13.04 OBERON LEP 2013 PLANNING PROPOSAL – BOUNDARY ADJUSTMENTS

File No: Land Use and Planning\Planning\LEP Local Environmental Plan

Author: Gary Wallace, Planning & Development Director

**Summary**

A Planning Proposal has been prepared to rectify anomalies in the implementation of the Oberon Local Environmental Plan (OLEP) 2013 with specific relationship to boundary adjustments.

**Recommendation:**

1. That Council resolve to prepare a draft Planning Proposal to introduce a specific additional clause into the Oberon LEP 2013 to increase flexibility with respect to the ability to approve Boundary Adjustment Subdivisions in the rural zones.
2. That the draft Planning Proposal presented be forwarded to the Department of Planning & Environment seeking the matter be progressed through the Gateway process and allow the document to be publically exhibited.

**Comment**

FOLLOWING is a draft Planning Proposal to allow for greater flexibility for Council to assess boundary adjustments in the rural zones.

Previously the development of Oberon LEP 2013 saw the former instruments converted into the Standard Instrument.

The State Government had requirements for all Councils to promptly convert to the new State wide plan format. Oberon Councils Standard Instrument LEP was gazetted in December 2013.

Unfortunately, the boundary adjustment provisions of the Standard Instrument are quite restrictive. This problem has been recognised by the Department of Planning & Environment which has developed a new additional clause all Councils may apply to have added to their LEP’s which gives back some of the flexibility enjoyed in earlier plans.

The draft Planning Proposal has been prepared based on the Department of Planning & Environment‘s own recommended new clause.

The attached draft Planning Proposal presents examples where Council has been hamstrung in approving simple and sensible boundary adjustments, where no extra dwellings were proposed beyond what the LEP already allowed.

The draft Planning Proposal seeks to have the additional clause inserted in the Oberon LEP 2013 so that Council can gain reasonable flexibility to assess boundary adjustments of merit.

Following exhibition Council would then consider submissions from the community and make resolutions to proceed as exhibited, make alterations or not proceed at all with the Proposal.

It is considered that the draft Planning Proposal can be supported in this instance.