



LEETON SHIRE COUNCIL

Preserving the Past, Enhancing the Future

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KT:KT



20 February 2015

Nicole Dukinfield
The Department of Planning & Environment
PO Box 58
DUBBO NSW 2800

Dear Nicole

**SUBJECT: COUNCIL DECISION TO AMEND LEETON LOCAL
ENVIRONMENTAL PLAN 2014 s56EPAA – SUBMISSION FOR
GATEWAY DETERMINATION**

Council resolved to prepare a planning proposal to amend Leeton LEP 2014 at its meeting of 29 October 2014. Please find attached the Planning Proposal, including information checklist and request for initial gateway determination under s56 of the Environmental Planning & Assessment Act 1979.

Council wishes to advise that as far as the rezoning of 14 Yanco Avenue is concerned (Lot 15, Section 57, DP 758606) it is necessary to correct an oversight and the land will be reclassified from Community land to Operational land. A public hearing will be required to be held in accordance with PN09-003.

Can you please advise the Department's requirements for the proposal to proceed, once you have had an opportunity to review the submission.

Yours faithfully

Kelly Tyson
Manager

PLANNING & ENVIRONMENT

Gateway Planning Proposal – Leeton Local Environmental Plan 2014 – Various Amendments

February 2015

Various lands Leeton Shire Council

Prepared by:

**Building and Environmental Services Today
26 Goulburn Street
JUNEE NSW 2663**



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1. Introduction

Building Environment Services Today (BEST) has been engaged by Leeton Shire Council to assist Council with the preparation of a Gateway Planning Proposal for various amendments to the *Leeton Local Environmental Plan 2014*. These amendments impact on the whole LGA as well as specific lands identified in this proposal.

The purpose of the Gateway Planning Proposal is to facilitate a number of changes including:

- Rezoning certain lands from commercial to residential
- Introducing exceptions to minimum lot size requirements in the RU1 zone to meet the needs of existing and permissible land uses
- Correct local planning provisions relating to those zones where setbacks to the Murrumbidgee River apply
- Correct lot size maps
- Correct drafting errors affecting land use tables and principal development standards

2. Background

This Gateway Planning Proposal has been prepared in accordance with:

- *Planning Circular PS 12-006 dated 29 October 2012*
- *A Guide to Preparing a Planning Proposal dated October 2012*

Section 1.3 of *A Guide to Preparing a Planning Proposal dated October 2012* states:

A planning proposal must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment. The planning proposal should contain enough information to demonstrate that relevant environmental, social, economic, and other site specific matters have been identified and if necessary that any issues can be addressed with additional information and/ or through consultation with agencies and the community.

This proposal has also been prepared having regard to current updated planning practice associated with the development of the LEP Standard Instrument.

This Gateway Planning Proposal provides sufficient information to support the proposed amendments to the *Leeton Local Environmental Plan 2014*.

3. Planning Proposal Context

The *Leeton Local Environmental Plan 2014* was gazetted on the 10 June 2014.

The Plan represents a substantial investment by Council and the local community to support new local planning controls across the Leeton LGA.

The **particular aims** of the Plan are as follows:

- (a) *to encourage sustainable economic growth and development,*
- (b) *to preserve rural land for all forms of primary production,*
- (c) *to identify, protect, conserve and enhance Leeton's natural assets,*
- (d) *to identify and protect Leeton's built and cultural heritage assets for future generations,*
- (e) *to allow for the equitable provision of social services and facilities for the community,*
- (f) *to provide housing choices for the community,*
- (g) *to minimise land use conflicts and adverse environmental impacts,*
- (h) *to promote ecologically sustainable development.*

This Planning Proposal is consistent with these plan aims including:

- The planning proposal enables Council to continue to support as well as manage growth and development in the local community. This reflects the uniqueness of the Leeton Local Government area and to encourage development in appropriate locations consistent with the capability and suitability of certain lands
- Specific to this amendment is to support specific development in rural zones, including necessary infrastructure, that supports the long term economic viability of the local community
- To reduce environmental impacts by managing and controlling existing developments adjoining river systems in the Council area, and
- Provides for positive social outcomes within the local community.

This planning proposal also represents good planning practice to ensure that local planning controls are correct and current to enable them to respond to the aspirations of the local community.

4. Part 1- Proposal objective or intended outcome

The objective and intended outcome of the proposal is to:

- *Rezone certain lands from commercial to residential*
- *Introduce exceptions to minimum lot size requirements in the RUI zone to meet the needs of existing and permissible land uses*
- *Correct local planning provisions relating to those zones where setbacks to the Murrumbidgee River apply*
- *Correct lot size maps*
- *Correct drafting errors affecting land use tables and principal development standards*

5. Part 2- Explanation of provisions

To achieve the intended outcome of the proposal the following amendments to the *Leeton Local Environmental Plan No 2014* are proposed:

1. **Amend Map LZN_014E to rezone** Lots 14 and 15 DP 758606 Yanco Avenue Leeton from the B3 Commercial Core Zone to R1 General Residential.

2. Amend Maps FSR_014E, HOB_014E and LSZ_014E to reflect the rezoning outlined in (1) above. The proposed changes to these maps are FSR 0.5 TO 1.25, HOB 11.5 to 8.5 and LSZ No specification to MLS 750m2
3. **Insert in Schedule 4 Part 1 Land classified, or reclassified, as operational land – no interest changed**
 - a) **Under Column 1 Locality Leeton and delete “Nil”**
 - b) **Under Column 2 Description Lot 15, Section 57, DP 758606**
4. **Insert after Clause 4.2D the following:**

4.2E Exceptions to minimum subdivision lot sizes for certain rural zones

- (1) *The objective of this clause is to permit the subdivision of land in certain rural zones to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.*
 - (2) *This clause applies to land in Zone RU1 Primary Production,*
 - (3) *Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or dual occupancy) permitted under an existing development consent for the land.*
 - (5) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the subdivision will not adversely affect the use of the surrounding land for agriculture, and*
 - (b) *the subdivision is necessary for the ongoing operation of the permissible use, and*
 - (c) *the subdivision will not cause or increase rural land uses conflict in the locality, and*
 - (d) *the subdivision is appropriate having regard to the natural and physical constraints affecting the land.*
5. **Amend the definition of river front area in Clause 6.7** to replace in (a) the wording Zone R5 Large Lot Residential with Zone RU1 Primary Production and replace in (b) the wording Zone E2 Environmental Conservation with Zone SP2 Infrastructure
 6. **Adjust Map LSZ_014B to include** Lot 86 DP 751735 Errey Road, Lot 87 and Lot 316 DP 751735 Irrigation Way (West), Lots 88 and 89 DP 751735 Yeo Road, Lot 298 DP 751735 , Lots 1, 2 DP 1190153 and Lot 1 DP 841216 Errey Road into the area marked AD with a MLS of 150ha

7. **Adjust Map LSZ 014F** to include Lot 109 and 110 DP 751745 Irrigation Way (East) Road into the area marked W with a MLS of 4000m2
8. **Remove the land use term *Places of Public Worship*** from 4 Prohibited of the Land Use Table to Zone R3 Medium Density Residential
9. **Remove the land use term *Flood mitigation works*** from 2 Permitted without consent of the Land Use Table to Zone R5 Large Lot Residential
10. **Alter Clause 4.1 3(A)** to remove reference to areas marked “Z” on the Lot Size Maps from this sub-clause

The proposed alteration to Leeton LEP 2014 Maps is included in **Attachment 3**.

6. Part 3 - Justification

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The following provides strategic context associated with the proposed changes under this Planning Proposal.

Rezoning certain lands from commercial to residential

Council seeks to rezone two (2) lots from Commercial Core B3 to General Residential R1. This includes the rezoning of Lot 14 and 15 DP 758606 12-14 Yanco Avenue Leeton

The decision is to “down zone” these two (2) lots for residential purposes is based on an original plan to try and attract a major fast food business to establish in this location. This has not occurred. As Council owns both lots it has resolved to sell both and to improve their market potential rezone them to residential. Council was approached by a developer to build two flats on one of the lots. This offer has since fallen through however Council is still pursuing the rezoning to R1 General Residential. The zoning of these lots to Residential is consistent with the adjoining land use zone.

Reclassification of community land to operational land

In 2007 Leeton Shire Council sought to establish a land bank which could be used to attract development to Leeton. Council had previously purchased 12 Yanco Avenue for the purpose of an interpretive irrigation centre or for a fast food outlet and decided to purchase the adjacent property to extend that holding. 14 Yanco Avenue was subsequently purchased on 19 December 2007 for those purposes for \$110,000. Since that time those development options have not proceeded and Council has decided it no longer needs these parcels. 12 Yanco Avenue was already classified as *operational* land by resolution of the Council. Through oversight the reclassification of 14 Yanco Avenue did not occur.

This planning proposal seeks the reclassification of 14 Yanco Avenue to *operational* land to enable it to be sold and developed for residential purposes.

Introducing exceptions to minimum lot size requirements in the RU1 zone to meet the needs of existing and permissible land uses

Council is currently considering a range of rural industries within the RU1 Primary Production Zone. These industries are not reliant on retaining a lot size of 150ha to support their development. Council seeks to ensure that opportunity for subdivision associated with these permissible uses is recognised in the RU1 Primary Production Zone. Council has adopted a similar approach in many new Local Environmental Plans including Shoalhaven and Griffith LEPs. Council only seeks to apply this clause to the RU1 zone and introduces a conditional exemption clause to reduce the MLS in certain circumstances for approved and permissible land uses other than dwelling houses or dual occupancies.

Correct local planning provisions relating to those zones where setbacks to the Murrumbidgee River apply

The current local planning provision Clause 6.7 defines river front areas to the Murrumbidgee River as being land within Zone R5 and Zone E2. Council on review of this clause has identified that in fact there are no lands zoned as R5 or E2 that have frontage to the Murrumbidgee River. Council has identified that there is only a small area of land zoned RU1, E1 and SP2 that has river frontage.

Council has resolved that it is unnecessary to include Zone E1 as being within the definition of a river front area.

There are specific distances defined in this clause for river front areas i.e. – 40 metres within Zone R5 and 100 metres within Zone E2. Council proposes to adjust this clause to include land within zone RU1 and SP2 with the relevant distances being – RU1 40 metres and SP2 100 metres.

Correct lot size maps

There are two (2) Lot Size Maps to be adjusted to correct the following:

- Adjustment of Lot Size Map LSZ_014B to include nine (9) lots of land in the area marked AD to permit subdivision to 150ha, and
- Adjustments of Lot Size Map LSZ_014F to include two (2) lots of land in “W” area to permit subdivision to 4000m²

These changes will correct mapping errors. The location and changes proposed for these two adjustments are identified in **Figure 1 and 2** below

Figure 1 – Proposed changes nine (9) allotments located on Errey Road, Irrigation Way (West) and Yeo Road

Leeton Planning Proposal: Various Amendments

Legend

- Land Parcels
- B1
- B2
- B3
- B5
- E1
- E2
- E4
- IN1
- IN2
- R1
- R2
- R3
- R5
- RE1
- RE2
- RU1
- RU5
- SP1
- SP2



PROJECTION: GDA 1984
ZONE 45

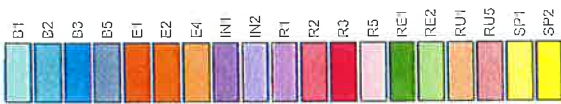
Figure 2 – Proposed changes for two (2) allotments located on Irrigation Way (East) Road

Leeton Planning Proposal: Various Amendments



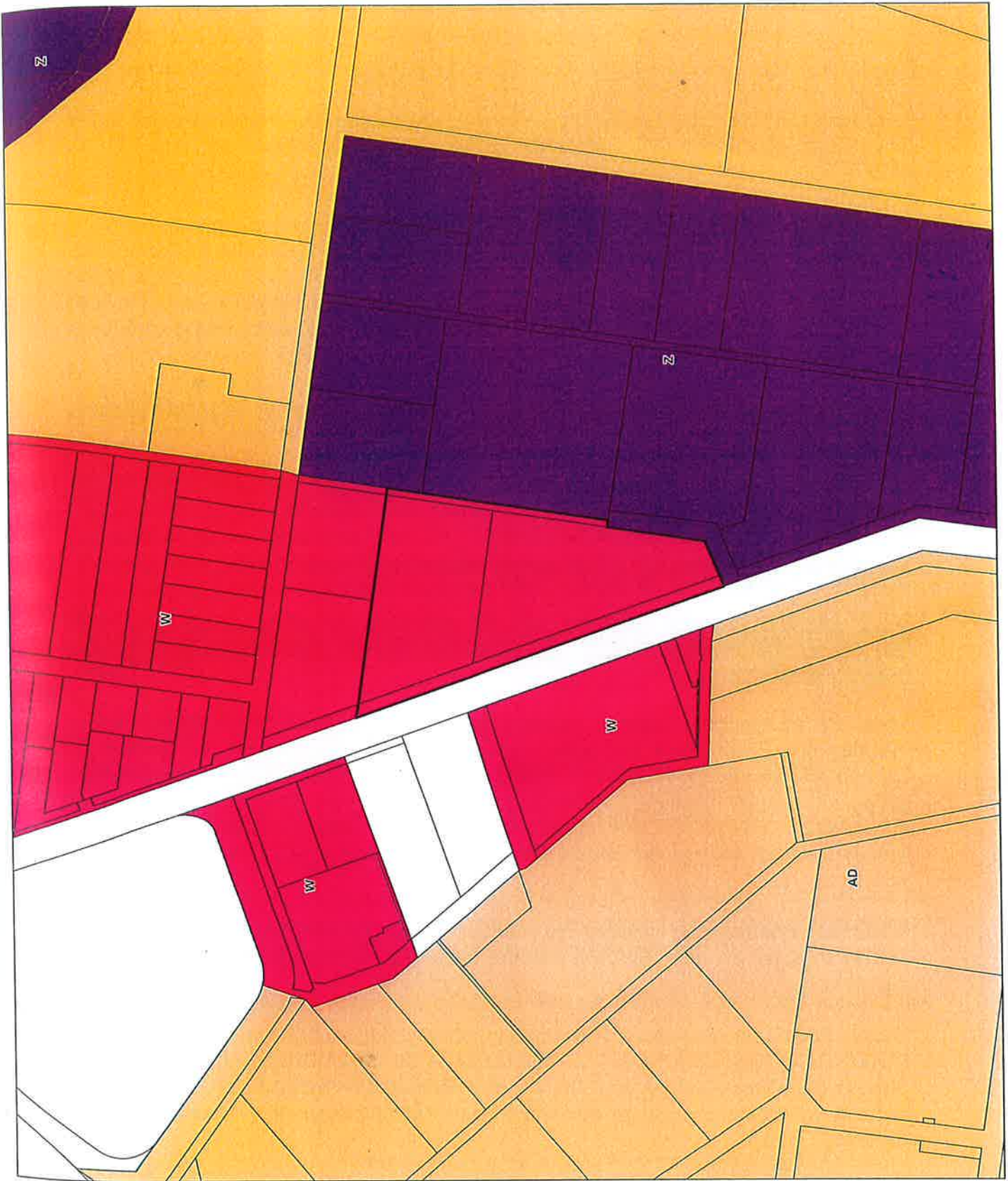
Legend

Land Parcels



PROJECTION: GDA 1984
ZONE 55

Map Identification Number:
Planning Proposal - Various Amendments



Correct drafting errors affecting land use tables and principal development standards

The alterations to the land use tables include removing duplication of land use terms in the Zone Land Use Tables to Zone R5 Large Lot Residential and R3 Medium Density Residential.

The alterations to Clause 4.1 (3A) removing reference to areas marked "Z" reflects Council's strategic planning for these areas. **This does not require a change to any LEP mapping.** This planning excludes servicing these areas with reticulated sewerage. The correction of this Clause will remove any expectation of servicing, other than reticulated water, being provided to these areas. Subdivision within these areas supplied with reticulated water is considered under Clause 4.1 (3B).

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed planning proposal is considered to be the best means of achieving the objectives and intended outcomes.

Section B – Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)

There are no applicable regional strategies prepared or endorsed by the Department of Planning and Environment that affect Leeton Shire. The Department of Planning and Environment is currently preparing a Regional Growth Plan for the Murray-Murrumbidgee region will integrate planning for housing and employment with planning for transport and infrastructure. This process will review and build on the plans contained within the 2009 Murray Regional Strategy, and set the vision for how the region will grow over the next 20 years.

While the Department has indicated that until the Regional Growth Plan is prepared the Draft Murray Regional Strategy 2009 will continue to apply to the region. This does not include Leeton LGA.

Leeton Shire is a member of Riverina and Murray Regional Organisation of Councils (RAMROC). They are a party to a submission to the NSW Decade of Decentralisation Strategy Taskforce which supports the role of decentralisation and regional growth. Council seeks to support that regional growth with the provision of a range of housing choices within the Leeton LGA.

While there are no comprehensive regional strategies for employment and economic development within the Riverina region the *Regional Development Australia – Riverina – Regional Plan Profile* identifies:

1. *The 2006 ABS Census estimated the RDA-Riverina region's resident population at 144,896 which is an increase from 142,997 (2001 Census), with the predominant increase being experienced in major centres such as Wagga and Griffith. The March*

2007 ABS Labour Force statistics show that in January 2007, the unemployment in the Murray-Murrumbidgee was 4.2% and the workforce participation rate 66.4%.

2. Agriculture continues to be the largest employer in the region followed by retail, manufacturing and then health and community services. The region therefore, continues to depend on agriculture for its economic prosperity. The extended drought and the withdrawal of previously secure irrigation entitlements have impacted significantly on the region.
3. The area is one of Australia's recognised food bowls providing over one-quarter of all the fruit and vegetable production in NSW. The MIA is also one of Australia's largest exporters of bulk wines. Much of this agricultural production is dependent on irrigation, consequently recent developments, which resulted in irrigation to the region being "turned off", has had significant effects that will continue into the future. It is an occurrence that was never seriously contemplated by the irrigation-based communities and for many has forced a reassessment of the security of their economic position.

Importantly in the Regional Plan profile the NSW Premier's Department estimated population growth (preliminary) for the 12 months to 30 June 2006 indicated some of the fastest growth rate for the region in more than a decade.

The Planning Proposal supports the outcomes and future growth directions for Leeton LGA.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Relevant Local Strategies

Council has prepared a Strategic Community Plan entitled *Leeton Living Towards 2024*.

The current Planning Proposal is consistent with Leeton Shire Community Vision in that Plan being

That Leeton Shire be the Centre of Excellence within the Murrumbidgee Irrigation Area, fostering world best practices in all its endeavours, ensuring the people of Leeton Shire enjoy a rich and diverse lifestyle in harmony with our unique environment

Specifically the Planning Proposal is consistent with the following key priority areas of that Plan including:

- *Building Our Business and Local Jobs*
- *Enhancing and Preserving Our Natural Assets*

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is generally consistent with all applicable SEPPs (**Refer Attachment 1**).

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is generally consistent with Ministerial Directions under Section 117 (**Refer Attachment 1**) with the exception of Direction 1.1, 1.2, 1.5, 3.1 and 3.4. The Planning Proposal does not impact identified flood liable or bushfire prone lands.

The variations to these Directions are considered to be of minor significance and justification for these inconsistencies is as follows:

Direction 1.1 - Business and Industrial Zones

This Direction requires that a planning proposal must

- *retain the areas and locations of existing business and industrial zones and*
- *not reduce the total potential floor space area for employment uses and related public services in business zones*

This Direction is aimed at ensuring there is adequate business and industrial zoned land available and that this land stock is not reduced. Council seeks to rezone certain land back to residential due to the failure of a commercial option being exercised.

Council does not have a formal commercial strategy and it is difficult to quantify the impacts of the increase or decrease of two small parcels of land from the overall supply of commercial land available in Leeton.

In assessing the merit of retaining these two lots, as identified in **Figure 3** below, they are:

- located on the southern edge of the existing commercial zoned area of Leeton
- separated by Gidgee Street from the existing commercial zoned area making the inclusion of these lots as part of a consolidated larger commercial development less attractive
- both lots adjoin existing residential areas which makes commercial development of these lots more difficult in terms of impacts on residential amenity etc, and
- any new fast food outlets outlet would be encouraged to locate within the B2 Local Centre complex located on Yanco Avenue to augment the existing supermarket and business development site.

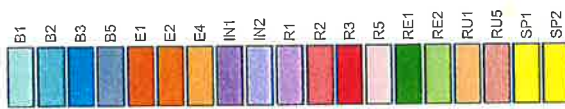
On merits the down zoning of these lots back to a residential zoning is not likely to impact on the viability and supply of commercial land in Leeton. It is also proposed to rezone that part of Gidgee Street to R1 to rationalise zone boundaries.

Figure 3 – Relative position of Lot 14 and 15 Yanco Ave to existing commercial areas

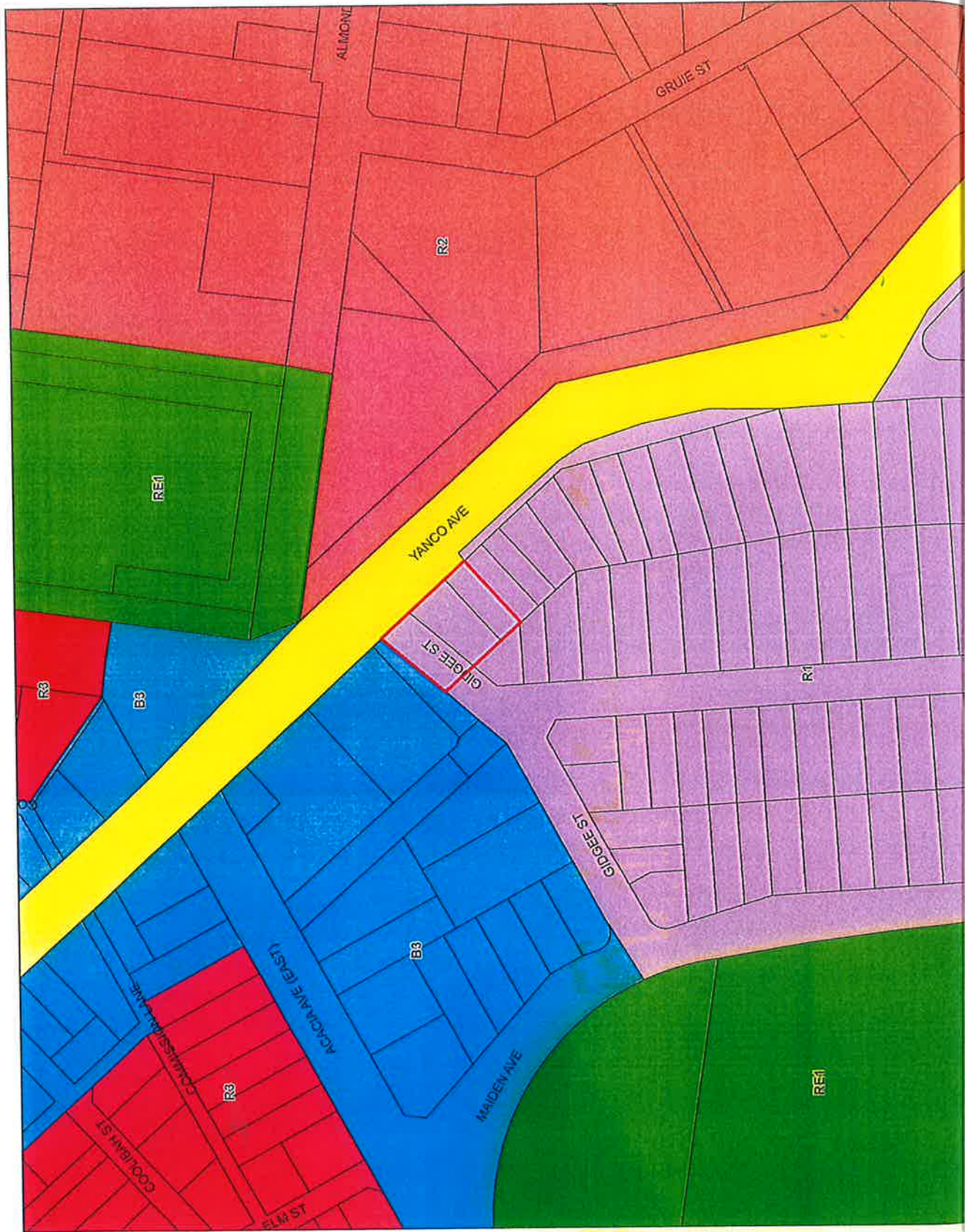
Leeton Planning Proposal: Various Amendments



Legend
Land Parcels



PROJECTION: GDA 1994
ZONE 55



Direction 1.2 and Direction 1.5 - Rural Lands

These Directions aim to:

- *ensure the protection of the agricultural production value of rural lands (Direction 1.2 and 1.5), and*
- *facilitate the orderly and economic development of rural lands for rural and related uses (Direction 1.5)*

There are a number of matters relevant to the current Planning Proposal that identifies that the proposed changes for rural lands are of minor significance:

- the flexibility proposed for reducing the MLS for permissible uses, other than dwelling houses and dual occupancies, is a logical and progressive approach to recognising not all land use activities that are suited to rural land require lot sizes equivalent to those required for new dwelling houses or dual occupancies. Similar to the provisions for subdivision for agriculture, lot sizes below the MLS can also support other permissible rural land uses. These permissible land uses enhance the value of agricultural lands.
- The corrections to zone maps applying to rural lands is an administrative change which does not require specific justification
- Altering the provisions relating to river front areas to the Murrumbidgee River is consistent with current environmental practice to protect river front areas from inappropriate development including permissible development in rural zones. There are no proposed changes to exceptions for continuing agricultural uses, permitted without consent, within these areas.

Direction 3.1 Residential zones

This direction applies when a relevant planning authority prepares a planning proposal alters an existing residential zone boundary

The Planning Proposal by down zoning land in Yanco Ave will not remove or alter any provisions that encourage the provision of housing. The proposal is consistent with this direction as the site will:

- The existing houses located on the site will continue to contribute to the choice of building types and locations available in the housing market
- make more efficient use of existing infrastructure and services
- reduce the consumption of land for housing and associated urban development on the urban fringe of Leeton, and
- be of good design.

Photo 1 – Existing dwellings located on Yanco Ave site



Direction 3.4 Integrating Land Use and Transport

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land zoned for residential or business purposes. This Direction applies to the Yanco Ave site.

This direction requires that a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- The Right Place for Business and Services – Planning Policy (DUAP 2001).

The Planning Proposal is consistent with this objective of this direction as it will ensure that the land use location will:

- retain access to housing, jobs and services by walking, cycling and public transport
- increase the choice of other transport options in Leeton and reduce dependence on cars
- reduce travel demands including the number of trips generated by the existing development and the distances travelled, especially by car, and
- support the efficient and viable operation of public transport services, and

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No critical habitat has been identified within the Leeton local government area. The proposed changes will not impact on critical habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the Planning Proposal.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have a positive effect on the local community and economy.

The major changes in this Planning Proposal have been addressed by Council and represent positive social and economic outcomes for the local community.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There are no public infrastructure impacts associated with the Planning Proposal.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State Government agencies will be consulted in respect of bushfire. The Department of Planning and Environment were consulted prior to the preparation of the resolution for Council to proceed with this Planning Proposal.

There are no Commonwealth public authorities directly impacted by the Planning Proposal.

7. Community consultation

Wider community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

- in a newspaper that circulates in the area affected by the Planning Proposal
- on the web-site of the Leeton Shire Council, and
- in writing to affected and adjoining landowners

The written notice will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the RPA for the receipt of submissions
- indicate the closing date for submissions.

During the exhibition period, the following material will be made available for inspection:

-
- the Planning Proposal, in the form approved for community consultation by the Director General of Planning
 - the gateway determination
 - any studies relied upon by the Planning Proposal.

The initial gateway determination will confirm the public consultation that must be undertaken in relation to the Planning Proposal. If the gateway determination specifies different consultation requirement this part of the proposal will be revised to reflect the terms of the gateway determination.

In the interest of keeping communication open from the outset, key stakeholders will be identified and contacted directly to ensure that they are aware of the Planning Proposal and are given the opportunity to communicate their concerns and ideas in regards to the development.

After the public exhibition of the planning proposal a public hearing will be held in respect to the reclassification of 14 Yanco Avenue in accordance with practice note 09-033 and the requirements of the Local Government Act.

Attachment 1 Consistency with SEPPs and S117 Directions

Request for Initial Gateway Determination

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
1 State Environmental Planning Policy – Development Standards	Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	N/A	N/A
4 State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	Previously titled SEPP No. 4 - Development without Consent. This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types of development covered in the policy are outlined in the policy	N/A	N/A
6 State Environmental Planning Policy – Number of Storeys in a Building	Sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments	N/A	N/A
10 State Environmental Planning Policy – Retention of Low Cost Rental Accommodation	Originally applying to just the inner suburbs of Sydney, Newcastle and Wollongong, the policy now covers the 53 local government areas in the Greater Metropolitan Region. The policy requires the local council's consent, and the Director General of the Department of Planning's concurrence, to demolish, alter or change the use of a boarding house. Consent is also required to strata-subdivide a low-cost residential flat building or boarding house. Before granting consent or concurrence, the council and Director General are required to take into account the availability of comparable accommodation; however, it is not mandatory for them to refuse a proposal if such accommodation is not available. Other matters to be considered include the structural soundness and fire safety of a building, the estimated cost of necessary improvements and, as relevant, the financial viability of continuing to run a boarding house.	N/A	N/A
14 State Environmental Planning Policy –	Ensures coastal wetlands are preserved and protected for environmental and	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
Coastal Wetlands	economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean. The policy identifies over 1300 wetlands of high natural value from Tweed Heads to Broken Bay and from Wollongong to Cape Howe. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the local council and the agreement of the Director General of the Department and Planning. Such development also requires an environmental impact statement to be lodged with a development application. The policy is continually reviewed. It has, for example, been amended to omit or include areas, clarify the definition of the land to which the policy applies and to allow minimal clearing along boundaries for fencing and surveying		
15 State Environmental Planning Policy – Rural Land sharing Communities	Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.	N/A	N/A
19 State Environmental Planning Policy – Bushland in Urban Areas	Protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared	N/A	N/A
21 State Environmental Planning Policy – Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new	Movable dwellings will be permitted in the RU1 Primary Production Zone with consent	Yes

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years		
22 State Environmental Planning Policy – Shops & Commercial Premises	Permits within a business zone, a change of use from one kind of shop to another or one kind of commercial premises to another, even if the change of use is prohibited under an environmental planning instrument. Development consent must be obtained and the consent authority satisfied that the change of use will have no, or only minor, environmental effect	N/A	N/A
26 State Environmental Planning Policy – Littoral Rainforests	Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement. The policy applies to 'core' areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas, except for residential land and areas to which SEPP No. 14 - Coastal Wetlands applies. Eighteen local government areas with direct frontage to the Pacific Ocean are affected, from Tweed in the north to Eurobodalla in the south.	N/A	N/A
29 State Environmental Planning Policy – Western Sydney Recreation Area	Enables development to be carried out for recreational, sporting and cultural purposes within the Western Sydney Recreation Area, including the development of a recreation area of State significance.	N/A	N/A
30 State Environmental Planning Policy – Intensive Agriculture	Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	N/A	N/A
32 State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.		
33 State Environmental Planning Policy – Hazardous & Offensive Industry	Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must careful consider the specifics the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.	N/A	N/A
36 State Environmental Planning Policy – Manufactured Home Estate	Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy		
39 State Environmental Planning Policy – Spit Island Bird Habitat	Enables a bird habitat at Spit Island at Towra Point, Kurnell to be created and protected without the need for development consent. Such work is still subject to Part 5 of the Environmental Planning and Assessment Act 1979. The wading birds for which the nesting habitat is to be created are covered by international agreements. It is needed as the construction of the third runway at Sydney Airport substantially reduced the habitat for Little Terns, an endangered species, as well as several other species of migratory wading birds	N/A	N/A
41 State Environmental Planning Policy – Casino Entertainment Complex	Permits development for the purpose of a casino/entertainment complex or complementary development on the land to which the policy applies	N/A	N/A
44 State Environmental Planning Policy – Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat	N/A	N/A
47 State Environmental Planning Policy – Moore Park Showground	Enables the redevelopment of the Moore Park Showground for film and television studios and film-related entertainment facilities in a manner that is consistent with the Showground's status as an area important to the State and for regional planning. The policy ensures community activities and equestrian uses can continue on parts of the site. It specifies a consultation process, and requires the Minister for Planning, as the consent authority, to consider a range of possible impacts when determining development applications	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
50 State Environmental Planning Policy – Canal Estate Development	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	N/A	N/A
52 State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	Applies to 11 irrigation areas or districts and lands shown on the plans. They are: Coleambally, Jemalong, Wyldes Plains, Burrunga, Tabbita and Wah Wah; Berriquin, Cadell, Denemein and Wakool, which are part of the area administered by Murray Irrigation Ltd; and land in East Cadell in the Murray local government area. The policy amends the threshold used to determine what is 'designated development' in relation to farm dams (artificial waterbodies). It applies in areas where there are approved land and water management plans (LWMP) and farm plans have been approved. Currently only the area administered by Murray Irrigation Corporation has approved LWMPs (i.e. for Berriquin, Cadell, Denemein and Wakool). As other LWMPs are approved, the policy may be amended to incorporate the areas covered by those plans. The policy amends SEPP No. 4 to enable Irrigation corporations within the areas covered by the policy to carry out routine maintenance and emergency works without the need for development consent.	N/A	N/A
53 State Environmental Planning Policy – Metropolitan Residential Development	Repeals SEPP No. 12, SEPP No. 20, SEPP No. 25 and Sydney Regional Environmental Plan No. 12. Applies to councils in the Greater Metropolitan Region that have not prepared a suitable residential development strategy that addresses local housing needs while contributing to the metropolitan objective of more compact cities. The policy contains development controls for integrated housing and dual occupancy. Subdivision of dual occupancy is not permitted. Under Part 4 of the policy, the Minister can alter local planning provisions to facilitate multi-unit redevelopment of sites that are well located in relation to transport, jobs and services. A site analysis and a range of design principles are to be considered in assessing development to which the policy applies	N/A	N/A
55 State Environmental Planning Policy	Introduces state-wide planning controls for the remediation of contaminated	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
Policy – Remediation of Land	land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines		
59 State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	Rezoned and coordinates the planning and development of certain land in the central west of Sydney. The policy provides for residential development in suitable areas on a precinct-by-precinct basis to help accommodate Sydney's population growth. It also provides for optimal environmental and planning outcomes, including the conservation of areas of high biodiversity, heritage, scenic or cultural value, implementation of good urban design, and providing for the extraction of resources from existing quarries in an environmentally acceptable manner. Note. The title of this SEPP was amended by SEPP (Western Sydney Employment Area) 2009 published 21 August 2009.	N/A	N/A
60 State Environmental Planning Policy – Exempt & Complying Development	Provides a more efficient and effective approval process for certain classes of development. The policy is an essential part of the reforms introduced to the development assessment system in July 1998. It applies to areas of the State where there are no such provisions in the council's local plans	N/A	N/A
62 State Environmental Planning Policy – Sustainable Aquaculture	Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks	N/A	N/A
64 State Environmental Planning	Aims to ensure that outdoor advertising is compatible with the desired amenity	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	Policy – Advertising & Signage	and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications	
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages	N/A
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	Extends the life of affordable housing provisions relating to: Sydney Regional Environmental Plan No. 26 - City West, Willoughby Local Environmental Plan 1995, South Sydney Local Environmental Plan 1998. Schemes such as these are helping to provide affordable housing in areas undergoing significant redevelopment	N/A
71	State Environmental Planning Policy – Coastal Protection	The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.	N/A
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	housing for the homeless and other disadvantaged people.		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.	N/A	N/A
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.	N/A	N/A
State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07	N/A	N/A
State Environmental Planning Policy (Infrastructure) 2007	Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	The aim of this policy is to strengthen the assessment framework for development within the alpine resorts and to reinforce environmentally sustainable development and recreational activities within these resorts. The Policy also facilitates the protection of the natural and cultural setting of the alpine resorts in Kosciuszko National Park	N/A	N/A
State Environmental Planning Policy (Major Development) 2005	Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.	N/A	N/A
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.	N/A	N/A
State Environmental Planning Policy (Rural Lands) 2008	The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4	Yes	Consistent
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with Environmental Planning and Assessment Regulation relating to precinct planning).	N/A	N/A
State Environmental Planning Policy (Temporary Structures) 2007	Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note the name of this policy was changed from SEPP (Temporary Structures and Places of Public Entertainment) 2007 to SEPP (Temporary Structures) 2007	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	effective 26.10.09.		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Promotes economic development and the creation of employment in the Western Sydney Employment Area by providing for development, including major warehousing, distribution, freight transport, industrial, high technology and research facilities. The policy provides for coordinated planning, development and rezoning of land for employment or environmental conservation purposes.	N/A	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	The aim of the policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into multi-use urban parkland for the region of western Sydney.	N/A	N/A
Regional Environmental Plan (deemed State Environmental Planning Policies)			
Murray REP No. 2 – Riverine Land	Ensures the river and its floodplain are able to support a range of productive land uses. The plan coordinating planning along the Murray River and the implementation of planning-related aspects of the Murray Darling Basin Commission strategies. It simplifies the consultation process between agencies and councils established in REP No. 1. It also promotes consistency between NSW and Victoria planning in relation to the river and its floodplain.	N/A	N/A
Willandra Lakes REP No 1 - World Heritage Property	Applies to the Willandra Lakes Region in the Shires of Wentworth and Balranald. The purpose of the plans is to protect, conserve and manage this World Heritage Property in accordance with any strategic plan of management. The plan also aims to provide a process of consultation with stakeholders on development and related decisions.	N/A	N/A
Riverina REP No. 1	This plan covers land within a 16-kilometre radius of the proposed Australian Defence Communications Facility to be built near Morundah. Its purpose is to protect the operational effectiveness of the new facility	N/A	N/A
Orana REP No. 1 - Siding Spring	Covers the area around Siding Spring Observatory in Coonabarabran and is designed to deal with the problem of light emission interfering with the effectiveness of the telescopes. Coonabarabran Council has prepared a	N/A	N/A

No. SEPP Title	Summary of SEPP	Applicable to Planning Proposal	Consistency
	development control plan to implement the necessary lighting codes.		
Western Division REP No. 1 - Extractive Industries	Provides consistent control of extractive industries in the Western Division, to ensure there is adequate site management and to protect valuable agricultural land, water quality, riparian environs, heritage items and aboriginal sites of significance. The plan also provides for rehabilitation of quarries after extraction	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources (effective 1 July 2009)			
1.1	<i>Business and Industrial Zones</i> A planning proposal must: • give effect to the objectives of this direction • retain the areas and locations of existing business and industrial zones • not reduce the total potential floor space area for employment uses and related public services in business zones • not reduce the total potential floor space area for industrial uses in industrial zones, and • ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	Yes	Refer to justification in Planning Proposal
1.2	<i>Rural Zones</i> A planning proposal must: • not rezone land from a rural zone to a residential, business, industrial, village or tourist zone • not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Yes	Refer to justification in Planning Proposal
1.3	<i>Mining Petroleum Production and Extractive Industries</i> This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: • prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or • restricting the potential development of resources of coal, other minerals, petroleum	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.		
1.4	<i>Oyster Aquaculture</i> This direction applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in: • adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or • incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.	N/A	N/A
1.5	<i>Rural Lands</i> This direction applies when: • a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or • a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.	Yes	Refer to justification in the Planning Proposal
2.	Environment and Heritage (effective 1 July 2009)		
2.1	<i>Environment Protection Zones</i> • A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. • A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	with clause (5) of Direction 1.5 "Rural Lands".		
2.2	<i>Coastal Protection</i> A planning proposal must include provisions that give effect to and are consistent with: - the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and - the Coastal Design Guidelines 2003, and - the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).	N/A	N/A
2.3	<i>Heritage Conservation</i> A planning proposal must contain provisions that facilitate the conservation of: - items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, - Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and - Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	N/A	N/A
2.4	<i>Recreation Vehicle Areas</i> A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983): - where the land is within an environmental protection zone, - where the land comprises a beach or a dune adjacent to or adjoining a beach,	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	- where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and (ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.		
3.	Housing Infrastructure and Urban Development (effective 1 July 2009 - Except for new Direction 3.6 –effective 16 February 2011)		
3.1	Residential Zones This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: - an existing or proposed residential zone (including the alteration of any existing residential zone boundary) - any other zone in which significant residential development is permitted or proposed to be permitted.	Yes	Refer to Justification in Planning Proposal
3.2	Caravan Parks and Manufactured Home Estates This direction applies when a relevant planning authority prepares a planning proposal. In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: - retain provisions that permit development for the purposes of a caravan park to be carried out on land, and - retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard	N/A	N/A

No. Title	Applicable to Planning Proposal	Consistency
3.3 <i>Home Occupations</i> This direction applies when a relevant planning authority prepares a planning proposal. Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	N/A	N/A
3.4 <i>Integrating Land Use and Transport</i> This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services – Planning Policy (DUAP 2001).	Yes	Refer to Justification in Planning Proposal
3.5 <i>Development Near Licensed Aerodromes</i> This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: • consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, • take into consideration the Obstacle Limitation Surface (OLS) as defined by that	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	Department of the Commonwealth, - or land affected by the OLS: (i) prepare appropriate development standards, such as height, and (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome - obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.		
3.6	<i>Shooting Ranges</i> This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of: - permitting more intensive land uses than those which are permitted under the existing zone; or - permitting land uses that are incompatible with the noise emitted by the existing shooting range.	N/A	N/A
4. Hazard and Risk (effective 1 July 2009)			
4.1	<i>Acid Sulfate Soils</i> This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	Acid Sulfate Soils Planning Maps.		
4.2	<i>Mine Subsidence and Unstable Land</i> This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: • is within a mine subsidence district, or • has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority	N/A	N/A
4.3	<i>Flood Prone Land</i> This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal must not contain provisions that apply to the flood planning areas which: • permit development in floodway areas • permit development that will result in significant flood impacts to other properties • permit a significant increase in the development of that land	No	The Planning Proposal does not remove, alter a zone or any provisions that affect flood prone land

No.	Title	Applicable to Planning Proposal	Consistency
	- are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or - permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General). For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).		
4.4	<i>Planning for Bushfire Protection</i> This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. A planning proposal must: have regard to Planning for Bushfire Protection 2006,	No	The Planning Proposal will not affect land mapped as Bushfire Prone however as required consultation with NSW RFS will be undertaken during exhibition of the Planning Proposal

No.	Title	Applicable to Planning Proposal	Consistency
	- introduce controls that avoid placing inappropriate developments in hazardous areas, and - ensure that bushfire hazard reduction is not prohibited within the APZ. - A planning proposal must, where development is proposed, comply with the following provisions, as appropriate: - provide an Asset Protection Zone (APZ) incorporating at a minimum: - an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and - an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, - for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, - contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, - contain provisions for adequate water supply for fire fighting purposes, - minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.		
5. Regional Planning (effective 1 July 2009 - Except for new Direction 5.4 effective 29 November 2009 & Direction 5.2 effective 3 March 2011)			

No.	Title	Applicable to Planning Proposal	Consistency
5.1	<i>Implementation of Regional Strategies</i> This direction applies to land to which the following regional strategies apply: • Far North Coast Regional Strategy • Lower Hunter Regional Strategy • Illawarra Regional Strategy • South Coast Regional Strategy • Sydney–Canberra Corridor Regional Strategy • Central Coast Regional Strategy, and • Mid North Coast Regional Strategy.	N/A	N/A
5.2	<i>Sydney Drinking Water Catchments</i> This Direction applies to the Sydney drinking water catchment in the following local government areas: • Blue Mountains • Campbelltown • Cooma Monaro • Eurobodalla • Goulburn Mulwaree • Kiama • Lithgow • Oberon • Palerang • Shoalhaven • Sutherland	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	• Upper Lachlan • Wingecarribee • Wollondilly • Wollongong.		
5.3	<i>Farmland of State and Regional Significance on the NSW Far North Coast</i> This direction applies to: • Ballina Shire Council, • Byron Shire Council, • Kyogle Shire Council, • Lismore City Council, • Richmond Valley Council, and • Tweed Shire Council	N/A	N/A
5.4	<i>Commercial and Retail Development along the Pacific Highway, North Coast</i> This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive	N/A	N/A
5.5	<i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i> <i>(Revoked 18 June 2010)</i>	N/A	N/A
5.6	<i>Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</i>	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	N/A
5.8	Second Sydney Airport: Badgenys Creek This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgenys Creek--Australian Noise Exposure Forecast--Proposed Alignment--Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.	N/A	N/A
6. Local Plan Making (effective 1 July 2009)			
6.1	<i>Approval and Referral Requirements</i> This direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must: • minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and • not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and • not identify development as designated development unless the relevant planning authority:	Yes	Consistent – no provisions are included in the Planning proposal for approval or referrals

No.	Title	Applicable to Planning Proposal	Consistency
	(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment; and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.		
6.2	<i>Reserving Land for Public Purposes</i> This direction applies when a relevant planning authority prepares a planning proposal. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General). When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: • reserve the land in accordance with the request; and • include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General); and • identify the relevant acquiring authority for the land. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	- include the requested provisions, or - take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.		
6.3	<i>Site Specific Provisions</i> This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: - allow that land use to be carried out in the zone the land is situated on, or - rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or - allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal.	Yes	Consistent
7. Metropolitan Planning (effective 1 February 2010)			

No.	Title	Applicable to Planning Proposal	Consistency
7.1	<i>Implementation of the Metropolitan Plan for Sydney 2036</i> This direction applies to land comprising of the following local government areas: • Ashfield • Auburn • Bankstown • Baulkham Hills • Blacktown • Blue Mountains • Botany Bay • Burwood • Camden • Campbelltown • Canada Bay • Canterbury • City of Sydney • Fairfield • Hawkesbury • Holroyd • Hornsby • Hunters Hill • Hurstville • Kogarah	N/A	N/A

No.	Title	Applicable to Planning Proposal	Consistency
	• Ku-ring-gai • Lane Cove • Leichhardt • Liverpool • Manly • Marrickville • Mosman • North Sydney • Parramatta • Penrith • Pittwater • Randwick • Rockdale • Ryde • Strathfield • Sutherland • Warringah • Waverley • Willoughby • Wollondilly • Woollahra		

**Attachment 2 Council report and resolution to prepare Planning
Proposal**

LEETON SHIRE COUNCIL

Ordinary Council Meeting - Wednesday, 20 October 2014

ITEM 3 AMENDMENT TO LEETON LOCAL ENVIRONMENTAL PLAN 2014

RECORD NUMBER 14/289
RELATED FILE NUMBER EF10/431
AUTHOR Manager Planning & Environment

INTRODUCTION

The purpose of this report is to explain the reasons for amendments to Leeton Local Environmental Plan 2014 (The LEP) and to progress the matter by a Planning Proposal.

BACKGROUND

The LEP was gazetted on 10 June 2014. Since the plan has been implemented, there has been a growing recognition of the need for various amendments. The amendments relate to the need to:

- 1) Correct minor drafting errors;
- 2) Undertake several spot rezonings;
- 3) Provide for rural industrial subdivisions;
- 4) Provide for urban release area master planning through a development control plan; and
- 5) Take into account the results of the Flood Study investigations.

COMMENT

Discussions with NSW Planning and Environment (NSW PE - The Department) have been subject to both written and verbal correspondence (refer attached):

A brief explanation of the required amendments is:

1) CORRECTION OF MINOR DRAFTING ERRORS

Attachment 1 identifies minor drafting errors in the existing instrument. These need to be corrected so that there is no ambiguity and the plan is clear.

2) SPOT REZONINGS

Two requests for rezoning have been received, relating to land currently being sold by the Council (Attachment 1, item 1) and the old Brobenah Road supermarket (Attachment 1, item 2).

In the case of item 1, the intention is to allow for redevelopment for residential purposes either dual occupancies or multi-dwelling development. Higher density living close to business areas is desirable

for a number of reasons including revitalisation of town centres, proximity to services and less reliance on car journey trips. The rezoning is supported by the current potential purchaser.

In the case of the supermarket a rezoning to permit a church and dwellings was requested by a potential purchaser. The owner now apparently is dealing with another potential buyer and the need and strategic benefit for this rezoning is yet to be confirmed with the current owner of the land.

3) RURAL INDUSTRIAL SUBDIVISION

Currently Council has no power to approve a subdivision for a rural industry that is below the minimum lot size. In the RU1 Primary Production Zone the minimum lot size is 150ha.

This has significant implications for economic development opportunities of rural land associated with emerging or proposed rural industries.

4) MASTERPLANNING OF DEVELOPMENT AREAS

A review of Councils Section 94 plan is currently taking place. This review has lead to an analysis of the development that has occurred in Leeton over the last 15 years. One of the conclusions is that development has occurred sporadically, in an ad hoc manner and mostly in an unplanned and unintegrated way. This has significant implications in that it affects the orderly and economic provision of services and impacts good urban design opportunities. In other words it affects Council's bottom line and promotes ordinary development.

Council has currently engaged a consultant to assist in the preparation of a development control plan (DCP). This plan will provide development guidelines and will incorporate some measures to encourage better planning and design within the Leeton area. However the plan will be limited in its ability to influence integrated design particularly for potential subdivisions in areas which include multiple owners.

5) FLOODING

The release of preliminary flood modelling reveals the future need to ensure adequate flood planning controls exist within the LEP and/ or the draft DCP under preparation. As more information comes to hand and as the Flood Study stages are progressed, Council will need to adopt a Flood Planning Level (FPL) for development that is adequate, given the identified flood risks. To date the flood risk is yet to be identified. A report will need to be prepared to consider flood behaviour for the 1 in 100 ARI; localised flood modelling for the 2012 flood of record -(1 in 170 ARI; 1 in 170 ARI-Riverine and localised flood coinciding and the Probable Maximum Flood (PMF) event. At that time the Floodplain Management Committee and the Council will consider the magnitude and effects of the various storm events and the associated risks and determine an appropriate FPL given the modelled risks. There will also need to be a strategic assessment of the suitability of zoned land that

LEETON SHIRE COUNCIL

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might be affected by flooding. At this stage, however any amendments to the LEP about flooding are premature.

The Department has suggested that the proposed LEP amendments (with the exception of flooding) be dealt with as one Planning Proposal. A Planning Proposal is the mechanism by which amendments to the LEP can be considered.

Some time will be needed to develop the Planning Proposal in the required format. This involves developing the supporting information and justification along with supporting maps acceptable to the Department.

RELATIONSHIP TO INTEGRATED PLAN

28A - Develop relevant planning strategies that will be incorporated into the Local Environmental Plan.

FINANCIAL IMPACT STATEMENT

The proposed provisions relating to rural industry subdivision will promote economic development opportunities within Leeton. The proposed amendments relating to urban release areas will provide for a planned, orderly and economic servicing provision than currently exists. Developers will need to bear the costs associated with upfront strategic planning to facilitate better development outcomes.

CONSULTATION

The Planning Proposal will include a consultation strategy.

RECOMMENDATION

That Council resolve to:

a) Prepare a Planning Proposal for the following LEP amendments:

- I. Rezoning of lots 14 and 15 DP 758606
- ~~II. Rezoning of Lot 3 DP 1072561~~
- III. Provide for rural industrial subdivision
- IV. Expand river front area zones in C16.2
- V. Amend the Lot Size map LSZ_0148 and LS2_014B
- VI. Amend Zone R3 land use table for 'Places of Public Worship'
- VII. Amend Zone R5 land use table 'Flood Mitigation Works'
- VIII. Provide for Urban Release Areas
- IX. Remove the reference to "Z" in C1 4.1(3A) of the LEP so that land within 2 areas cannot be subdivided down to 1200m² lots, because sewer is not planned to be provided.

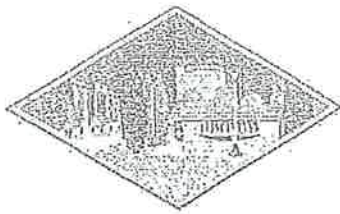
LEETON SHIRE COUNCIL

~~Ordinary Council Meeting - Wednesday, 29 October 2014~~

- b) Support the urgent preparation of LEP mapping within Council by Councils Assets/GIS officer to facilitate the planning proposal.
- c) As an interim measure advise any proponents for rural industrial subdivision the option of developing their own planning proposal as a standalone measure if urgently required.
- d) Consider a further report from **MANEX** of the areas to be mapped as future urban release areas.

ATTACHMENTS

- 1 Letter dated 16/9/2014 and email dated 15/10/2014 Department of Planning & Environment



LEETON SHIRE COUNCIL

Preserving the Past Enhancing the Future

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KT/KT

16 September 2014

Department of Planning and Environment
PO Box 58
DUBBO NSW 2830

ATTENTION REBECCA KELL

Dear Sir/Madam

**SUBJECT: PROPOSED AMENDMENTS TO LEETON LOCAL
ENVIRONMENTAL PLAN 2014**

Council seeks several amendments to the recently gazetted Leeton Local Environmental Plan 2014. The Department has advised Council that it requires an understanding of the scope of the required amendments prior to a formal resolution. This letter is to clarify the scope and nature of those amendments. After review, Council would appreciate your advice as to the required processes and the delegations that will affect the proposals. On receipt, a report shall be provided to Leeton Council for an appropriate resolution.

At this stage the proposed amendments include:

1. Rezoning of Lot 14 and 15 of DP 758606, 42-14 Yanco Avenue, Leeton – The intention is to rezone both Lots back from the existing zone of B3 Commercial Core to R1 General Residential. It should be noted that Lot 14 is in the process of being sold by the Council.
2. Lot 3 of DP1072561, 67-73 Brobeniah Road, Leeton – This land is currently developed as a supermarket but has been vacant for quite some time. It is currently zoned B2 Local Centre and it is proposed to rezone it to R1 General Residential to facilitate the development of a Brethren Church and dwellings.

3. Insertion of the standard clause to allow subdivision for rural industry purposes with no minimum size (for example Richmond Valley Local Environmental Plan 2012 4.2A). Also if necessary provisions to allow an ancillary dwelling to be erected in conjunction with any approved industrial use.
4. The incorporation of the bush fire prone land maps into the LEP.
5. Currently C1 6.2 deals with river front area and relates to the R5 and E2 Zone. This needs to be expanded to incorporate other zones including RU1 Primary Production.
6. Lot size Map LS2_014B requires a change to include an area shown in white as AD 150 -

Minimum lot size "AD" (150ha) -
Lots 86, 87, 88, 89, 298 & 316 DP 751735
Lots 1 & 2 DP 1190153; Lot 1 DP 841216
7. Lot size map 014F - Lots 109 and 110 DP 751745 needs to be incorporated within "W" (4,000m² minimum)
8. LAND USE TABLE ZONE R3 - Places of public worship is currently included within both the development permitted with consent and also the prohibited section where it should be removed.
9. LAND USE TABLE ZONE R5 - Flood mitigation works are shown as both permitted without consent and permitted with consent. The reference in permitted without consent should be removed.
10. For future reference, Council is undertaking a Flood Study the results of which should be released in October 2014 (first draft). It is likely that flood affected land may need to be rezoned and compensatory rezonings considered. These amendments may be considered however at a later stage.

In respect to items 1 and 2 above, Council is still to formally liaise with the intending purchasers of those sites to confirm the need for rezoning.

Council is keen to facilitate LEP amendments to provide for rural industrial subdivisions as a matter of urgency. Council currently has several proposals with significant economic benefits that are impacted by the inability to subdivide. It is important to ensure that any future gateway process to cater for this is not held up by the other desired amendments mentioned above.

Council would appreciate your advice on the processes including any delegations and the level of supporting information that is required to be reported to the Department.

It is hoped to report these amendments to the October Council Meeting and your prompt response to facilitate this would be appreciated.

Should you wish to discuss matters raised please contact Kelly Tyson on 0447 066 181 during normal business hours.

Yours faithfully



Kelly Tyson

Manager

PLANNING & ENVIRONMENT

Kelly Tyson

From: Rebecca Kell <Rebecca.Kell@planning.nsw.gov.au>
Sent: Wednesday, 15 October 2014 1:54 PM
To: Kelly Tyson
Subject: Re: another typo in Leeton lep 2014
Attachments: Rebecca Kell.vcf

Hi Kelly,

I've had a quick look at 4.1(3A) and removing reference to 'Z' makes sense.

I'm happy for this amendment to be included in your planning proposal suite. I just ask you to look over your mapping to make sure everything is as it should be.

Any questions, don't hesitate to get in touch.

Thanks and best regards,
Bec

Rebecca Kell
Planning Officer

Department of Planning and Environment | PO Box 58 | Dubbo NSW 2830
T 02 68412180
rebecca.kell@planning.nsw.gov.au

Please consider the environment before printing this email
>>> Kelly Tyson <kellyt@leeton.nsw.gov.au> 14/10/2014 3:21 PM >>>

Hi Rebecca

We have noticed another typo in the LEP clause 4.1 (3A) There is a need to remove the reference to Z in this clause.

This because there was never any intention to provide sewer in the Z areas.
We have noticed this in recently calculating our stock of vacant residential zoned land supply. If z is maintained at potentially 1200m2 lots (if sewer and water is provided) this means our land supply is over 260 years!!

Therefore we are looking at removing reference to Z. Is there any problem with including this in our planning proposal?

I have prepared a draft report for next Council meeting re this.

Regards

Kelly Tyson

Manager Planning & Environment | Leeton Shire Council |

☎: (02) 69530924 | Mobile ☎: 0447066181 | ☎: (02) 69533337 | ✉: kellyt@leeton.nsw.gov.au

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