

15.3 CONSEQUENTIAL AMENDMENTS TO GOULBURN MULWAREE DEVELOPMENT CONTROL PLAN 2009

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Attachments: Nil

LSPS or CSP	This report relates to minor consequential changes to the Goulburn Mulwaree Development Control Plan 2009 and as such does not directly sit under any of the various priorities of these strategies.
Key Issues:	Administrative update only

RECOMMENDATION

That:

1. The report by the Business Manager Strategic Planning on minor consequential amendments to the *Goulburn Mulwaree Development Control Plan 2009* be received.
2. Council amend the *Goulburn Mulwaree Development Control Plan 2009* to include updated references to legislation, State Environmental Planning Policies and to Planning for Bushfire Protection.
3. Council publicly exhibit the table of proposed common reference changes (as per below) for a minimum of twenty eight days. Noting that other changes to outdated referencing to NSW legislation and to delegated legislation (such as State Environmental Planning Policies/SEPPs) will be undertaken as they occur throughout the document.

Old Reference (Currently in DCP)	New Reference
NSW Threatened Species Conservation Act	Biodiversity Conservation Act
NSW Native Vegetation Act	Biodiversity Conservation Act and/or Local Land Services Act (as applicable).
SEPP (Sydney Drinking Water Catchment) 2011	SEPP Biodiversity and Conservation 2021 (Chapter 8 – Sydney Drinking Water Catchments)
SEPP (Vegetation in Non Rural Areas)2017	SEPP Biodiversity and Conservation 2021 (Chapter 2 Vegetation in Non Rural Areas)
SEPP 44 Koala Habitat	SEPP Biodiversity and Conservation 2021 (Chapter 3 Koala Habitat Protection 2020 or Chapter 4 Koala Habitat Protection 2021 as applicable)
SEPP(Koala Habitat Protection) 2019	SEPP Biodiversity and Conservation 2021 (Chapter 3 Koala Habitat Protection 2020 or Chapter 4 Koala Habitat Protection 2021 as applicable)
Planning for Bushfire Protection 2006	Planning for Bushfire Protection 2019

SEPP 64 – Advertising and Signage	SEPP Industry and Employment 2021 (Chapter 3 Advertising and Signage) 2021
References to E 'Environmental' zones under the Local Environmental Plan (LEP)	C 'Conservation' zones

4. Should no submissions be received at the end of the exhibition period, that the updated document be adopted by Council with a notice to this effect (and advising of its commencement), placed on the Council's web site, in the Goulburn Post and on the NSW Planning Portal.

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

BACKGROUND

There has been in recent years a large number of changes to NSW legislation and to delegated legislation (such as State Environmental Planning Policies/SEPPs). *Goulburn Mulwaree Development Control Plan (DCP) 2009* directly references various legislation and subordinate legislation (such as regulations) and delegated legislated such as State Environmental Planning Policies throughout the document. Accordingly, a consequential amendment to update certain referencing is proposed.

A new comprehensive development control plan (DCP) is being prepared and will review other outdated content.

REPORT

The Goulburn Mulwaree DCP 2009 provides the expanded explanation of development requirements and guidelines for development applications. Given the interrelationship of legislation relating to development and land management, the DCP currently contains many references to related legislation, subordinate legislation (such as regulations), and delegated legislation such as State Environmental Planning Policies (SEPPs) or local environmental plans (LEPs), as well as guidelines directly referenced in legislation (such as Planning for Bushfire Protection). The last two to three years has seen a large number of changes to a number of Acts or SEPPs in particular, with changes to some zone descriptions in the LEPs also ("E" Environmental zones now referred to as "C" Conservation zones).

This report is seeking Council endorsement to undertake a consequential amendment to these references as they appear in the document. The following table provides a list of some of the main changes (the old reference as in the DCP) and the current reference. Those references listed in the table are the most commonly used references only.

Old Reference (Currently in DCP)	New Reference
NSW Threatened Species Conservation Act	Biodiversity Conservation Act
NSW Native Vegetation Act	Biodiversity Conservation Act and/or Local Land Services Act (as applicable).
SEPP (Sydney Drinking Water Catchment) 2011	SEPP Biodiversity and Conservation 2021 (Chapter 8 – Sydney Drinking Water Catchments)

SEPP (Vegetation in Non Rural Areas)2017	SEPP Biodiversity and Conservation 2021 (Chapter 2 Vegetation in Non Rural Areas)
SEPP 44 Koala Habitat	SEPP Biodiversity and Conservation 2021 (Chapter 3 Koala Habitat Protection 2020 or Chapter 4 Koala Habitat Protection 2021 as applicable)
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References to E 'Environmental' zones under the Local Environmental Plan (LEP)	C 'Conservation' zones

Relevant updates to clause numbers referenced in relation to any of the above will also be updated.

Given the size of the Development Control Plan, notice will be provided of the referencing changes/updates as per the above table (which is available on the Council web site and NSW Planning Portal).

Conclusion and Recommendation

In conclusion, it would be beneficial for all users to update the referencing in the Goulburn Mulwaree Development Control Plan 2009 in relation to legislation, subordinate legislation and delegated legislation and guidelines where incorporated into legislation (such as Planning for Bushfire Protection). A new comprehensive DCP is being prepared which will provide a more thorough review of content, however, in the interim, the current DCP remains in use and should be correctly referenced.

FINANCIAL IMPLICATIONS

There are no financial implications identified in this report.

LEGAL IMPLICATIONS

The legislation, subordinate legislation and delegated legislation and guidelines where incorporated into legislation prevail over the provisions of the DCP. The DCP is used to assess development applications and to assist with the preparation of development applications, accordingly up to date referencing is considered to be necessary.