

9.4 PLANNING PROPOSAL FOR PREPARATION OF FEDERATION LOCAL ENVIRONMENTAL PLAN

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Summary

The purpose of this report is to advise that a draft planning proposal has been prepared to facilitate preparation of a Local Environmental Plan (LEP) for the Federation Local Government area, and to seek Council endorsement to refer this to the Minister.

The Federation LEP will be a consolidation of the Corowa and Urana LEPs, and it will integrate updated flood planning for Daysdale, Urana – Boree Creek, Morundah, Oaklands, Rand and Urana Villages and the Murray River towns [Howlong, Corowa & Mulwala].

The current LEPs are similar having both been prepared in accordance with the State mandated standard LEP template but have differences in their controls and land use tables. The proposed Federation LEP is administrative with its key purpose being to harmonise the LEPs and create a single planning instrument, rather than make any fundamental changes.

It is recommended that the Draft Federation LEP 2021 be endorsed by Council to proceed to the next stage for a Gateway Determination.

Background

Federation Council was proclaimed on 12 May 2016, comprising of the former Shires of Corowa and Urana. Federation Council is operating under two separate local environmental plans (LEPs), which represent the planning controls prior to amalgamation. These being:

- i) Corowa Local Environmental Plan (CLEP) 2012, which applies to land in the former Corowa Shire area
- ii) Urana Local Environmental Plan (ULEP) 2011, which applies to land in the former Urana Shire area

From August 2019 until February 2020 community consultation was undertaken to inform the preparation of the new Federation LEP. This was included as part of Federation's Local Strategic Planning Statement with Planning Priorities 1 & 2 both including the Action 'Develop a new Federation Local Environmental Plan (Short-Medium Term)'.

The new LEP is not intended to be a comprehensive review of all planning controls, but a consolidation of the existing LEPs applicable across the Federation local area. The approach prioritised consistency across land use policies and development controls. However, where this was not possible the approach was either to use the Standard Instrument LEP wording, adopt the 'best-fit' option, or under extenuating circumstances introduce a new policy/planning approach.

Amendments made during the consolidation of the Local Environmental Plans include:

1. New LEP Aims
2. New Minimum Lot Size objectives
3. Increase in length of time for temporary use of land to 100 days
4. New provisions for total floor area of secondary dwellings
5. Increase in relevant distance for development near zone boundaries to 50 metres
6. Changes to miscellaneous permissible uses to adopt higher values

7. Merging provisions of Riparian land and waterways (Urana) and Development on river front areas (Corowa)
8. Minor changes to the permissibility of Intensive Plant Agriculture, Roads, Water Reticulation Systems, and Home Industries/ Home Businesses.
9. Applying both RU1 and E3 zones for clause 'Erection of dwelling housing on land in certain rural and environmental protection zones'.
10. Zone R5 Large Lot Residential being made a closed zone.
11. Correcting mapping anomalies to Land Zoning and Lot Size Maps

The Draft Federation LEP does not seek to introduce any new zones or remove any existing zones.

SUSTAINABILITY

The planning proposal will make limited changes to the planning framework, with no change to sustainability outcomes.

STATUTORY COMPLIANCE/POLICY

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 3.33 of the *Environmental Planning and Assessment Act 1979 (the Act)* requires the planning proposal authority (Council) to prepare an explanation of and justification for the proposed LEP. The attached planning proposal satisfies that requirement.

Section 3.34 of the Act requires Council to forward the planning proposal to the Minister to obtain a gateway determination. Should Council adopt the recommendation of this report the planning proposal will be sent to the Minister to obtain his determination.

FEDERATION COMMUNITY STRATEGIC PLANNING STATEMENT

Planning Priority 1 – Consistent Approach to Land Use Planning

Actions:

1. Develop a new Federation Local Environmental Plan. (*Short-Medium Term*)

Financial Implications

No additional implications, funded through budget. Funding for the preparation of the planning proposal has been provided by the NSW Department of Planning, Industry and Environment. Existing resources will be utilised for exhibition and delivery of the proposal, consequently no additional funding is required.

Financial Sustainability

Proceeding with this recommendation will have a neutral impact on Council's Long Term Financial Plan 2020-2030 financial sustainability ratios.

Links to Councils Integrated Planning Framework

Community Strategic Plan 2018 – 2028 'Our Community Our Opportunity'

Theme: Built Federation

Outcome: *Maintained and improved infrastructure that meets the needs of residents and industry.*

Delivery Program 2018-22 4 year Goal – 1.7 Consistent and appropriate land use planning outcomes – transparent and accessible information on land use planning outcomes.

Operational Plan 2021/2022 Action – 1.7.3 Provide Development Assessment Services.

Risk Implications

Managed through the project. There are manageable risk implications for Council associated with this report. Changes to the permissibility of certain types of development may affect potential development options, however the range of permitted uses remains wide and continues to facilitate the suitable use of land. Should Council choose not to proceed with consolidation, the approach to lodging and assessing applications for development across the LGA will continue to be inconsistent and lengthy. It will also prevent Council from implementing Action 1 of the Federation LSPS and limit compliance with Objective 1.7 of the Community Strategic Plan.

Legal Implications

As above.

Community Engagement

Upon Gateway approval, the Draft LEP will be placed on public exhibition for the mandatory period of 28 days.

OPTIONS

1. Retain two separate Local Environmental Plans
This option is not supported. It is important for the Federation community to have a set of controls reflective of the entire LGA, which is simplified and enables a consistent approach to development.
2. Merge the two Local Environmental Plans

CONCLUSION

Preparation of a new LEP for Federation will result in a single policy document for Council and the community. It will also enable the controls in the current LEPs to be harmonised where appropriate, as well as reflecting the direction that Council and the community wish to take.

It is recommended that Council endorse Option 2: Merge the Corowa LEP 2012 and the Urana LEP 2011.

Attachments

- 9.4.1 The planning Proposal for the Draft Federation Local Environmental Planning Plan 2021 with associated documentation:
Attachment 1 – LEP Comparison Table
Attachment 2 – Land Use Matrix
Attachment 3 – Draft Local Environmental Plan Maps

RECOMMENDED that the Planning Proposal for the preparation of Federation Local Environmental Plan be referred to the Minister in accordance with section 3.34 Gateway Determination of the Environmental Planning and Assessment Act 1979.

261/21FC **RESOLVED** on the motion of Councillors Kennedy and Law that the Planning Proposal for the preparation of Federation Local Environmental Plan be referred to the Minister in accordance with section 3.34 Gateway Determination of the Environmental Planning and Assessment Act 1979.