satisfied that:
- (a) where the land is within zones other than Zone No 3 (a) or 3 (b), the development will be:
 - (i) in conjunction with the principal and continued use of land for the purposes of agriculture, or
 - (ii) based on an enhancement or embellishment of places of scientific, natural or historic interest or of a heritage item, or
 - (iii) in conjunction with the principal and continuing use of the land for the purposes of a commercial or industrial undertaking, or for the purposes of an undertaking referred to in Schedule 2, or
 - (iv) in conjunction with the development of a highway service facility in Zone No 3 (b), or
 - (v) an alteration or addition to an existing tourism recreation attraction lawfully created prior to the appointed day,
 - (b) the form of the development, including the number, scale and bulk of any buildings and their relationship with each other, is compatible with the landscape character and visual amenity of the locality,
 - (c) the development will not permit permanent residential accommodation except where that accommodation is ancillary to and necessary for the proper management and supervision of the development,
 - (d) the development will not adversely impact upon the integrity of any aspect of the natural environment,
 - (e) the development will contribute to achieving the objectives of this plan relating to

tourism, and

- (f) the development will have no adverse effect on the present and potential use and enjoyment of the land and of lands in the vicinity.

47 Temporary use of land

- (1) Despite any other provision of this plan, the Council may grant consent to development on any land for any purpose (not being a designated development or contrary to the provisions of any other environmental planning instrument applying to the land) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.
- (2) In determining whether to grant a consent referred to in this clause, the Council shall have regard to:
 - (a) whether the development would, for any reason, militate against the achievement of the objectives of the zone applying to the land on which the temporary development is proposed to be carried out,
 - (b) such of the matters which the Council is required to consider before granting consent to development in the zone as are relevant to protection of the amenity of the locality for the duration of the use, and
 - (c) whether appropriate arrangements will be made for water supply, sewerage, stormwater drainage, and other utility services to that land and for access and parking for the duration of the use.

48 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 4 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

49 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 7 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 7:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and

- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 7, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 7, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (4) In this clause, **the relevant amending plan**, in relation to land described in Part 2 of Schedule 7, means the local environmental plan that inserted the land description in that Part.
- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 7, the Governor approved of subclause (3) applying to the land.

Schedule 1 Statement of strategies and policies

(Clause 3)

A In relation to development generally:

- (i) to identify sufficient land for urban purposes in accordance with anticipated growth so as to provide a reasonable balance between supply and demand,
- (ii) to maximise land use potential in those areas where the opportunities presented by the capability for a particular land use are greatest,
- (iii) to minimise development potential in those locations where the constraints on development presented by the environment are excessive,
- (iv) to require optimum use of existing public amenities, utilities and community facilities and infrastructures and to require the efficient, equitable and concurrent provision of such amenities, services, facilities and infrastructures in accordance with the intensity and nature of development proposed,
- (v) to ensure that no development on any land is likely unduly to prejudice the existing or future orderly and economic development, or the peaceful enjoyment, of adjoining land or land in the locality, and
- (vi) to ensure that development and land use, both individually and cumulatively, do not compromise the water quality or stream environment of the Wollondilly River System as a

major tributary of the Sydney Water Board's Warragamba Dam Water Storage.

B In relation to Planning Administration:

- (i) to create a pattern of distinct land use and activity areas by dividing the City of Goulburn into zones and to achieve in respect of land within each of these zones the aims, objectives and policies specified in this plan to apply to each zone,
- (ii) to minimise the need for amendment by providing:
 - (a) flexibility to accommodate any development proposal on merit in accordance with the circumstances of the case,
 - (b) adaptability to meet changing needs of the city, and
 - (c) adaptability to ensure development may occur in a manner consistent with needs arising from change,
- (iii) to allow opportunity for public involvement and participation in the environmental planning and development process by advertising and exhibiting planning and development proposals identified as having a potential to impact significantly on the environment or on any individual or general public interest,
- (iv) to require acquisition by a public authority of land reserved by this plan exclusively for a public purpose,
- (v) to provide for clarity and consistency of interpretation by defining certain terms and activities used in this plan,
- (vi) to establish minimal performance-related land use management parameters in relation to each zone or to a type or class of development, and
- (vii) to remove absolute prohibitions on development in most zones, with all development applications being determined on merit.

C In relation to rural land management:

- (i) to retain the physical characteristics and scenic attributes of the rural setting of the City of Goulburn,
- (ii) to promote agricultural activity that is within the capability of local lands so as not to degrade the land and water resources of the City of Goulburn,
- (iii) to retain opportunity for the orderly and economic expansion of urban development, and
- (iv) to provide opportunity for a range of rural lifestyles.

D In relation to housing:

- (i) to provide for an expanded range of adequate, affordable and suitable housing opportunities consistent with the needs and values of varying household types, lifestyles and socio-economic groups and housing markets,

- (ii) to provide for effective residential choice and increased availability and variety in accommodation by allowing for a range of allotment sizes, dwelling forms, tenures, costs and locations where essential utility services and community facilities are available or may be provided effectively and economically to the standard required, and
- (iii) to maintain a degree of continuity and predictability in the residential environment without restricting innovation and diversification in housing design.

E In relation to commerce and industry:

- (i) to permit development of commercial and industrial enterprise within the city to stimulate and strengthen the local economic base and to provide diversity in local employment opportunities,
- (ii) to provide for the diverse needs of a wide variety of commercial, professional, retailing and personal services and to facilitate access to, and availability of, a range and diversity of such services and facilities by allowing such development in a variety of zones,
- (iii) to protect the environment from the potentially harmful effects of noxious, offensive and hazardous industries and activities, and
- (iv) to require that development for industrial and commercial purposes provide areas that are pleasant places to work in or visit, and that are safe and efficient in terms of transport, land utilization and service distribution.

F In relation to recreation and leisure:

to provide for an adequate range and diversity of opportunities for leisure and recreation activities having regard to differing preferences between age groups and to varying individual, community and socio-economic interests and physical abilities by:

- (a) permitting the provision and development by public agencies and private enterprise of additional passive and active open space and specialist recreational facilities readily accessible to living areas and to other community activity areas and commensurate with the demonstrated leisure and recreational needs of the community,
- (b) requiring equitable community access to public recreational resources and open space areas,
- (c) allowing development for such activities in a wide range of zones, whether or not such development is operated for the purpose of gain, and
- (d) enabling integration of recreation and leisure facilities with commercial and retail uses, so as to encourage generation of focal points for community activity.

G In relation to the environmental heritage:

- (i) to manage physical change within the city through the promotion, protection, conservation of heritage items and precincts that contribute to the distinctive character, community tradition and special sense of place of the City of Goulburn,
- (ii) to create an appreciation and awareness of the extent and diversity of the environmental heritage of the City of Goulburn by identifying buildings, works, items, structures, relics or

places which merit conservation by virtue of their particular aesthetic, archaeological, architectural, cultural, ecological, historic, landscape, natural, scientific, emotional, social or traditional significance to the City, and

- (iii) to achieve appropriate conservation and enhancement of heritage items and precincts identified in this plan through controls on demolition and alteration and on the form and character of new development in the proximity of such items, and by the discretionary provision of conservation incentives to protect environmental heritage.

H In relation to utility services:

- (i) to require that lands used for future developments be provided with or contain the utility services that may reasonably be required by such development or resulting development, and
- (ii) to ensure that determination of development application has regard to requirements for utility services such as water, sewerage, drainage, roads, electricity, telephone and gas appropriate to the intensity and type of development proposed or resulting from that development.

I In relation to community facilities:

- (i) to achieve optimum social benefits and to promote the health and general welfare of the community by allowing for the provision of community facilities of such a range, variety and nature as to be responsive to varying social and welfare needs within the local population by:
 - (a) ensuring that the location and distribution of community facilities and services are appropriate and accessible to most residents, and
 - (b) providing for community facilities as a permissible use within all zones within the City of Goulburn,
- (ii) to encourage greater community involvement in school and public facilities to promote adaption of existing structures to allow multiple use of, and community access to, those facilities.

J In relation to transport and communication:

- (i) to manage effectively the existing and future road transport network to provide for an orderly, economic, safe and convenient system for traffic movement and circulation through and within the City of Goulburn in a manner integrated with land use by:
 - (a) establishing a hierarchy of roads to service varying transport needs and to reflect the nature and intensity of development,
 - (b) safeguarding the role and efficiency of the main road system through the City of Goulburn, particularly by recognising the importance of the Hume Highway,
 - (c) providing for a traffic relief route allowing traffic on the Hume Highway to by-pass the urban centre,
 - (d) minimising conflict between the transportation function of major roads and the access needs of adjoining land, and
 - (e) requiring adequate off-street parking to meet demand generated by redevelopment and

new development within the City of Goulburn,

- (ii) to permit the construction, maintenance, servicing, administration and improvement of transportation and the communication facilities and infrastructures required to provide an efficient local and interregional service for the movement of goods, people and information.

K In relation to environmental hazards:

to minimise risk and inconvenience to life, property and the environment by managing the development of lands prone to significant or consequential environmental hazard or risk or inconvenience from flooding, local drainage, bush fire, soil erosion, land instability or other natural hazard, and from air, water, soil or noise pollution and the like.

L In relation to tourism and traveller service:

- (i) to require the conservation and enhancement of the natural, cultural and historic features of the City of Goulburn as the basis of a viable local tourist industry,
- (ii) to enable development of a range of tourism activities that will complement the existing natural and man-made attributes of the City of Goulburn without degradation of significant environmental quality or urban amenity,
- (iii) to enable the continued development of traveller service facilities and associated tourism activities in recognition of the traditional role of the City of Goulburn as a traveller service centre, and
- (iv) to permit tourism development in any zone where it can co-exist with local development to their mutual advantage, while also protecting such elements of the form, function and amenity of the City of Goulburn as are attractive to local residents.

M In relation to the interests and co-ordination of other public authorities:

- (i) to exclude certain activities of public authorities from the operation of this plan to ensure that their interests are protected and implemented in a manner consistent with the objectives of this plan, and
- (ii) to ensure co-ordination with State and Federal Governments and their instrumentalities in relation to the provision and siting of government services and facilities.

N In relation to drainage:

to ensure the provision of an adequate, safe and environmentally sound urban stormwater disposal system sensitive to the existing natural drainage system and in particular to the state and character of stream flows and water quality within the Warragamba catchment area.

O In relation to environmental protection:

- (i) to control development which would destroy or damage the ecosystem, habitats, landscapes, or features of scenic or cultural performance of the land,
- (ii) to require the environmental impacts of any development to be demonstrated fully before determination of the development application, having regard to the individual and collective impact of development and to the particular sensitivities of affected communities, places or

environments,

- (iii) to improve the visual appearance and ecological performance of the City of Goulburn and to protect an urban form that complements the natural environment by controlling land clearing and surface modification,
- (iv) to develop management policies in regard to the disposal of solid and liquid urban wastes (having particular regard to hazardous and toxic materials) in a manner which contributes to the protection of the environment and the water quality of stream flows within the Warragamba Catchment area,
- (v) to encourage the efficient recycling and alternate use of the wastes and waste disposal areas of the City of Goulburn where appropriate, and
- (vi) to develop management policies and practices in regard to the avoidance and control of soil erosion and sedimentation arising from all development and the use of land within the City of Goulburn.

Schedule 2 Public utility undertakings

(Clause 16)

Specified developments and activities:

- 1 The carrying out, by the State Rail Authority, on land zoned to permit railway undertakings of:
 - (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads,
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges,
 - (e) the formation or alteration of any means of access road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- 2 The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity, telecommunications or gas undertakings, of any of the following developments, being development required for the purpose of their undertakings, that is:
 - (a) development being the laying of pipeline or cable, or other development of any description predominantly at or below the surface of the ground but excluding development of a type listed elsewhere in this schedule,
 - (b) the installation of any plant inside a building, or the installation or erection within the premises

of a generating station, substation or communication facility established before the appointed day, of any plant or other structures or erections required in connection with the station, substation or facility,

- (c) the installation or erection of any plant or other structure by way of addition to or replacement or extension of plant or structures already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing (excluding those of stone, concrete or brickwork), but not including the erection of overhead lines operating at a voltage of 650 volts or greater for the supply of electricity, or pipes above the surface of the ground for the supply of water or for sewerage or drainage,
- (d) the provision of overhead service lines operating at a voltage of less than 650 volts, with associated supports, insulators and other ancillary apparatus, under any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired, or in the process of being acquired, for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (f) the pruning, cutting or removal of trees and shrubs as required to comply with the "Guidelines for Tree Planing and Maintaining Safety Clearances near Power Lines" as published by the Energy Authority of NSW, in conjunction with the Department of Local Government, for electricity supply and local government authorities,
- (g) any other development of a kind not listed elsewhere in this schedule, except other development which involves:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections or the reconstruction or alteration, so as materially to affect the design or external appearance, of buildings, or
 - (ii) the formation of a major vehicular or pedestrian access to a road.

4 The carrying out by persons carrying out public utility undertakings, being road transport undertakings, on land comprised in those undertakings, of:

- (a) any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, or
- (b) any development of a kind not listed elsewhere in this schedule, except other development which involves:
 - (i) the erection of buildings or the reconstruction or alteration of buildings so as materially to affect the design or external appearance of those buildings, or
 - (ii) the formation of a major vehicular pedestrian access to a road.

5 The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road within an existing road reserve except the widening, realignment or relocation of such a road involving the use of land outside an existing

road reserve.

- 6 The carrying out of any forestry work or the causing to be carried out of any forestry work by the Forestry Commission, empowered by or under legislation to undertake afforestation, roadworks, protection, cutting and marketing of timber, or activity for other forestry purposes, or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- 7 The carrying out by a Pastures Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except development which involves:
 - (a) the erection of buildings or the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
 - (b) any development designed to change the use or purpose of any such reserve.
- 8 The carrying out or causing to be carried out by a Council engaged in flood mitigation works or by the Department of Water Resources of any work for:
 - (a) the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation, river management, stream gauging, water resource assessment or drainage in accordance with or under any Commonwealth or State Act including (but without limiting the generality of the foregoing) the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948*, the *Public Works Act 1912*, and the *Water Administration Act 1986*,
 - (b) any other development except other development which involves:
 - (i) the erection of buildings, the installation or erection of plant or other structures or the reconstruction or alteration of buildings so as materially to affect the design or external appearance, or
 - (ii) the formation of a major vehicular or pedestrian access to a road.
- 9 The carrying out or causing to be carried out by the Soil Conservation Service, or the carrying out or causing to be carried out by any public authority, of works and measures for the conservation of soil and water and the mitigation of soil erosion and land degradation in accordance with the *Soil Conservation Act 1938*.

Schedule 3 Heritage items

(Clause 31)

- Lot A, being a resubdivision of Lots 10 & 11, DP 782, (No 128) Addison Street—Christ Church Rectory.
- Lot 2, Section 7 (No 22) Argyle Street—House.
- Braidwood Road—Goulburn Locomotive Round House and Wellington Shed.
- Portions 7, 8, 9, 10 and Portion 46 “Marion Hill”—House and outbuildings, Garroorigang Road.
- Lot 1, DP 605043 and Lot 13 Garroorigang Estate—“Garroorigang” homestead and stables.

- Bungonia Road over Mulwaree Ponds—Lansdowne Bridge.
- Lots 1 & 3 and Lot B, Section 111 (No 2) Chantry Street—“Leigh House” with stables.
- Portions 144–153 inclusive, Clinton Street—St. Patrick’s College.
- Lot B, being a resubdivision of Part Portion 19, Common Street—“The Potteries”.
- Lot B, being a resubdivision of Lot 12, Section 3 (No 11) George Street “Antrim House”.
- Lot 2, DP 236216 Gilmore Street—“The Rectory”.
- Corner Part Lot 2, RP 1465 (No 133) Kinghorne Street—House.
- Lot G, Section 1 (No 15–17) Kinghorne Street—St. Nicholas Anglican Church.
- Lot 3, DP 586321 (No 6) Lawrenny Avenue—“Lawrenny”.
- Portion 25 Long Street—Eastgrove Jewish Cemetery.
- Lot 28, DP 479 Mary’s Mount Road—“Tenneriffe”.
- Lot 2, DP 511979 (No 10) Opal Street—“Tarrowingee”.
- Lot 23, DP 774636 off Mazamet Road—“Wynella” homestead and stone barn.
- Part Lot 19 & 20, DP 479, Taralga Road—Orphanage.

Schedule 4 Development for certain additional purposes

(Clause 48)

Land being part Portions 1 and 2 and Portions 3 and 4, DP 750050, (No 132) Boxers Creek Road, Goulburn, as shown edged heavy black on the map marked “*Goulburn Local Environmental Plan 1990 (Amendment No 4)*”—subdivision into allotments, each having an area of not less than 10 hectares, and the erection of a dwelling-house on each allotment so created on which no dwelling-house already exists.

Land bounded by the western boundaries of lots 2/4, 238 and 242, Hetherington Street, on the north by Chiswick Street, on the east by Long Street and on the south by the southern boundary of Portion 242, as shown edged heavy black on the map marked “*Goulburn Local Environmental Plan 1990 (Amendment No 4)*”—subdivision into allotments, each having an area of not less than 10 hectares, and the erection of a dwelling-house on each allotment so created on which no dwelling-house already exists.

Land bounded on the north by the northern boundary of Portion 45, on the east by Gorman Road, on the west by the western boundaries of Portions 45, 266, 279, 58, 52 and 51 and on the south by the southern boundary of Portion 51 as shown edged heavy black on the map marked “*Goulburn Local Environmental Plan 1990 (Amendment No 4)*”—subdivision into allotments, each having an area of not less than 10 hectares, and the erection of a dwelling-house on each allotment so created on which no dwelling-house already exists.

Land on the western side of Carr Street, West Goulburn, being Lot 13, DP 873698, as shown edged

heavy black on the map marked "*Goulburn Local Environmental Plan 1990 (Amendment No 9)*"—subdivision into a maximum of 4 allotments and development for the purpose of a single dwelling-house on each allotment so created, subject to the following conditions:

- (a) each allotment must have an area of at least 2 hectares,
- (b) each allotment must be connected to reticulated water and sewerage systems,
- (c) buildings may be erected on each allotment only in the building envelopes indicated on the map marked "*Goulburn Local Environmental Plan 1990 (Amendment No 9)*",
- (d) a scheme satisfactory to the Council must be established for the management and maintenance of the ridgeline, involving (but not limited to) landscaping, fencing of ridgeline area, boundary fencing, erosion and sedimentation control and stormwater management,
- (e) the Council must be satisfied:
 - (i) that the ridge-top and skyline of the site, as viewed from vantage points in the City of Goulburn (as determined by the Council) will be appropriately landscaped, and that the landscaping will protect the scenic and landscape values of the ridgeline and will form an appropriate visual connection with the woodland north of Mary Street, and
 - (ii) that no part of any building on the site will intrude into the skyline, when viewed from vantage points in the City of Goulburn (as determined by the Council), and
 - (iii) that appropriate provision has been made for avenue planting in Carr Street, and
 - (iv) that adequate measures are proposed for the management of stormwater and the control of soil erosion and sedimentation.

Land on the eastern side of Carr Street, West Goulburn, being Part Lots 1-6, DP 238639 (Nos 94, 96, 98, 100, 102, 104 Cathcart Street) West Goulburn, being part of the land shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990 (Amendment No 6)*"—subdivision into 6 allotments and development for the purpose of a single dwelling-house on each allotment so created, subject to the following conditions:

- (a) each allotment so created must be connected to the reticulated water and sewerage systems, and
- (b) each allotment so created must have an area of at least 8,000 square metres, and
- (c) the Council must be satisfied:
 - (i) that the ridge-top and skyline of the site, as viewed from vantage points in the City of Goulburn (as determined by the Council) will be appropriately landscaped, and that the landscaping will form an appropriate visual connection with the woodland north of Mary Street, and
 - (ii) that no part of any building on the site will intrude into the skyline, when viewed from vantage points in the City of Goulburn (as determined by the Council), and
 - (iii) that appropriate provision has been made for avenue planting in Carr Street, and
 - (iv) that adequate measures are proposed for the management of stormwater and for the reduction of soil erosion risks.

Land bounded on the north by an unformed Crown road, on the east by the western boundary of Lot 2, DP 1016079, on the south by the northern boundary of Lot 7007, DP 94628, and Lot 1, DP 720137 and on the west by Gorman Road, being Lot 1, DP 1016079, as shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990 (Amendment No 10)*"—subdivision into allotments, each having an area of not less than 10 hectares, and the erection of a dwelling-house on each allotment so created on which no dwelling-house already exists, subject to the following conditions:

- (a) the building setback from Gorman Road and the adjacent unformed Crown road must be at least 100 metres,
- (b) the Council must be satisfied that:
 - (i) no part of any building on an allotment will intrude into the skyline when viewed from vantage points in the City of Goulburn (as determined by the Council),
 - (ii) native vegetation (as determined by the Council) will not be removed without the Council's consent,
 - (iii) appropriate provision will be made for avenue planting adjacent to Gorman Road,
 - (iv) there will be adequate measures for the disposal of on-site effluent and the management of stormwater,
 - (v) there will be adequate measures for the control of soil erosion and sedimentation associated with the construction of any dwelling-house, access road, track, shed, water tank, fence or other associated infrastructure.

Land bounded on the north by Lot 2, DP 1008449, on the east by Gorman Road, on the south by the northern boundary of Lot 1, DP 378450 and on the west by the Great Southern Railway Line, being Lot 1, DP 1008449, shown edged heavy black on the map marked "*Goulburn Local Environmental Plan 1990 (Amendment No 10)*"—subdivision into allotments, each having an area of not less than 10 hectares, and the erection of a dwelling-house on each allotment so created on which no dwelling-house already exists, subject to the following conditions:

- (a) building setback from Gorman Road must be at least 80 metres,
- (b) the Council must be satisfied that:
 - (i) no part of any building on an allotment will intrude into the skyline when viewed from vantage points in the City of Goulburn (as determined by the Council), and
 - (ii) native vegetation (as determined by the Council) will not be removed without the Council's consent,
 - (iii) appropriate provision will be made for avenue planting adjacent to Gorman Road,
 - (iv) there will be adequate measures for the disposal of on-site effluent and the management of stormwater,
 - (v) there will be adequate measures for the control of soil erosion and sedimentation associated with the construction of any dwelling-house, access road, track, shed, water tank, fence or other associated infrastructure.

Schedule 5 Exempt development

1 Access

- (1) Construction of access ramps and walkways for people with disabilities and mobility impairments which comply with the following requirements:
 - (a) maximum height 1 metre from existing ground level,
 - (b) maximum grade 1:14,
 - (c) constructed in accordance with AS 1428.1,
 - (d) are of metal, concrete or timber construction,
 - (e) do not obstruct surcharge gullies.
- (2) Building alterations to provide sanitary facilities for people with disabilities comprising:
 - (a) Non structural alterations to the exterior of a building.
 - (b) Interior alterations to a building that do not affect the load bearing capacity of any load bearing component of the building.
 - (c) Construction in accordance with AS 1428.1.
 - (d) Sanitary plumbing, drainage and water supply work authorised by Goulburn City Council as the Water and Sewer Authority.

Note—

Attention is drawn to the requirements of the [Disability Discrimination Act 1992](#) of the Commonwealth.

2 Advertising structures and displays

Erection of an advertising structure and display of an advertisement on it, or the display of an advertisement that is not an advertising structure (other than an illuminated sign in a residential zone) in any of the following cases:

- (a) The advertisement and any structure are not visible from outside the site on which they are displayed.
- (b) The advertisement is behind the glass line of a shop window.
- (c) The advertisement is a public notice displayed by a public authority giving information about a service.
- (d) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease and the advertisement and any structure together have a maximum area of 2.5 m² within the Rural, Living Area and Environmental Protection

Zones, or 3.5 m² within all other Zones.

- (e) The advertisement replaces one lawfully displayed on the same structure.
- (f) The advertisement displays a message relating to the lawful use of the premises on which it is situated and the advertisement and any structure together have a maximum area of:
 - (i) 0.75 m² in the Rural, Living Area and Environmental Protection Zones, or
 - (ii) 25 percent (%) of the front elevation of a building on which it is displayed in the Town Centre or Highway Service Zone, or
 - (iii) 2.5 m² in all other Zones,

and a maximum height of either 3 metres above existing ground level or the height of the underside of any awning measured at the line at which it is attached to the building, whichever is the greater and, if suspended from an awning along a public road, the advertisement is not lower than 2.6 metres above ground/pavement level.

3 Aerials/antennae/microwave antennae

Erection of aerials/antennae/microwave antennae which meet the following requirements:

- (a) domestic use only,
- (b) maximum height from natural ground level of eight (8) metres,
- (c) maximum of one (1) mast per dwelling, and
- (d) not located in the front yard.

Note—

Care to be taken to ensure the location of the structure does not obstruct views of adjoining residents.

4 Air conditioning units for dwellings

Erection of air conditioning units which meet the following requirements:

- (a) attached to external wall or ground mounted,
- (b) located a minimum of three (3) metres from property boundary,
- (c) building work must not reduce the structural integrity of the building to which it is attached, and
- (d) any opening created is to be adequately weatherproofed.

Notes—

- Care should be taken in the positioning of units to ensure the amenity of adjoining residents is not adversely

affected due to potential offensive noise nuisances.

- The unit should be subject to a routine maintenance program to ensure its proper functioning.

5 Awnings, canopies and storm blinds for dwellings

Erection of awnings, canopies and storm blinds for dwellings and which meet the following requirements:

- (a) maximum area 10 m²,
- (b) wholly located within property boundaries, and
- (c) maximum projection from wall of 1.5 metres.

6 Barbeques

Construction of barbeques which meet the following requirements:

- (a) maximum area of 3 m²,
- (b) maximum height of two (2) metres from existing ground level, and
- (c) located behind the rear building alignment.

Note—

Care should be taken in the location of wood fired barbeques to take into account prevailing winds so not to cause a smoke nuisance to adjoining residents.

7 Bird aviaries

Erection of bird aviaries which meet the following requirements:

- (a) maximum area of 10 m²,
- (b) maximum height of 2.4 metres from existing ground level,
- (c) minimum distance from boundary of one (1) metre,
- (d) maximum number of bird aviaries is two (2),
- (e) not located within an easement/s,
- (f) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main, and
- (g) located behind the rear building alignment.

8 Cabanas/gazebos, greenhouses

Construction of cabanas/gazebos, greenhouses which meet the following requirements:

- (a) maximum area of 10 m²,
- (b) maximum wall or post height of 2.4 metres from existing ground level,
- (c) maximum overall height of 2.7 metres from existing ground level,
- (d) maximum number of two (2),
- (e) not located within an easement/s,
- (f) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main,
- (g) minimum distance from side and rear boundaries of 900 mm,
- (h) located behind the rear building alignment, and
- (i) maximum excavation of 200 mm.

9 Clothes hoists/lines

Erection of clothes hoists/lines which meet the following requirements:

- (a) not located forward of the dwelling or main building,
- (b) not located within an easement/s,
- (c) not locate over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main, and
- (d) not visible from a public place.

10 Cubby houses, playground equipment at ground level

Erection of cubby houses, playground equipment at ground level which meet the following requirements:

- (a) maximum overall height of 2.7 metres from existing ground level,
- (b) maximum wall height of 2.1 metres from existing ground level,
- (c) maximum area of 10 m²,
- (d) not located within an easement/s,
- (e) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main, and
- (f) located behind the rear building alignment.

11 Decks (attached to dwellings)

Erection of decks which are attached to dwellings and which meet the following requirements:

- (a) maximum area of 20 m²,
- (b) finished surface level not greater than 900 mm above existing ground level,
- (c) minimum distance from side and rear boundaries of 900 mm,
- (d) not located within an easement/s,
- (e) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main, and
- (f) not located forward of the dwelling.

12 Demolition

Demolition which is carried out in accordance with AS 2601-1991—*The demolition of structures*, of any structure:

- (a) the erection of which would be exempt development under this plan, or a temporary building the erection of which would be complying development under this plan,
- (b) covering an area of not more than 25 m²,
- (c) not located within three (3) metres of a property boundary or which is likely to collapse onto adjoining land or a public place,
- (d) not located within the Heritage Conservation Area, and
- (e) not located adjoining, adjacent to or in the vicinity of a listed Heritage Item under the provisions of this plan.

13 Different use of a building

(1) A different use of a building resulting from a change of its use:

- from one type of shop to another type of shop, or
- from one type of commercial premises to another type of commercial premises, or
- from food shop to a non food shop, or
- from a social or sporting club (other than a club registered under the [Registered Clubs Act 1976](#)) or a community or cultural centre to any other of those clubs or centres,

which meets the following requirements:

- (a) all buildings lawfully used or lawfully constructed to be used for the purposes of a shop or commercial premises or social or sporting club or a community or cultural centre,
 - (b) it does not involve any change in the hours of operation,
 - (c) previous conditions relating to the use of the building or land are complied with,
 - (d) internal fitouts to existing shops, commercial premises or social or sporting club or a community or cultural centre are not to increase the total floor area of the building,
 - (e) in the case of a food shop, the use complies with the standards of the *Food Act 1989* and relevant Regulations,
 - (f) in the case of hairdressing salons, beauticians and premises used for skin penetration, the use complies with the requirements of the *Local Government (Orders) Regulation 1999*, and
 - (g) in the case of a recognised service provider within the community to people with disabilities, access to the building either complies or is altered to comply with access provisions of the *Building Code of Australia* and AS 1428.1.
- (2) A new use that results from a change of building use from a shop to a commercial premise or from a commercial premise to a shop that is not in the business of preparing food for sale or consumption, where:
- (a) the new use replaces a former use being carried out in accordance with a development consent,
 - (b) the use of not more than 200 m² of floorspace is changed,
 - (c) the new use is not prohibited by any provision,
 - (d) previous conditions relating to the use of the building or land are complied with, and
 - (e) in the case of a recognised service provider within the community to people with disabilities, access to the building either complies or is altered to comply with access provisions of the *Building Code of Australia* and AS 1428.1.
- (3) A new use that is a temporary use of a building that does not exceed 25 metres in height for public entertainment over a period not exceeding 72 hours within any 12 month period.
- A separate approval may be required from the Council under the *Local Government Act 1993* for a place of public entertainment.
- (4) This item does not apply to:

- the installation of a new food shop, or
- the use of a shop or commercial premise in which:
 - (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
 - (b) a business to which section 578E (Offences relating to advertising or displaying products associated with sexual behaviour) of the *Crimes Act 1900* applies is conducted.

14 Fences

Construction of fences which meet the following requirements:

(a) Boundary fences

(i) Side fences (between building line and street or any other public place) and front fences

- Transparent fences to a maximum height of 1.2 metres from existing ground level if constructed of timber, metal or lightweight materials.
- Solid fences to a maximum height of 600 mm from existing ground level.
- Compliance with the requirements of the *Dividing Fences Act 1991*.

(ii) Side fences (between building line and rear boundary) and rear boundary fences

- Maximum height of 1.8 metres from existing ground level if constructed of timber, metal or lightweight materials.
- Compliance with the requirements of the *Dividing Fences Act 1991*.
- If located adjacent to an existing driveway, the side fence is to be setback from the boundary with a 45 degree splay and a length of 1.2 metres.

(b) Masonry/brick fences

- Maximum height of 600 mm from existing ground level.

(c) Chainwire fences

- Fences around industrial premises to a maximum height of 1.8 metres from existing ground level along side and rear boundaries behind front wall of main building on the land.

(d) All fences

- The natural flow of stormwater drainage/run off shall not be prevented or obstructed by the construction of any fence.
- Masonry/brick fences over 600 mm require Council's development consent.

15 Flagpoles

Erection and use of flagpoles which meet the following requirements:

- (a) maximum height of six (6) metres above existing ground level,
- (b) wholly located within property boundaries, and
- (c) maximum of one (1) flagpole per premises.

Note—

Liaise with Great Southern Energy where flagpoles are in the vicinity of powerlines.

16 Garden sheds

Erection and use of garden sheds which meet the following requirements:

- (a) free standing,
- (b) maximum floor area of 10 m²,
- (c) maximum wall height of 2.1 metres from existing ground level,
- (d) maximum overall height of 2.4 metres from existing ground level,
- (e) maximum number that are exempt is two (2),
- (f) located behind the rear building alignment,
- (g) not located within an easement/s, and
- (h) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main.

17 Minor internal alterations to domestic single dwellings

Building alterations or renovations only to previously approved and completed buildings (other than the making of, or an alteration to the size of any opening in the wall or roof of a building, such as a doorway, window or skylight) comprising:

- (a) non structural building alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work,
- (b) interior alterations to a building that do not affect the load bearing capacity of any load bearing component of the building,

- (c) replacements of doors, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials,
- (d) renovations of bathrooms, kitchens, inclusions of built-in fixtures such as vanities, cupboards and wardrobes,
- (e) work that does not change the configuration of rooms whether by the removal of existing walls, partitions or by other means, or
- (f) work that does not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involves enclosure of open areas.

18 Minor trellis/archways

Construction of minor trellises, garden arches and lychgates which meet the following requirements:

- (a) maximum area four (4) m²,
- (b) maximum height 2.4 metres from existing ground level, and
- (c) constructed of timber, metal or lightweight materials.

19 Pergolas (roofed or unroofed)

Erection of pergolas which meet the following requirements:

- (a) maximum area of 20 m²,
- (b) maximum height of 2.4 metres from existing ground level,
- (c) minimum distance from side and rear boundaries of 900 mm,
- (d) maximum number of pergolas that are exempt is two (2),
- (e) located behind rear building alignment,
- (f) not located within an easement/s,
- (g) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main, and
- (h) roof water connected to stormwater disposal and land surrounding the structure is graded to divert surface water clear of adjoining premises.

20 Recladding

Recladding of roofs or walls of an existing dwelling where existing materials are being replaced with similar materials and:

- (a) recladding does not involve structural alterations, and

- (b) the dwelling is not located within the Heritage Conservation Area.

21 Retaining walls

Erection of retaining walls associated with a dwelling house which meet the following requirements:

- (a) maximum height of 600 mm from existing ground level,
- (b) masonry walls to comply with:
 - AS 3700—*Masonry Code*, AS 3600—*Concrete Structures*, AS 1170—*Loading Code*,
- (c) timber walls to comply with:
 - AS 1720—*Timber Structures*, AS 1170—*Loading Code*,
- (d) not located within an easement/s,
- (e) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main,
- (f) groundwater to be directed to stormwater drain,
- (g) no nuisance to adjoining residents, and
- (h) the natural flow of stormwater drainage/run off shall not be prevented or obstructed by the construction of any retaining wall.

22 Satellite dishes

Erection and use of satellite dishes which meet the following requirements:

- (a) maximum diameter of 900 mm,
- (b) located below the ridge line of the roof,
- (c) if located on the roof, coloured to match existing roof covering or in a black matt finish,
- (d) not visible from a public place when installed in the Heritage Conservation Area,
- (e) premises are not adjoining, adjacent to or in the vicinity of a listed Heritage Item under the provisions of this plan,
- (f) not located on the front elevation of a building,
- (g) maximum of one (1) per premises, and
- (h) freestanding installation not located forward of the main building on the premises.

23 Solar water heaters

Installation of solar water heaters which meet the following requirements:

- (a) freestanding installation not located forward of the main building on the premises,
- (b) installed by an appropriately licensed person,
- (c) structural integrity of the building must not be reduced and no structural alterations,
- (d) any opening created by the installation to be completely weatherproofed,
- (e) not located on the front elevation of a building,
- (f) not visible from a public place when installed in the Heritage Conservation Area, and
- (g) premises are not adjoining, adjacent to or in the vicinity of a listed Heritage Item under the provisions of this plan.

Note—

Owners of buildings located within the Heritage Conservation Area should consult Council staff and/or Council's Heritage Advisor.

24 Skylight roof windows including Solartube or similar type installation

Construction of skylight roof windows which meet the following requirements:

- (a) maximum area of skylight one (1) m²,
- (b) located not less than 900 mm from a property boundary,
- (c) located not less than 900 mm from a wall separating attached dwellings,
- (d) structural integrity of the building must not be reduced and no structural alterations,
- (e) any opening created by the installation to be completely weatherproofed,
- (f) roof openings are flush with the roof pitch,
- (g) not visible from a public place when installed in the Heritage Conservation Area, and
- (h) premises are not adjoining, adjacent to or in the vicinity of a listed Heritage Item under the provisions of this plan.

25 Water heaters

Installation of water heaters (excluding solar systems) which meet the following requirements:

- (a) replacement of existing installations,

- (b) structural integrity of the building must not be reduced and no structural alterations, and
- (c) installation by an appropriately licensed person.

26 Water Tanks at or above ground level

- (1) Tank at ground level not to exceed 2 metres diameter × 2 metres in height.
- (2) Tank installed above ground level limited to:
 - Maximum capacity of 3000 litres, and
 - Abutting the wall of the dwelling below the eaves line, and
 - Height of the tank not to exceed 2 metres from existing ground level where installed along a side boundary setback of the dwelling.
- (3) No part of a tank or tank stand is to rest on or be supported by the dwelling.
- (4) Tanks must meet the following requirements:
 - (a) not located in front yard of any premises,
 - (b) tank water not used for drinking or other potable purposes,
 - (c) overflow from tank to be connected to a stormwater system,
 - (d) not located within an easement/s,
 - (e) not located over stormwater lines,
 - (f) not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main,
 - (g) only to be used for the storage of water,
 - (h) tanks to be protected to preclude entry of mosquitoes and pests,
 - (i) manufactured in accordance with relevant Australian or Industry standards, and
 - (j) tank water not to be interconnected with water service pipes connected to town water reticulation mains.

27 Windows, glazed area and external doors

Replacement of windows, glazed areas and external doors on a dwelling house (excluding windows in buildings located within the Heritage Conservation Area) which meet the following requirements:

- (a) replacement in residential premises with materials that comply with:

- AS 1288 *Glass Buildings—Selection and Installation*, and
- AS 2208 *Safety Glazing Materials for Use in Buildings (Human Impact Considerations)*,

(b) no reduction in the area provided for light and ventilation, and

(c) structural support members not to be removed.

Schedule 6 Complying development

(Clause 7B)

Part 1 Complying development

Categories of complying development

Complying development falls into the following categories:

- 1 Dwelling-houses (new, alterations and additions)
- 2 Swimming pools
- 3 Industrial uses
- 4 Commercial uses
- 5 Bed and breakfast accommodation
- 6 Subdivision
- 7 Temporary buildings

1 Dwelling-houses (new, alterations and additions)

This category of complying development does **not** apply to Heritage Items (Schedule 3 to this plan), buildings located within the Heritage Conservation Area and Residential Development Areas 1 and 2 (as defined in clause 26).

Construction of Single storey, single domicile dwellings including:

- detached dwellings,
- alterations and additions to existing dwellings,
- development ancillary or incidental to existing dwellings including carports and garages,

on allotments in accordance with clause 26 of this plan **and** resulting in the following:

- (a) Any part of the structure is setback a minimum of six (6) metres from the front boundary.
- (b) Dwellings facing public streets and accessways have a front door and/or window to a habitable room facing the street.

- (c) Carports and garages facing a public street or accessway are not wider than 6 metres or 50 percent of the frontage of the subject lot, whichever is lesser.
- (d) A new dwelling with a minimum 3.5 star rating under the House Energy Rating Scheme (NatHERS), in accordance with Council's Energy Smart Homes Policy.
- (e) Alterations and additions to an existing dwelling that result in an increase in floor area in excess of 50% of the existing floor area with a minimum 3.5 star rating under the House Energy Rating Scheme (NatHERS), in accordance with Council's Energy Smart Homes Policy.
- (f) For new buildings and additions the ground floor level of the structure at any point is no more than 900 mm above existing ground level.
- (g) The distance between the ground floor level and the underside of the eaves is no more than 2.7 metres.
- (h) For new dwellings the roof pitch is not less than 17½ degrees and not more than 24 degrees and any openings are flush with the roof pitch.
- (i) The adjoining property's main private open space area or any habitable rooms not having hours of sunlight between 9 am and 3 pm on 21 June (winter solstice) reduced below 4 hours.
- (j) The external wall of any structure is at least 900 mm from the side or rear boundary.
- (k) A minimum of 675 mm is provided between the outside edge of the eaves, gutter or overhang of the dwelling and the side and rear boundaries.
- (l) Windows in a habitable room that provide an outlook to a habitable room window in an adjoining dwelling and within 9 metres of the adjoining dwelling:
 - (i) are offset from the edge of each window by a distance of 0.5 metres, or
 - (ii) have sill heights of 1.7 metres above floor level, or
 - (iii) have fixed obscure glazing in any part of the window below 1.7 metres above floor level.
- (m) For new buildings and additions, a minimum of 20 percent of the site soft landscaped, that is, not hard surfaces.
- (n) The dwelling together with all outbuildings is not to occupy more than two-thirds of the allotment.
- (o) New dwellings are to be connected to Council's sewerage system.
- (p) No more than one-third ($\frac{1}{3}$) of the front setback area is paved or sealed.
- (q) Required earthworks to change existing ground level is limited to the following criteria:
 - (i) Extent of excavation at its extremity does not exceed 600 mm in depth.
 - (ii) Fill extending beyond the perimeter or footprint of the building does not exceed 400 mm in depth.
 - (iii) No fill permitted to change existing ground levels at the property boundary.

- (r) Roof and surface stormwater collected on the site is drained to a street stormwater drainage system or a legal interallotment drainage system.
- (s) No change to natural or existing ground level below the dripline of any existing tree/s.
- (t) No tree removal.
- (u) Not located within an easement/s.
- (v) Not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main.

2 Swimming pools

Construction of swimming pools that are **ancillary** to an approved dwelling **and** for **private use** only **and** result in the following:

- (a) The swimming pool is located behind the rear building alignment.
- (b) All coping and decking around the swimming pool is no more than 500 mm above the natural ground level.
- (c) The swimming pool is located at least 1.8 metres from the side and rear boundaries.
- (d) The noise level of any filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured at the property boundary.
- (e) A minimum of 20 percent of the site must be soft landscaped (not hard surfaces).
- (f) All aspects of the development comply with the *Swimming Pools Act 1992*, *Swimming Pools Regulation 1998* and AS 1926.
- (g) All waste water is to be conveyed to Council's sewerage system by discharging waste water over a sewer yard gully in accordance with clause 10.9 of Australia Standard AS 3500.2.
- (h) The filtration motor pump unit must be housed in a sound attenuating enclosure.
- (i) No change to natural or existing ground level below the dripline of any existing tree/s.
- (j) No tree removal.
- (k) Not located within an easement/s.
- (l) Not located over sewer mains or within a distance from a point on the surface over the sewer main equal to the depth of the sewer main.

3 Industrial uses

(1)

Change of use of a building from an industry to a light industry or a light industry to a light industry that does not result in a change of classification under the *Building Code of Australia* that complies with the requirements of *Goulburn Local Environmental Plan 1990* or any Development Control Plan.

(2)

Internal building alterations to an industrial building for a building lawfully used, or lawfully constructed to be used, for the purposes of an industry or a light industry with a maximum floor space of 1000 m² and resulting in the following:

- (a) No increase in total floor area of the building.
- (b) Any previous conditions relating to the use of the building or land are to be complied with.
- (c) No increase in the demand for the provision of parking.
- (d) No change in the existing hours of operation.
- (e) No change in the area of existing landscaping.
- (f) All work involving sanitary plumbing, drainage, water supply and trade waste sewer connections being duly approved, inspected and/or authorised under relevant legislation by Goulburn City Council as the Water and Sewer Authority.

4 Commercial uses and building alterations

(1)

A change of building use from a shop to a commercial premise or from a commercial premise to a shop, or internal alterations to a shop or a commercial premise that alter the load-bearing capacity of load-bearing components.

(2)

The change of building use or internal alterations must result in the following:

- (a) No increase in total floor area of the building.
- (b) No more than 2000 m² of floor area is changed from a commercial premise to a shop.
- (c) Any previous conditions relating to the use of the building or land are complied with.
- (d) No increase in the demand for the provision of parking.
- (e) No change in the area of existing landscaping.
- (f) No change in the existing hours of operation.
- (g) All work involving sanitary plumbing, drainage, water supply and trade waste sewer connections being duly approved, inspected and/or authorised under relevant legislation by Goulburn City Council as the Water and Sewer Authority.

(3)

This category of complying development does not apply to:

- the installation of a new food shop, or
- the use of a shop or commercial premise in which:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted.

5 Bed and breakfast accommodation

The use of an existing lawful dwelling for Bed and breakfast accommodation which meet the following requirements:

- (a) The dwelling is:
 - (i) permanently occupied by a resident or residents, and
 - (ii) a maximum area of 300 m², and
 - (iii) connected to reticulated sewer.
- (b) No more than three (3) guest rooms and a maximum number of six (6) guests at any one time.
- (c) Only one external advertising sign of maximum area 0.5 m².
- (d) A separate hand wash basin is provided (in addition to any single or double bowl sink) in the kitchen.
- (e) A double bowl sink or a single bowl sink in conjunction with a commercial grade dishwasher (capable of heating water to a minimum 77 degrees Celsius) is provided.
- (f) Kitchen flooring and benches are of impervious material.
- (g) Refrigerator can maintain food at below 5 degrees Celsius.
- (h) Approved (AS 3786) single station smoke detector systems connected to a permanent 240 volt electricity supply with battery operated back-up device are provided to all bedrooms and hallways and on each other storey of the building not already provided with an alarm.
- (i) One (1) on-site parking space per guest room located behind the building line of the dwelling.
- (j) Guest vehicles can exit the site in a forward direction, from on-site parking, without using the building setback.
- (k) Each guest room is provided with space and facilities for occupants to store clothes and travel gear.
- (l) Each guest room is provided with natural light and ventilation in accordance with *Building Code of Australia* requirements.
- (m) Bedding and flooring is provided to each guest room which are easily cleaned (bedding can be washed or drycleaned and flooring can be easily washed, mopped or vacuumed).
- (n) No key release dead locks on guest room or exit doors.
- (o) No bars or other restrictions to egress from guest room windows.

- (p) Guest rooms are insulated from all noise generating sources (for example, kitchens, bathrooms, laundries, other bedrooms) in accordance with *Building Code of Australia* requirements for a Class 1 building—with a Sound Transmission Class (STC) rating of 50 for new buildings and a STC rating of 45 for existing buildings.

6 Subdivision

Subdivision for the purpose of adjusting a boundary between allotments that:

- (a) does not result in an increased number of allotments, and
- (b) does not create more than a ten (10) percent variation in the size of allotments, and
- (c) does not reduce the area of the allotment to less than the minimum allotment size relevant to that zone, and
- (d) does not affect any existing services (including electricity, telephone, water, sewer, gas), and
- (e) complies with building setback requirements of Division 7 of the *Local Government (Approvals) Regulation 1999*, and
- (f) does not compromise the Fire Resistance requirements of Section C of the *Building Code of Australia*, and
- (g) maintains a front setback of six (6) metres.

7 Temporary buildings

The construction of a temporary building which is:

- ancillary to and associated with a lawful development consent relating to the land, and
- not used for residential purposes, and
- not used for the storage of or handling of inflammable, hazardous or the like materials,

and that meets the following requirements:

- (a) Any part of the building is setback a minimum of six (6) metres from the front boundary.
- (b) The ground floor level of the building at any point is no more than 500 mm above natural ground level.
- (c) The distance between the ground floor level and ridge of the building is no more than 2.7 metres.
- (d) The external wall or post of the building is at least 900 mm from the side or rear boundary.
- (e) Provision of conveniences for sanitation in accordance with the *Building Code of Australia*.
- (f) Constructed of materials in accordance with the *Building Code of Australia*.
- (g) Must not be used for residential or habitation purposes.
- (h) Must be demolished or removed within a period not exceeding five (5) years from the date of the

complying development certificate.

- (i) Must not be used after the end of the period referred to in (h) for any purpose.
- (j) Access and facilities for the disabled to be provided in accordance with the *Building Code of Australia*.

Part 2 Complying development conditions

General conditions—all categories

1

The development must be carried out in accordance with the complying development certificate.

2

Two days before any site works, building or demolition begins, the applicant must:

- (a) forward Form 7 of the *Environmental Planning and Assessment Regulation 1994* to the Council (*notice of commencement of work and appointment of Principal Certifying Authority*),
- (b) notify the adjoining owners that work will commence.

3

Before any site works, building or demolition begins the applicant or builder must:

- (a) Notify Council of the name, address, telephone number and licence number of the builder.
- (b) Erect a sign (minimum size 600 mm × 450 mm) in the front of the property with the builder's name, licence number, site address and complying certificate number.
- (c) Provide a temporary on-site toilet.
- (d) Protect and support any neighbouring buildings.
- (e) Protect any public place from obstruction or inconvenience resulting from the carrying out of the development.
- (f) Prevent any substance from falling onto a public place.
- (g) Comply with any other conditions prescribed by the *Environmental Planning and Assessment Regulation 1994*.

4

- (a) Any damage caused to kerb, guttering and/or footpath during building operations shall be rectified to the satisfaction of Council.
- (b) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials without the prior consent of Council. Where necessary, arrangements may be made by contacting Council's Environment and Planning Department.

5

A Compliance Certificate certifying that:

(a) the building work subject to the Complying Development Certificate has been completed and complies with the approved plans and specifications, and

(b) all conditions of the Complying Development Certificate have been complied with,

must be issued by the Principal Certifying Authority prior to any Complying Development building or development being occupied or used.

6

A certificate of compliance in respect of any development involving sanitary plumbing, drainage, water supply and trade waste sewer connection work must be obtained from Goulburn City Council, as the local Water and Sewer Authority, prior to the development or building being used or occupied.

7

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:

- Divert uncontaminated run-off around cleared or disturbed areas, and
- Erect a silt fence to prevent debris escaping into drainage systems or waterways, and
- Prevent tracking of sediment by vehicles onto roads, and
- Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

8

Removal or disturbance of vegetation and top soil must be confined to within three (3) metres of the approved building/site works area.

9

The land surrounding any structure must be graded to divert surface water to a street stormwater drainage system or a legal interallotment drainage system and must be clear of existing and proposed structures and adjoining premises.

10

Any building work must be carried out between 7.00 am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturdays if audible on residential premises, otherwise 8.00 am to 5.00 pm Saturdays. No work is to be undertaken on Sundays or Public Holidays.

11

A Survey Report prepared by a Registered Surveyor must be given to the Principal Certifying Authority for:

(a) all new dwellings,

- (b) dwelling additions with a boundary setback less than 1.2 metres,
- (c) outbuildings with a boundary setback less than 1.0 metre,
- (d) buildings with a floor level or swimming pools with a coping level more than 750 mm above existing ground level, or
- (e) swimming pools with a boundary setback less than 2.0 metres,

detailing the relevant location, floor level or coping level of the structure for the purpose of checking compliance with the approved plans. The required report must be provided once the location of external walls or outer structure edge and relevant levels are established and before construction proceeds above floor level or the filling of a pool with water.

12

The building is to be protected from attack by subterranean termites in accordance with the *Building Code of Australia* and a durable notice detailing the protection system must be permanently fixed to the building in a prominent location.

13

Driveways and vehicle entries to be in accordance with Goulburn City Council's Standards for Engineering Works (July 1996).

14

Driveways are to be a minimum of six (6) metres from a road intersection.

15

Driveways are to be constructed in accordance with Australian Standard 2890 with appropriate transition zones.

Specific conditions—Subdivision

1

The development is to be carried out generally in accordance with the plans and details submitted with the application.

2

A Subdivision Certificate must be applied for and released prior to the registration of the Plan of Subdivision with the Land Titles Office. The Subdivision Certificate application must be accompanied by the Final Plan of Subdivision together with a minimum of five (5) copies and be submitted to Council.

The location of all buildings and/or other permanent improvements, existing services, easements, waterbodies and natural watercourses (as required) to be indicated on one print.

3

A plan shall be submitted by a Registered Surveyor showing that all existing services are wholly

contained within the lot served.

4

Payment of the relevant Subdivision Certificate application fee.

5

All fees and charges are payable prior to release of the Subdivision Certificate.

Schedule 7 Classification and reclassification of public land as operational land

(Clause 49)

Part 1 Interests not changed

Locality	Description
Goulburn	
Finlay Road	So much of Lot 2, DP 1034565, as is shown edged heavy black on the map marked "Goulburn Local Environmental Plan 1990 (Amendment No 15)".

Part 2 Interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged