

## **9 LEP REVIEW UPDATE & DRAFT PLANNING PROPOSALS**

### **RECOMMENDATION THAT**

- (a) Director Environmental & Economic Development Services Report No. 42/19 be received and noted. That Council resolve to progress the presented Planning Proposals to amend the LPLEP 2011.
- (b) Council resolve to forward the presented Planning Proposals to the Department of Planning & Environment for Gateway Determination to allow the LEP amendment process to commence under Section 3.34 of the *Environmental Planning & Assessment Act 1979 (EP&A Act 1979)*.
- (c) Council resolve to request the Department of Planning & Environment to issue written authorisation to Council's General Manager to exercise and implement plan making delegations pursuant to the provisions of the EP&A Act 1979, so as to facilitate the plan making process following the Gateway Determination.
- (d) Following the Gateway Determination by the Department of Planning & Environment, the Planning Proposals be placed on public exhibition in accordance with the procedures outlined in the *EP&A Act 1979*.
- (e) A report to be presented to Council at the completion of the public exhibition period detailing submissions received and the outcome of any consultation required with public authorities.

## **10 EXECUTIVE AREA WORKS REPORT**

### **RECOMMENDATION THAT**

General Manager Report No. 36/19 be received and noted.

## **11 INVESTMENTS – AS AT 31 MAY 2019**

### **RECOMMENDATION THAT**

General Manager Report No. 30/19 be received and noted.

## **12 ENVIRONMENTAL & ECONOMIC DEVELOPMENT SERVICES WORKS REPORT MAY 2019**

### **RECOMMENDATION THAT**

Director Environmental and Economic Development Services Report No. DEEDS 44/19 be received and noted.

## **13 WASTE MATTERS UPDATE**

### **RECOMMENDATION THAT**

Director Environmental and Economic Development Services Report No. DEEDS 41/19 be received and noted.

## **14 ENGINEERING SERVICES WORKS REPORT**

### **RECOMMENDATION THAT**

Director Engineering Services Report No 17/19 be received and noted.

**LIVERPOOL PLAINS SHIRE COUNCIL**

**REPORT TO COUNCIL MEETING  
TO BE HELD ON WEDNESDAY 26 JUNE 2019**

<b>AUTHOR:</b>	<b>ALICE ELSLEY, TOWN PLANNER</b>	<b>REPORT NO: DEEDS42/19</b>
<b>SUBJECT:</b>	<b>LEP REVIEW UPDATE &amp; DRAFT PLANNING PROPOSALS TO SUPPORT HOUSEKEEPING AMENDMENTS TO THE LEP</b>	<b>FILE NO: D19/6734</b>

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#### **PURPOSE**

To provide an update regarding the review of the Local Environment Plan (LEP), and to seek authorisation from Council to submit Planning Proposals for some of the proposed amendments to the LEP to the NSW Department of Planning and Environment (DPE) for their assessment and determination (Gateway).

#### **SUPPORTING INFORMATION**

Five (5) draft Planning Proposals. (Distributed under separate cover).

#### **BACKGROUND**

Council staff are currently completing a review of the LEP in line with Council's statutory obligations and commitment under the 2018-19 Operational Plan. An assessment of all Expressions of Interests (EOIs) for changes to the LEP has now been finalised and was based on the following criteria:

- Consistency with Council's adopted Growth Management Strategy (GMS);
- Consistency with State and local planning statutes;
- Suitability of the proposal in respect to environmental constraints (e.g. bushfire risk and flooding), land use conflict, access, the fragmentation of rural land, and the availability of public infrastructure and services;
- Proximity to town;
- Environmental protection (i.e. capacity to deliver urban development without excessive removal of vegetation);
- Riparian protection;
- Unique offering of the property; and,
- Sterilisation of future uses (i.e. suitability for other land uses).

Council Staff have also completed the following

- Prepared five (5) draft Planning Proposals to support the 'routine' type matters that can be facilitated separately from the Local Strategic Planning Statement (LSPS) process;
- Identified the EOIs that will require more strategic justification and will therefore be considered further as a part of preparing a LSPS; and,
- Identified the unsuccessful EOIs due to not meeting the assessment criteria, as outlined above.

## ISSUES & COMMENTS

Five (5) draft Planning Proposals to support the housekeeping amendments to the LEP have been prepared in accordance with NSW DPE's *Guide to Preparing Planning Proposals* and *'Guide to Preparing Local Environmental Plans'*. The draft Planning Proposals have also been prepared as per the requirements under Section 3.33 of the *Environmental Planning and Assessment Act* (EP&A Act).

The Planning Proposals have been grouped based on the locality to which the EOIs relate to and/or commonality in the requested changes, as follows:

- **Currabubula** – this Planning Proposal requests the rezoning of certain lands in Currabubula. The corresponding minimum lot size for the lands affected by this Planning Proposal is also sought to be reduced in order to facilitate future rural-residential development, and reflect existing and surrounding land use patterns;
- **Dwelling opportunities** – this Planning Proposal seeks to allocate dwelling entitlements for six (6) allotments that do not currently have an opportunity to build a dwelling under the existing LEP framework;
- **Heritage** – this Planning Proposal seeks to correctly identify, update and describe items of heritage significance in the Local Government Area. In addition, this Planning Proposal seeks to remove four (4) items of local heritage significance, add two (2) items of State heritage significance, and establish heritage conservation areas in Werris Creek and Quirindi;
- **Piallaway & Wallabadah E4 rezonings** – this Planning Proposal seeks to rezone and reduce the minimum lot size of certain lands located to the north-west of Currabubula and to the south of Wallabadah;
- **Quirindi & Werris Creek miscellaneous** – this Planning Proposal seeks to rectify zoning and minimum lot size anomalies, and to request the rezoning and minimum lot size reduction of certain lands in Werris Creek and Quirindi in order to facilitate future development opportunities.

The abovementioned Planning Proposals and associated maps are attached at the end of this Report for the information of Council.

It is proposed to use Council's local plan-making authority under the EP&A Act to make the amendments to the LEP. This has been included within the recommendation for this Report, and, if agreed to, will be sought when the draft Planning Proposals are forwarded to NSW DPE for their assessment and Gateway determination. The Gateway determination issued by NSW DPE will confirm whether Council has been authorised to make the proposed amendments to the LEP.

Following the outcomes of Council's consideration of this matter at their June Ordinary Meeting, all landholders who submitted an EOI will be informed about the progress of the LEP review and the status of their EOI. The landholders will be advised whether their EOI has been: progressed as a part of a draft Planning Proposal, deferred to the LSPS process, or will not proceed in this instance. This determination has been based on the EOI assessment criteria previously outlined in this Report. Landholders will be notified via email, letters and/or telephone call.

## STATUS AND NEXT STEPS

The key milestones for the LEP review are presented in the below table:

Task	Delivery
Engagement and promotion of the LEP with the community and key stakeholders	Complete
Survey/Written correspondence assessed	Complete
Update provided to the community	Complete
Preliminary assessment of EOIs	Complete
Discussions with affected landholders	Complete
Meeting with the DPE	Complete
Draft Planning Proposals & recommendations to Council	Complete

An indicative project timeline for the draft Planning Proposals is as follows:

Action	Indicative Date
Council Resolution	June 2019
Gateway Determination	July & August 2019
Government Agency Consultation	August & September 2019
Public exhibition Period	August & September 2019
Submission assessment	September & October 2019
RPA assessment of Planning Proposal and exhibition outcomes	October & November 2019
Liaison with Parliamentary Counsel and submission of endorsed LEP Amendment to Department of Planning and Environment for finalisation.	December 2019 & January 2020

## FINANCIAL AND RESOURCE IMPLICATIONS

The LEP review has been undertaken in accordance with Council's corresponding budgetary allocation for the Project. Any specialist studies, such as a flora and fauna impact assessment and/or a contamination assessment, that may be requested by DPE to support the proposed amendments to the LEP will be required to be undertaken at the landholder's expense.

## LEGAL IMPLICATIONS

The draft Planning Proposals have been prepared in accordance with the requirements under the EP&A Act. There are no other known legal implications.

## STAKEHOLDER CONSULTATION

Community consultation is a statutory requirement for the preparation of an amendment to the LEP. The duration and process for this consultation will be determined as part of the DPE's Gateway determination but is ordinarily a minimum of twenty-eight (28) days. The draft planning proposals attached to this Report recommend an exhibition period of twenty-eight (28) days via an advertisement in the local newspaper, fixed exhibits in Council's administration office and public libraries, Council's website and on social media. Targeted consultation will also be carried out the landholders that are affected by the Planning Proposals.

Consultation will also be required to be carried out with any other relevant Government Agencies, as required by DPE's Gateway determination. It is expected that this may include the NSW Rural Fire Service, the NSW Roads and Maritime Service, and the Australian Rail Track Corporation.

As also mentioned in this Report, the landholders who submitted an EOI will be informed about the progress and status of their EOI for the LEP review.

### **OPTIONS**

1. Confirm authorisation for Council staff to proceed with the lodgement of the presented draft Planning Proposals to amend the LEP to the NSW Department of Planning and Environment for their assessment and determination; or,
2. Elect not to proceed with the draft Planning Proposals.

### **CONCLUSION**

Council staff have finalised the assessment of all EOIs that were received as a part of the review of the LEP. Five (5) draft Planning Proposals are presented to Council for consideration. Authorisation is also sought from Council to forward the five (5) draft Planning Proposals to NSW DPE for their assessment and Gateway determination, and to use Council's local plan-making authority under the EP&A Act.

### **LINK TO POLICY AND/OR COMMUNITY STRATEGIC PLAN**

*"To ensure the good management and governance of the Shire and well-being of its residents and develop and apply model policies for the effective delivery of core business activities."*

*"To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development."*

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**DONNA AUSLING**

**DIRECTOR ENVIRONMENTAL & ECONOMIC DEVELOPMENT SERVICES**