



IRF21/5202

## Gateway determination report – PP-2021-7453

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**Consolidation of the Corowa LEP 2012 and the Urana LEP 2011 to create a single LEP for the Federation Council local government area**

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment 1 - Land Use Matrix Federation
Attachment 2 - LEP Comparison Federation.

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Federation LEP</b>
<b>PPA</b>	<b>Federation Council</b>
<b>NAME</b>	<b>Federation Consolidated LEP</b>
<b>NUMBER</b>	<b>PP-2021-7453</b>
<b>LEP TO BE AMENDED</b>	<b>Corowa LEP 2012 and Urana LEP 2011</b>
<b>ADDRESS</b>	<b>Federation LGA</b>
<b>DESCRIPTION</b>	<b>Federation LGA</b>
<b>RECEIVED</b>	22/12/2021 Further information requested 28/01/2022 and Council response received on 25/03/2022
<b>FILE NO.</b>	IRF21/5202
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose, and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

Federation Council was proclaimed on 12 May 2016, comprising the amalgamation of the former Corowa Shire Council and Urana Shire Council local government areas.

This planning proposal seeks to consolidate the Urana LEP 2011 and the Corowa LEP 2012. The objective is to create a consolidated and clear planning framework under a single Federation LEP. It also provides the opportunity undertake general mapping housekeeping amendments to reflect the existing use of land.

This amendment is primarily an LEP consolidation process. A Land Use Strategy is concurrently being prepared and will inform a comprehensive review of the Federation LEP.

The planning proposal outlines the approach to producing the consolidated LEP has followed the following principles:

- **Principle 1:** As far as practicable, apply the same planning approach across the LGA (focus on creating a consistent set of general land use policies and development controls for Federation lga).
- **Principle 2:** Adopt Standard Instrument LEP clauses as required, with local content included where possible.

- **Principle 3:** Use 'best-fit' to retain/continue current planning outcomes in instances where the existing Federation LEPs do not align.
- **Principle 4:** Introduce new policy/planning approach only if appropriate.

Federation Council is also using this consolidated LEP amendment to correct mapping anomalies present in the current LEPs. The planning proposal lists the mapping anomalies it is seeking to rectify on pages 5-9. Details of these amendments and the assessment of each is provided in section 1.5 Mapping of this assessment report.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

It is to be noted that the intent for the proposed changes are provided but where specific wording of clauses are proposed these will be subject to Parliamentary Counsel drafting and may be changed in the final legal instrument.

### Planning Reforms

It is to be noted that the planning proposal was prepared in 2021 and during that time Department has been undertaking a range of planning reforms that will ultimately affect the proposed Federation LEP as submitted. For example, the Standard Instrument LEP, Employment zones, Conservation Zones, Agritourism, Ministerial Directions and SEPP reform program have or are going to be changed and will be reflected in the final drafting of the LEP depending on timing of the reforms. The intent of the proposed Federation LEP will not be affected by the planning reform program.

## 1.3 Explanation of provisions

The Corowa and Urana LEPs are in the Standard Instrument LEP format and include local objectives and clauses in addition to those mandated in the Standard Instrument LEP. For the most part, the content and controls of the two LEPs generally align in application and intent. Where there are differences between the two LEPs, the Standard Instrument LEP approach will prevail and/or the provisions have been adjusted so that a 'best fit' approach applies in accordance with the four (4) principles outlined above in section 1.2 above.

The planning proposal provides a structure for the new Federation LEP in the standard instrument format as required by section 3.20 of the *Environmental Planning and Assessment Act 1979* (Act). The proposed structure is of the consolidated LEP and a detailed assessment of each part/schedule is outlined below. The proposed Federation LEP generally adopts the existing provisions however where changes are made are discussed below.

A comparison of the provisions within the Corowa and Urana LEPs can be found **Attachment 1 - LEP Comparison Federation Council**.

### **Part 1 Preliminary**

This section generally aligns with the Standard instrument. The sections listed below are where Council has proposed a change in wording or new content.

- **Aims of Plan**

The aims of both current LEPs are consolidated and updated to reflect the future desired direction for Federation LGA. The proposed Consolidated LEP aims are outlined below:

- (1) This Plan aims to make local environmental planning provisions for land in Federation in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.- ie mandated clauses.
- (2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (SILEP mandated)

Local objectives as follows:-

- (a) to promote sustainable urban development by consolidating infrastructure and urban growth around the existing towns and villages
- (b) to facilitate the equitable provision of social services and facilities for the community,
- (c) to maintain a strong economy by—
  - (i) retaining sufficient rural land in a form suitable for primary production, and
  - (ii) encouraging tourist-related development in Federation Council area, and
  - (iii) promoting opportunities for business development,
- (d) to identify, protect, conserve and enhance Federation's natural assets, particularly the bed and banks of all waterways,
- (e) to identify and protect Federation's built, environmental and cultural heritage assets for future generation
- (f) to protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources.

- **Savings Provision**

The planning proposal seeks to include a savings provision within the new Federation LEP to ensure that any development applications which were submitted prior to the consolidated LEP being made will be determined in accordance with the current LEPs in force.

## **Part 2 Permitted or Prohibited development**

- **Land use zones**

This clause will amalgamate all zones used across the existing two LEPs. The planning proposal does not seek to introduce any new zones or remove any existing zones. There will be changes as a result E and I zone reforms that will result in zone changes – these will be exhibited with this proposal.

- **Zoning of land to which Plan applies**

This clause will be as per the Standard Instrument LEP. The clause states that land is within the zones shown on the Land Zoning Map. The planning proposal does not seek to change the zoning of land with the exception of minor housekeeping LEP mapping amendments to better reflect current land use, as outlined in section 1.5 Mapping of this report.

- **Additional permitted uses for particular land**

This clause will be as per the Standard Instrument LEP. The clause allows the consent authority to grant consent for particular development not otherwise permitted in a zone. The clause refers to Schedule 1 which will include the single additional permitted use – Item 1 from the Corowa LEP. The Urana LEP does not list any additional permitted uses under Schedule 1.

- **Temporary use of land**

The Corowa LEP 2012 provides 100 days as the maximum period of development consent for a temporary use in any zone. The Urana LEP allows up to 52 days. The planning proposal seeks to include 100 days as the maximum period of development consent for a temporary use in any zone in the consolidated Federation LEP. This approach will reduce regulatory burden across the Federation LGA and facilitate opportunities for temporary use.

## **Land Use Table**

In preparing the draft land use tables a general rule of permissibility and retention has been used. This means that the proposed permissible land uses are a combination of the permissible land

uses of the two (2) existing LEPs. For example, if a use is permissible within a zone under the current Corowa or Urana LEPs, it is generally proposed to be permitted within that zone under the new Federation LEP. However, some changes to the permissible or prohibited uses within each zone are necessary to establish consistent controls for each land use zone.

The proposed Land Use Matrix is at **Attachment 2**, with changes to permissible and prohibited land uses highlighted. Key changes or considerations are summarised below.

- **Open and closed zones**

The R5 Large Lot Residential zone is currently open in the Urana LEP and closed in the Corowa LEP. It is proposed to apply a closed zone approach to the R5 zone across the Federation LGA. There is limited zone R5 land within the former Urana LGA, therefore the impact of this change is considered to be minimal. Adoption of an open zone R5 could potentially enable forms of development which are not appropriate within the zone R5 land in the former Corowa LGA.

The remaining zones, in terms of being open or closed, are carried over from the current LEPs into the new Federation LEP.

- **Objectives**

The planning proposal seeks to predominately adopt the Standard Instrument objectives. The Corowa and Urana LEPs generally also adopted the Standard Instrument objectives but with some additional local objectives. These non-standard objectives are tabled below.

**Table 3: Proposed zone objectives (Source: Federation Council planning proposal 2021)**

Zone	Objectives
<b>Rural Zones</b>	
RU5 Village	<p>Adopt Standard Instrument objective plus following additional objectives carried over from the existing Corowa LEP:</p> <ul style="list-style-type: none"> <li>• To ensure buildings and uses are compatible with the existing or desired character of the village.</li> <li>• To promote service activities to meet the recreational, cultural and commercial needs of the community.</li> </ul>
<b>Business Zones</b>	
B4 Mixed Use (note will change due to Employment zones reforms)	<p>Adopt Standard Instrument plus one local objective relating to the main streets of Corowa, Howlong and Mulwala</p> <ul style="list-style-type: none"> <li>• To promote development that does not detract from commercial activities in the main streets of Corowa, Howlong and Mulwala</li> </ul>
B6 Enterprise Corridor (note will change due to Employment zones reforms)	<p>Adopt Standard Instrument plus one local objective relating to development within the vicinity of the intersection of Federation Way</p>

Zone	Objectives
	<p>and Honour Avenue which will be carried over from the existing Corowa LEP B6 objectives.</p> <ul style="list-style-type: none"> <li>To facilitate a mix of business and retail development in the vicinity of the intersection of Federation Way and Honour Avenue that services the needs of the travelling public.</li> </ul>
<b>Special Purpose Zones</b>	
SP1 Special Activities	<p>Adopt Standard Instrument plus one additional local objective relating to the munitions facility at Mulwala carried over from the existing Corowa LEP SP1 objectives.</p> <ul style="list-style-type: none"> <li>To protect and maintain the operation of the munitions production facility at Mulwala.</li> </ul>
<b>Environment Protection Zones</b>	
E3 Environmental Management (Note E3 zone is now zone C3)	<p>Adopt Standard Instrument plus additional local objective relating to compatibility of development with the Murray River flood hazard and riparian corridor carried over from the existing Corowa LEP E3 / C3 zone objectives.</p> <ul style="list-style-type: none"> <li>To ensure development is compatible with the flood hazard and riparian corridor of the Murray River.</li> </ul>

The intent of the non-standard zone objectives listed in Table 3 above are suitable to be included in the consolidated Federation LEP for exhibition purposes. The site-specific references in these clauses will not impact on the former Urana LGA given the zones E3/C3 Environmental Management, SP1 Special Activities, B6 Enterprise Corridor and B4 Mixed Use were not adopted in the Urana LEP 2011. The non-standard objectives are supported given the additional weight they provided to protect these key locations or facilities.

- **Key land use considerations**

In consolidating the existing LEPs, several key land use issues were identified and assessed as follows:

- **Roads**

Roads are generally permitted without consent across the Corowa LEP, with the exception of Environment and Water zones. Roads are permitted with consent across the Urana LEP, with the exception of Zone E1/C1 National Parks and Nature Reserves. The State Environmental Planning Policy (Infrastructure) 2007 (since 1 March 2022 is now SEPP (Transport and Infrastructure) 2021) permits roads without consent, requiring a Part 5 Review of Environmental Factors to be prepared. To avoid any conflict, roads are proposed to be permitted without consent for the proposed Federation LEP. This approach is supported given the limited impact on the former Urana LGA.

- **Agriculture**

The Corowa and Urana LEPs permissibility for agricultural uses in the RU1 Primary Agriculture zone is generally consistent and summarised below:

**Table 4: Comparison of agricultural land uses between current LEP's.**

Land Use	Corowa	Urana
Agriculture	Prohibited	Permitted with consent
Aquaculture	Permitted with consent	Permitted with consent
Extensive Agriculture	Permitted without consent	Permitted without consent
Intensive Livestock Agriculture	Permitted with consent	Permitted with consent
Intensive Plant Agriculture	Permitted without consent	Permitted with consent
Viticulture	Prohibited	Prohibited

It is proposed that the Federation LEP will continue to prohibit viticulture given the extensive water resource required for this type of agricultural use. Extensive agriculture will continue to be permitted with consent in accordance with the Standard Instrument. Aquaculture will be permitted with consent. Intensive Agriculture will be permitted without consent relying on the principle of no loss in development potential or requirement for additional approval steps within either of the former LGAs. The group term agriculture will not be used to avoid conflict with the viticulture prohibition across the LGA.

- **Water Reticulation System**

Water Reticulation Systems are absent from the Corowa LEP and permitted without consent in the Urana LEP. The new Federation LEP is proposed to retain Water Reticulation Systems as permitted without consent where there is inconsistency between the two LEPs (zones RU1, RU5 and R5). This is consistent with the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (since 1 March 2022 is now SEPP (Transport and Infrastructure) 2021) and avoids any conflict in terms of permissibility and approval pathways.

- **Home Industries/ Home Businesses**

Home Businesses and Home Industries varied in terms of being permitted with or without consent. It is proposed that home business will be permitted without consent and home industries will be permitted with consent for zones RU1 and R5 given the potential environmental impacts that need be considered from such activities.

- **Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones**

It is proposed to apply the existing Corowa LEP clause 4.2B across the Federation LEP which is consistent with the intent of the existing Urana provision, and will be therefore extended to apply to E3/C3 zoned land. There is no land zoned E3/C3 Environmental Management in the former Urana LGA, therefore the introduction of this provision will have neutral impact. This will also mean that dual occupancies will be permitted in former Urana LGA where they are not now.

The intent of the existing dwelling house and dual occupancy provisions will be maintained but need to be clarified by Council prior to community consultation in that:

- the clause will apply to zones RU1 and C3,
- the objectives will be maintained
- dwelling house permissibility will be maintained on lots that have (subclause 4.2B(3):
  - at least the minimum lot size
  - a lot created under and EPI before this plan commenced on which the erection of a dwelling house was permissible
  - a lot resulting from a subdivision on which a dwelling house was permissible
- and subclause 4.2B(4) provisions.

### **Part 3 Exempt and complying development**

The planning proposal does not seek to introduce any new controls for exempt or complying development. The range of exempt and complying land uses to be included in the new Federation LEP is consistent with the existing two LEPs.

### **Part 4 Principal development standards**

The planning proposal seeks continue the relevant principal development standards included in the Corowa and Urana LEPs. An explanation of proposed clauses to be included in Part 4 of the new Federation LEP is provided below.

#### **• 4.1 Minimum subdivision lot size**

Currently Urana and Corowa LEPs contain different objectives for this clause. The planning proposal seeks to include a consolidated and consistent set of local clause objectives in the new Federation LEP, as follows:

- a) to maintain and protect the productive capacity of rural/agricultural lands,
- b) to ensure urban lots are of a shape and size to accommodate future development,
- c) to encourage a diversity of lot sizes, housing forms and densities in residential zones,
- d) to facilitate the sustainable and economic servicing of future subdivision
- e) to ensure that subdivision does not:
  - (i) prejudice future urban development or agricultural production
  - (ii) unreasonably impact on the natural and environmental values of the area; or
  - (iii) cause fragmentation of natural areas

The planning proposal seeks to continue the range and application of minimum subdivision lot sizes identified and mapping in the two existing LEPs by merging the mapping in the new Federation LEP. There are no proposed changes to the current minimum lot sizes mapped across the Federation LGA being 550m<sup>2</sup>, 1ha, 5ha, 100 ha, 250ha and 400 ha in former Corowa LGA and 1000m<sup>2</sup>, 1ha and 100ha in the former Urana LGA. Council advises this is a temporary measure pending the outcomes of the Land Use Strategy/Study which will inform future changes as appropriate.

The planning proposal seeks to continue certain development and site-specific controls from the Corowa LEP relating to land identified as “Area A” on the Lot Size Map. This provision enables land within the identified areas to be subdivided to less than the minimum lots size if the area of each resulting lot will not be less than 4,000 square metres, and the consent authority is satisfied that each resulting lot will be connected to a sewage reticulation system.

It also recommends applying the “Area A: site specific controls to the town of Howlong”. However, this change in subdivision potential for land surrounding Howlong is substantially different to existing permissibility which is 550m<sup>2</sup>. Therefore it is recommended that this change be excluded from the planning proposal until such time as a Land Use Strategy is developed which provides clear and justified recommendations for this area. Council agreed to remove this in its additional information provided to the Department on 25/03/2022. The Gateway determination requires this recommendation for Howlong to be removed from the planning proposal prior to exhibition.

- **4.1AA Minimum subdivision lot size for community title schemes**

Both LEPs are consistent with the clause as it pertains to Zone RU1 Primary Production. The planning proposal seeks to retain this clause in the new Federation LEP with the additional application of Zone E3 Environmental Management, as with the Corowa LEP.

- **4.1A Minimum subdivision lot sizes for certain split zones / Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings**

The planning proposal seeks to amalgamate these provisions. The intention of the LEP provision is to achieve planned residential density in certain zones. The existing minimum lot sizes for certain types of residential development currently applicable to the former Corowa LGA will apply to the Federation LGA as follows.

**Table 5: Corowa Minimum lot size for residential developments. (Source: Federation Council Planning Proposal)**

Purpose	Zone	Minimum Lot Size
Dual occupancy (attached)	RU5 Village R1 General Residential R2 Low Density Residential B4 Mixed Use	550 square metres
Dual occupancy (detached)	RU5 Village R1 General Residential R2 Low Density Residential B4 Mixed Use	550 square metres
Multi dwelling housing	RU5 Village R1 General Residential	700 square metres
Residential flat building	RU5 Village R1 General Residential	700 square metres

The Federation LEP will also provide for minimum subdivision of lot sizes for certain split zones, being zones RU5 Village and R5 Large Lot Residential and RU1 Primary Production. Consent may only be granted for subdivision which would result in the result lots being less than the minimum lot size applicable to that land. This split zone development standard does not currently apply to the Corowa LEP. The inclusion of this provision in the former Corowa LGA is satisfactory given the

clause is a model clause and will provide clarity and have beneficial land use outcomes for land with split zonings.

- **4.2 Rural Subdivision**

This clause will be as per the Standard Instrument LEP, consistent with both the Corowa and Urana LEPs.

- **4.2A Minimum subdivision lot size for strata plan schemes in certain rural and environmental zones / No strata subdivision in Zone RU1**

This clause will retain the name and intent of the existing clause in the Corowa LEP 'Minimum subdivision lot size for strata plan schemes in certain rural and environmental zones', as well as its subclauses. There is no E3/C3 zoned land within the former Urana LGA, therefore the inclusion of the restriction on E3/C3 land will have no impact.

Urana's existing provision prohibiting strata subdivision within the RU1 zone for residential accommodation or tourist and visitor accommodation is not proposed to be included within the Federation LEP. The provisions in Corowa's 4.2A clause adequately reflects the intent of the current Urana LEP provision.

- **New Clause - Controls relating to secondary dwellings on land in a rural zone**

The planning proposal seeks to introduce a new principal development standard relating to secondary dwellings within a rural zone. The proposed development standard is set out in the standard provision below:

*If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—*

*(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

*(i) [500] square metres,*

*(ii) [100]% of the total floor area of the principal dwelling, and*

*(b) the distance between the secondary dwelling and the principal dwelling must not exceed [1000] metres.*

This is based on the Standard Instrument clause 5.5.

The proposed floor area development standards in this new clause are not typical of a secondary dwelling on rural land. Permitting a secondary dwelling that is potentially the same in nature to its associated primary dwelling raises concern around the additional potential land use conflicts. In effect, this proposed clause allows for a second principal dwelling on a rural lot. The 1000m offset distance proposed between the primary and secondary dwellings will potentially facilitate a standalone dwelling. While the scale and characteristics of agriculture on rural land within the Federation LGA may allow for some instances where such residential development may be suitable, a proportion of rural lots will potentially see a greater risk of rural land use conflict. Prior to community consultation, Council is to consult with the Agricultural Land use Planning Unit of NSW DPI on this matter to determine if the proposed development standards are appropriate in this particular instance. This matter will be revised after this DPI consultation

The planning proposal contains some ambiguous commentary on page 23 around the application of clause 4.6 exceptions to development standards, 'Carve out of clause 4.6 as 5.4'. Prior to public exhibition the planning proposal is to be revised to clarify the relationship this proposed clause has with clause 4.6.

- **4.2C Erection of rural workers' dwellings in Zone RU1 Primary Production / Erection of rural workers' dwellings**

This clause will retain the current provision and intent of the Urana LEP "Erection of rural workers' dwellings" and associated clauses, which are consistent with the Corowa LEP.

- **4.3 Height of buildings**

This clause is currently only adopted in the Corowa LEP. The planning proposal seeks to include the clause as it currently stands in the Corowa LEP. The amalgamated maps will not apply any height of building development standard to land within the former Urana LGA and will carry over existing development standards for land only within the former Corowa LGA.

- **4.4 Floor space ratio**

Not adopted by either Corowa or Urana LEP and the planning proposal does not seek to introduce FSR development standards into the proposed Federation LEP.

- **4.5 Calculation of floor space ratio and site area**

Not adopted by either Corowa or Urana LEP and the planning proposal does not seek to introduce FSR development standards into the proposed Federation LEP.

- **4.6 Exceptions to development standards**

This clause will be as per the Standard Instrument LEP for subclauses (1) through (7). Subclause 8 will be as per the Standard Instrument LEP, with the addition of subclause '(ca) clauses 6.1 and 6.2' as per the Corowa LEP which relates to urban release areas.

## **Part 7 Additional Local Provisions**

- **Clause 7.11 Development within buffer areas from Corowa LEP 2012** is to be retained.
- **Schedule 1 - Additional permitted uses** – Item 1 relating to 124-138 Federation Avenue, Corowa from Corowa LEP 2012 is to be retained

## 1.4 Site description and surrounding area

Federation Council was proclaimed on 12 May 2016, comprising of the amalgamation of the former Shires of Corowa and Urana. The Federation Local Government Area (LGA) covers 5,685 sq. km and is bounded by the Murray River and the State of Victoria to the South, Berrigan and Murrumbidgee Councils to the West, Narrandera Shire to the North, and Lockhart and Hume Shires to the East.

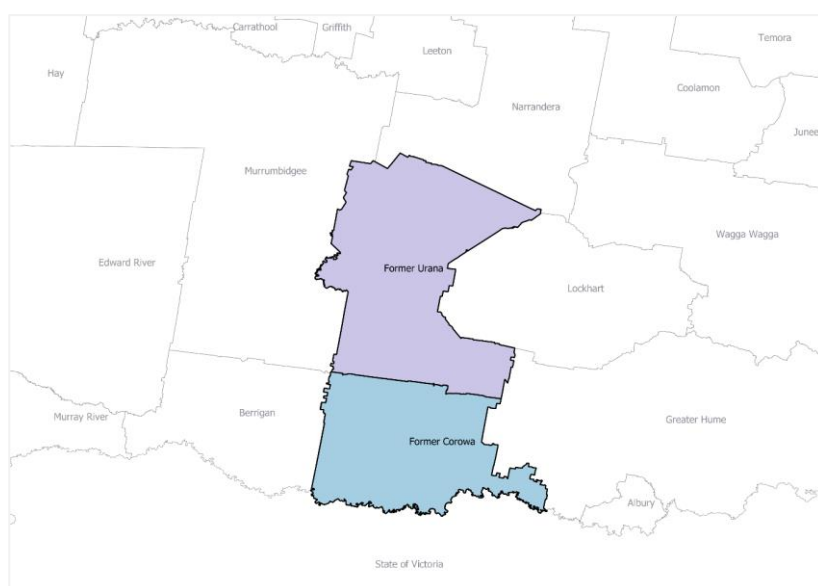


Figure 1: Former LGA, Urana and Corowa (Source: Federation Council Planning Proposal)

## 1.5 Mapping

The planning proposal includes mapping showing the extent of the consolidation of the Urana and Corowa LEPs. This LGA identification map is sufficient for the purpose of public exhibition.

The planning proposal seeks to combine all mapping from the Corowa and Urana LEPs into a consolidated set of maps. The planning proposal will require the drafting of a new map set for all sheets for the proposed Federation LEP. Expected changes will be administrative such as rationalising legend categories, Council Logo and new LGA identification number and map sheet reference numbers.

It is recommended that Council take the opportunity to move to digital EPI mapping as part of the process of LEP consolidation. This will see the use of PDF maps cease and rely on the Planning Portal Spatial Viewer as the legal reference for the Federation LEP maps.

The transition of the zone names from Environmental “E” zones to Conservation “C” zones needs to be recognised in the planning proposal. The planning proposal should be updated prior to public consultation to insert a clarification statement that identifies the name conversion. In terms of the “C” zone conversion reference to change E1 to C1 needs to be changed to E2 to C2 in the planning proposal. The Employment Lands reforms will also be included in the proposed Federation LEP.

Additionally, the planning proposal seeks to address the following mapping anomalies. The mapping corrections broadly consist of amendments to the land zoning maps to reflect current land uses (for example sports grounds to be rezoned from RU1 Primary Production to RE1 Public Open space, and cemeteries from zone RU1 to SP2 (cemetery). Table 6 below outlines these proposed map changes and provides comments for each change.

The proposed list of mapping changes recommends that the several lots within the Daysdale Village be zoned from RU1 Primary Production to RU5 Village. This proposed change is not supported at this stage as the planning proposal does not provide strategic merit for this substantial change. This change is not in line with the other minor housekeeping mapping changes proposed. Council agreed on the 25/03/2022 to remove this item.

**Table 6: Proposed mapping anomalies (Source: Federation Council Planning Proposal 2021)**

The yellow highlight below requires further information from Council to determine the correct zoning.

Description	Existing Zoning	Proposed Zoning	Lot Details	Comment/Recommendation
<b>Former Corowa Mapping Changes</b>				
LZN_002				
Rennie Sportsground	RU1	RE1	DP752281 Lot 94, 129, 136, DP1031294 Lot 7001	Minor – reflects existing use.
Tennis Courts	RU1	RE1	DP1031293 Lot 7003	Minor – reflects existing use.
LZN002A				

Description	Existing Zoning	Proposed Zoning	Lot Details	Comment/Recommendation
Sloane Park	RU1	RE1	DP758896 Section 22 Lot 9, 10, Section 23 Lot 5, 6, Section 24 Lot 1 DP1132858 Lot 1, 2, 3, 4 DP1074330 Lot 7004 DP655539 Lot 1 DP1071233 Lot 701,	Minor – reflects existing use.
Reserve	RU1	RE1	DP1020790 Lot 701	Minor – reflects existing use.
Rennie Cemetery	RU1	SP1 (Cemetery)	DP1139423 Lot 7300	Minor – reflects existing use.
LZN003				
Bill Leahys Reserve	RU1/E3	RE1	DP1139615 Lot 7301 and DP752298 Lot 138	Minor – reflects existing use.
LZN003A				
Water Transfer Station	IN1	to SP2 (Water Transfer Station)	DP261444 Lot 7	Minor – reflects existing use.
Stormwater Drainage	IN1	SP2 (Stormwater Drainage)	DP1116482 Lot 21, DP844434 Lot 7	Minor – reflects existing use.
Lonsdale Reserve	R1	RE1	DP1134793 Lot 1 & 2	Minor – reflects existing use.
Mulwala Cemetery	R1	SP2	DP1019688 Lot 7015	Minor – reflects existing use.
Melbourne Street Reserve	B2	RE2	DP704991 Lot 374 DP823330 Lot 399	Minor – reflects existing use.
Endeavour Park	R1/W2	RE1/W2	<b>RE1 Only:</b> DP48391 Lots 1 & 2 DP1129300 Lot 7006, DP823330 Lot 400, DP729530 Lot 392, DP752290 Lot 331,  <b>RE1/W2:</b> DP1177656 Lot 1001, DP1195096 Lot 292	Minor – reflects existing use.
Ski Club	R1	RE2	DP1002381 Lot 3, DP823321 Lot 298	Minor – reflects existing use.
Mulwala Ski Club Holiday Park	R1	RE2	DP752290 Lot 331, 355, DP1001595 Lot 405	Minor – reflects existing use.
Water Filtration Plant	RE2	SP2 (Water Filtration Plant)	DP812350 Lot 1	Minor – reflects existing use.
LZN003B				

Description	Existing Zoning	Proposed Zoning	Lot Details	Comment/Recommendation
Mulwala Canal	R1	RU1	DP847257 Lot 1, 2 DP724462 Lot 1 DP136072 Lot 1 DP758726 Section 39 Lot 4, 5, 6, 7, Section 40 Lot 3, 4, 5, 6 DP136073 Lot 1 DP136074 Lot 1 DP136410 Lot 1	Minor – reflects existing use.
Drainage Reserve	R1	SP2 Drainage Reserve	DP1116584 Lot 54	Minor – reflects existing use.
Apex Park addition	R1	RE1	DP1020796 Lot 7004	Minor – reflects existing use.
Apex Park boat ramp	RE1	RE2	DP1020792 Lot 7003	Minor – reflects existing use.
LZN004				
Daysdale Cemetery	Ru1	to SP2 (Cemetery)	DP1138535 Lot 7300 and DP1033231 Lot 7002	Minor – reflects existing use.
Sports Ground	RU1	RE1	DP753738 Lot 134, 135, 136 and 137	Minor – reflects existing use.
Daysdale Village	RU1	RU5	DP753738 Lot 112, 113, 114, 115, 144, 145, 146, 147 148, 149, 150, 151, 152, 153, 154, 155, 156, 157	Not recommended to proceed with this mapping amendment. The change in land use from RU1 primary production to RU5 village is substantial and strategic justification is not provided in the planning proposal.
Quarry	RU1	SP2 (Quarry)	DP753738 Lot 221	Minor – reflects existing use.
LZN005				
Coreen Sports Ground	RU1	RE1	DP1033241 Lot 7004, 7005	Minor – reflects existing use.
Recreation Reserve	RU1	RE1	DP1142774 Lot 7301, 7302, 7303	Minor – reflects existing use.
Cemetery	RU1	SP2 (Cemetery)	DP668467 Lot 1 DP668468 Lot 1 DP668469 Lot 1 DP1144536 Lot 7306	Minor – reflects existing use.
Hopefield Cemetery	RU1	SP2 (Cemetery)	DP1122517 Lot 1 DP1144631 Lot 7308	Minor – reflects existing use.
LZN006				
Tom Roberts Flora and Fauna Reserve	RU1	E1	DP1033195 Lot 7022	
LZN006A				

Description	Existing Zoning	Proposed Zoning	Lot Details	Comment/Recommendation
Saleyards Operational Land	R5	SP2	DP235657 Lot 1 DP176100 Lot 1 and Lot 2	Minor – reflects existing use.
Archie Sutcliffe Park	R2	RE1	DP709130 Lot 7	Minor – reflects existing use.
Water Resource	R1	SP2	DP3522 Lot 12 DP190633 Lot 1 DP619508 Lot 104	Minor – reflects existing use.
Community Land	R2	RE1	DP806531 Lot 19 DP1167493 Lot 67 DP733396 Lot 48 DP813251 Lot 47 DP834068 Lot 49 DP250541 Lot 24 DP252661 Lot 36 DP1074305 Lot 32 DP730946 Lot 230, 231, 232, 233 DP812210 Lot 49 DP1091276 Lot 21 DP253385 Lot 70 DP978429 Lot 47	Minor – reflects existing use.
Corowa RSL Club and Bowling Greens	R1	RE2	DP1172631 Lot 1 and 2	Minor – reflects existing use.
Corowa RSL Park and (former) Railway Station	RE2	RE1	DP813694 Lot 12, DP1198129 Lot 3833 DP805773 Lot 3	Minor – reflects existing use.
Corowa Park	R1/E3	RE1/E3	DP712198 Lot 421, 422	Minor – reflects existing use.
Water Operational Land	R1	SP2	DP722984 Lot 1 DP113421 Lot 1	Minor – reflects existing use.
Community land	R1/E3	RE1/E3	DP251158 Lot 38	Minor – reflects existing use.
LZN006B				
Community Land Drainage Reserve	R2	RE1	DP261883 Lot 13	Minor – reflects existing use.
LZN008				
Community Reserve	RU1	RE1	DP753745 Lot 71	Minor – reflects existing use.
LZN009				
Howlong Tip	RU1	SP2	DP595806 Lot 7	Minor – reflects existing use.
LZN009A				

Description	Existing Zoning	Proposed Zoning	Lot Details	Comment/Recommendation
Drainage Reserves	R1	SP2	DP758528 Section 23 Lot 10, Section 60 Lot 14, 15, Section 66 Lot 1, Section 56 Lot 3, 16, 17, DP1044849 Lot 2, DP104521 Lot 18, DP1069818 Lot 29, 30	Minor – reflects existing use.
Drainage Reserves	R2	SP2	DP1079820 Lot 21, 22	Minor – reflects existing use.
Water Reservoir	R1	SP2	DP258704 Lot 10	Minor – reflects existing use.
Smith Park	R1	RE2	DP248255 Lot 26	Minor – reflects existing use.
Community Land	R1	RE1	DP252150 Lot 9, DP253838 Lot 32, DP246566 Lot 33	Minor – reflects existing use.
<b>LSZ009A</b>				
Area A	N/A (Lot Size Map)	N/A (Lot Size Map)	DP1213744 Lot 1, 2, DP758528 Section 74 Lot 1, 2, 4, Section 75 Lot 1, 2, 3, 4, Section 76 Lot 1, 2, 3, 4, Section 77 Lot 1, 2, 3, 4, Section 83 Lot 1, 2, 3, 4, Section 85 Lot 1, 2, 3, 4, Section 86 Lot 1, 2, 3, 4, Section 87 Lot 1, 2, 3, 4, Section 89 Lot 1, 2, 3, 4, Section 90 Lot 1, 2, 3, 4 DP721093 Lot 337 DP753744 Lot 210, 313 DP1023639 Lot 7002 DP1006727 Lot 1, 2, DP1257085 Lot 1, 2, DP1190618 Lot 292, 293	Minor – reflects existing use.
<b>Former Urana Mapping Changes</b>				
<b>LZN001A</b>				
Shed	RU5	RE2	DP756452 Lot 66	Minor – reflects existing use.
Cemetery	RU1	SP2	DP1025169 Lot 7011	Minor – reflects existing use.
Morundah Oval	RU1	RE1	DP1165005 Lot 7308, 7309, 7310, 7311, DP43169 Lot 210 DP1189822 Lot 3622	Minor – reflects existing use.
<b>LZN002</b>				
Crown Reserve	RU1	E1	DP1025185 Lot 7002	
Quarry/ Former Landfill	RU1	SP2	DP756409 Lot 59	Minor – reflects existing use.
Landfill	RU1	SP2	DP756447 Lot 340, 341	Minor – reflects existing use.
Cemetery	RU1	SP2	DP1068667 Lot 7022 DP650708 Lot 1 DP1068677 Lot 7028	Minor – reflects existing use.

Description	Existing Zoning	Proposed Zoning	Lot Details	Comment/Recommendation
Columbo Creek Reserve	RU1	RE1	DP1104343 Lot 184	Minor – reflects existing use.
LZN003				
Cemetery	RU1	SP2	DP1138602 Lot 7300, 7301	Minor – reflects existing use.
Cemetery	RU1	SP2	DP1114100 Lot 78	Minor – reflects existing use.
Landfill	RU1	SP2	DP756402 Lot 119	Minor – reflects existing use.
LZN003A				
Sewerage Settling Pond	RU5	SP2	DP914583 Lot 30	Minor – reflects existing use.
Oaklands Oval	RU5	RE1	DP1267963 Lot 100	Minor – reflects existing use.
Coronation Park	RU5	RE1	DP323732 Lot 2	Minor – reflects existing use.
Oaklands War Memorial Swimming Pool	RU5	RE1	DP758804 Section 29 Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	Minor – reflects existing use.
Oaklands RSL Bowling Club	RU5	RE2	DP3748 Section D Lot 1, 2, 3, 4, 5, 6	Minor – reflects existing use.
LZN004A				
Boree Creek Recreation Oval	RU1	RE1	DP1019595 Lot 7003 DP756392 Lot 119 DP96737 Lot 7004	Minor – reflects existing use.
Boree Creek Golf Club (also appears on LZN_004)	RU1, RU5	RE1	DP1024540 Lot 7003 DP1024684 Lot 7002	Minor – reflects existing use.
Park (also appears on LZN_004)	RU1	E1	DP1149760 Lot 7301, 7302	
Cemetery	RU1	SP2	DP1026931 Lot 7004	Minor – reflects existing use.
LZN005A				
The Peter Rand Sports And Recreation Grounds	RU5	RE1	DP1149662 Lot 7300, 7301	Minor – reflects existing use.
Park (Mahonga Road)	RU1, RU5	RE1	DP1024098 Lot 7012	Minor – reflects existing use.
Rand Bowling Club	RU5	RE2	DP758866 Section 3 Lot 5, 6, 7, 10 DP803882 Lot 1	Minor – reflects existing use.

## 2 Need for the planning proposal

This planning proposal is required to consolidate the two (2) current LEPs into a single Federation LEP. A consolidated LEP is needed to provide a continuity of planning controls across the LGA and will provide for an integrated document that will guide sustainable development of the Federation LGA. It is needed to enable a single LEP for Federation LGA that provides a consistent approach to planning and development.

The consolidation of the LEPs is not driven by any specific strategic work. Council advise that detailed land use planning will be undertaken for the LGA to determine if any changes to planning

controls are warranted. This will form a subsequent planning proposal and amendment to the Federation LEP following completion of a Land Use Study. This consolidated LEP will simplify future strategy work for the Federation LGA.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is generally consistent with the Riverina Murray Regional Plan 2036. The consolidation of the current LEPs is primarily administrative in nature and forms the basis for Council to be able to develop further land use strategies across the LGA and better align with the Regional Plan goals and objectives.

### 3.2 Local

The consolidation of the Corowa and Urana LEPs is the first step in achieving several planning priorities under the Federation LSPS. The consolidation of the LEPs will facilitate ongoing strategic planning following completion of the Land Use Study.

The planning proposal is the first step in achieving LSPS Planning Priority 22 to update the Federation LEP with the latest flood studies and plans.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant section 9.1 Ministerial Directions however where there are inconsistencies, these are discussed in Table 7 below. New section 9.1 Directions commenced on 1 March 2022; however, the planning proposal was lodged with the Department on 22 November 2021, therefore the previous Ministerial Directions dated August 2021 will apply to this planning proposal

**Table 7: Consistency assessment of section 9.1 Ministerial Directions**

S9.1	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	PP must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone or increase the permissible density within a rural zone.	Yes	The planning proposal proposes various housekeeping rezoning which will impact the rural zones. The planning proposal is inconsistent with this direction but justified that the amendments proposed are of minor significance to reflect current use.

1.5 Rural Lands	Proposed amendments affecting rural land must satisfy the Direction's requirements under point 4 (a-g).	Yes	The planning proposal proposes various housekeeping rezoning which will impact the rural lands. The planning proposal is inconsistent with this direction but justified that the amendments proposed are of minor significance to reflect current use.
3.1 Residential Zones	Proposed amendments affecting existing residential zoned land must include provisions to satisfy points 4 and 5 of this Direction.	Yes	The planning proposal includes housekeeping rezoning amendments to reflect the current use of land. The planning proposal is inconsistent with this direction but justified that the amendments proposed are of minor significance to reflect current use.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is generally consistent with all relevant SEPPs also noting that the new SEPPs came into force on 1 March 2022

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal is not expected to adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

Given the high level and broad nature of this planning proposal, and the minor changes in planning controls and provisions to achieve consistency, specific environmental impacts are considered to be limited.

While the planning proposal does involve changes to some zoning, these are minor housekeeping LEP map changes to reflect to current use of the land and not expected to facilitate any additional development.

Land currently zoned for public recreation, environmental and/or waterways is to be retained without change and therefore the existing protection and management of this land will continue. No changes are proposed to the permissible land uses under the respective zonings.

Land currently mapped under the respective existing LEPs located within the LGA for biodiversity (remnant vegetation) and as riparian lands and watercourses are also to be retained and so protected under the respective provisions of the LEP. The planning proposal seeks to adopt all existing provisions of the current LEPs relating to biodiversity and riparian lands and watercourses.

Council is undertaking a Land Use Strategy and this will provide the opportunity for consultation with agencies.

### 4.2 Social and economic

The planning proposal is not expected to result in any significant negative economic or social impacts. The planning proposal will generally not result in substantial changes to zoning or development potential within the LGA. The employment zoned lands will be maintained and

protected through retaining all currently zoned industrial lands and business zoned land in the LGA.

The employment zone reform has been running congruently with this planning proposal. It is recommended that this planning proposal adopt the employment zone recommendations. This translation of the current 'B' business and 'I' industrial zones to the new 'E' employment zones will require the land use matrix and associated land use tables to be amended to align with the proposed employment zone translation tables that will be provided by the Department for public exhibition.

Urana LEP 2011 does not currently have any business or industrial zones.

## 4.3 Infrastructure

It is considered that the planning proposal will not create significant additional demand for public infrastructure given it will not result in likely changes to development potential. The planning proposal retains Corowa LEP satisfactory arrangements provision in relation to the Urban Release Areas to ensure that adequate public infrastructure is provided within these existing mapped areas.

It is to be noted that the Secretary's Satisfactory Arrangement Certification for all the URAs under the Corowa LEP was issued on 30 August 2015 subject to no changes to planning controls. The proposed Federation LEP does not trigger a review of this certification.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and it is recommended that the Gateway determination be conditioned to reflect this.

### 5.2 Agencies

The planning proposal does not suggest consultation with any specific State Agencies, rather it states that Agency consultation will occur as required by the Gateway determination. Having regard to the proposal being a consolidation of existing controls with minimal changes it is agreed that no agency consultation is required for the consolidated LEP.

Council is also undertaking a comprehensive Land Use Strategy that will strategically review all land uses and controls. This will provide an opportunity for thorough agency consultation.

However, the proposed new clause - Controls relating to secondary dwellings on land in a rural zone, which permits secondary dwellings on rural land will require consultation with Agricultural Land use Planning Unit of NSW DPI, to determine if the development standards are appropriate in this instance.

## 6 Timeframe

The planning proposal contains a proposed timeline to complete the amendment that is now incorrect. It is recommended that the amendment be finalised within 12 months. This revised finalisation date and new intermediate milestone dates must be reflected in a revised planning proposal prior to placing it on public exhibition.

## 7 Local plan-making authority

The planning proposal does not request plan making delegation. Given the amendment is an LEP consolidation and will be a principal LEP Council cannot exercise plan making delegations.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- This planning proposal seeks to consolidate the two LEPs (Urana LEP 2011 and Corowa LEP 2012) with the aim of creating a consolidated and clear planning framework under a single Federation LEP. The planning proposal is consistent with the Standard Instrument LEP and a conditional Gateway determination is recommended to allow for the LEP consolidation process to proceed.

The planning proposal should be updated to:

- clarify the sub-clauses for proposed clause 4.2B permissibility of dwelling houses on rural land.
- clarify the planning proposal's intent to restrict the application of clause 4.6 Variation to development standards.
- The employment zone reform translation of the current 'B' Business and 'I' Industrial zones to the new 'E' employment zones will require the planning proposal to be updated to include the translation proposal. The land use zone matrix and associated land use tables are to be amended to align with the proposed employment zone translation tables provided by the Department
- The transition of the zone names from Environmental "E" zones to Conservation "C" zones needs to be recognised in the planning proposal. The planning proposal should be updated prior to public consultation to insert a clarification statement that identifies the name
- An amended timetable which shows updated dates for key milestones and an expected end-to-end timeframe of 12 months.
- Remove the proposal to amend the land zone for land in Daysdale Village from RU1 to RU5 Village and changes to Howlong as agreed by Council on 25/03/2022

## 9 Recommendation

It is recommended the:-

**[A]** Delegate of the Secretary be satisfied that the inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones have been justified as being of minor significance and no further work is required.

**[B]** Delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses the following:
  - (a) clarify what sub-clauses will apply to the proposed clause 4.2B permissibility of dwelling houses on rural land.
  - (b) clarify the planning proposal's intent to restrict the application of clause 4.6 Variation to development standards.

- (c) Remove the recommendation to rezone certain lots in Daysdale Village from RU1 primary production to RU5 village and proposed changes to Howlong as agreed by Council on 25/03/2022.
- (d) Details of the employment zone translations are to be reflected in the planning proposal. This amendment is to include a revised land use matrix and associated land use tables to align with the proposed employment zones.
- (e) The transition of the zone names from Environmental “E” zones to Conservation “C” zones needs to be recognised in the planning proposal and changed from E1/C1 to E2/C2.
- (f) An amended Project Time frame to reflect milestone dates to achieve a 12 month finalisation date.

Council is to seek approval from the Department of Planning and Environment prior to undertaking community consultation.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as principal, as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021), and must be made publicly available for a minimum of 28 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning, Industry and Environment, 2021).
3. Consultation is required with Agricultural Land use Planning Unit of NSW DPI, under section 3.34(2)(d) of the Act. The Agricultural Land Use Planning Unit of NSW DPI, is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The LEP should be completed on or before 12 months from the Gateway determination date.




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Wayne Garnsey

8 April 2022

Acting Director, Western Region  
Local and Regional Planning

Assessment officer



8 April 2022

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Tim Collins  
Acting Manager, Western Region  
02 5852 6806