



**Edward
River**
COUNCIL

PLANNING PROPOSAL

Consolidated Edward River Local Environmental Plan

2022

OBJECTIVES OR INTENDED OUTCOMES

The overall objective of this planning proposal is to consolidate the provisions of the Deniliquin Local Environmental Plan 2013, Conargo Local Environmental Plan 2013 and the Deniliquin Local Environmental Plan 1997 (currently administering the “deferred area”) into a single consolidated Edward River Local Environmental Plan (ERLEP) for all land in the Edward River LGA.

The LEP consolidation will be achieved by:

- Consistent approach to zone objectives, principles and application across the LGA area ensuring consistency with the Standard Instrument (SI) Local Environmental Plan (LEP)
- Consolidate duplicated or repetitive objectives within either DLEP 2013 or CLEP 2013 that are similar in intent
- Retain all land use zones which are already within DLEP 2013 and CLEP 2013
- Ensure consistency in permissible land uses across similarly zoned lands within the former Deniliquin and Conargo LGA’s
- Adoption of those standards or provisions which enable the most flexible or generous approach to development standards in certain locations or situations to ensure that existing development potential of land is retained
- Rezoning of those lands identified as “Deferred Area” (DM) currently administered under DLEP 1997 to appropriate SI zones to enable consolidation of this instrument with the proposed ERLEP

Through the consolidation process the proposal also intends to rectify some current land use permissibility anomalies and zoning anomalies within the LEPs:

- Rezoning of several community recreation reserves/halls to RE1 Public Recreation;
- Shops in the E3 zone to be permitted with consent; and
- Information and Education Facilities in the E4 zone to be permitted with consent.

This Planning proposal has compared and assessed the DLEP 2013, CLEP 2013 and DLEP 1997 against the SI LEP template to prepare a consolidated Edward River LEP (ERLEP). The existing DLEP 2013 and CLEP 2013 were prepared in the SI LEP format, however the DLEP 1997 which currently applies to the ‘deferred area’ was prepared in an earlier format.

The planning proposal will result in one standard instrument which will apply over the Edward River local government area. The proposed clauses and land use tables in this planning proposal are to be viewed as a guide only. Final wording of the LEP may vary subject to PCO review and legal drafting.

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SECTION 1

Edward River LEP - Consolidation of the DLEP 2013 & CLEP 2013

Objectives

- Compare and assess the provisions of the CLEP 2013, DLEP 2013 and DLEP 1997 to create consistency to enable consolidation into a single LEP – Edward River Local Environmental Plan (ERLEP)

ERLEP Part 1 - Preliminary

Part 1 of the consolidated ERLEP will cover a range of preliminary matters including the overall aims of the Plan; where the Plan applies; relationships with other instruments as well as transitional arrangements.

Key Issues

- The ERLEP is proposed to apply to the Edward River LGA; and
- The aims of the plan (Clause 1.2(2)) of DLEP 2013 and CLEP 2013 are proposed to be consolidated in the following manner:
 - a) to preserve rural land for all forms of primary production through the proper management, development and conservation of natural and human-made resources,
 - b) to facilitate a range of residential and employment opportunities in accordance with demand, that contribute to the social, economic and environmental resources of the area and support the long-term and economic viability of the local community,
 - c) to promote ecologically sustainable urban and rural development and sustainable economic growth,
 - d) to protect, conserve and enhance the natural assets and areas of significance for nature conservation and high scenic or recreational value
 - e) to minimise land use conflicts and adverse environmental impacts
 - f) to provide for the orderly development of tourist activities
 - g) to minimise the cost to the community of fragmented and isolated development of rural land
 - h) to protect and conserve places and buildings of archaeological or heritage significance, including Aboriginal objects and places
 - i) to promote the efficient and equitable provision of public services, infrastructure and amenities
- All other clauses of this part of the DLEP 2013 and CLEP 2013 are consistent and will be retained in the new ERLEP.

ERLEP Part 2 - Permitted or Prohibited Development

Part 2 of the consolidated ERLEP will cover the land use zones, the zone objectives and the permitted or prohibited development within each of the land use zones.

Key Issues

- Clauses 2.1 – 2.8 of DLEP 2013 and CLEP 2013 are proposed to be retained in the Edward River LEP (ERLEP).
- Clause 2.5 enables Additional Permitted Uses which are addressed in “ERLEP Schedule 1 - Additional Permitted Uses” of this proposal.
- The RU1 Primary Production, R5 Large Lot Residential zones and E1 National Parks and Nature Reserves Zone are the only zones included in both the DLEP 2013 and CLEP 2013.
- Minor amendments are required to be made to the existing DLEP 2013 and CLEP 2013 zone RU1 zone objectives and land use permissibility to ensure consistency in consolidation. *Table 1* below identifies the discrepancies in red between the current LEPs and proposed changes. *Table 2* provides justification where changes are required.
- Minor amendments are required to be made to the existing DLEP 2013 and CLEP 2013 zone SP2 zone objectives and land use permissibility to ensure consistency in consolidation. Group Homes and Educational Establishments are to be permitted in the SP2 Infrastructure zone to align with the prescribed zones within Housing and Education SEPPs relatively. *Table 1* below identifies the discrepancies in red between the current LEPs and proposed changes. *Table 2* provides justification where changes are required.
- Minor amendments are also required to be made to the existing DLEP 2013 and CLEP 2013 R5 zone objectives and land use permissibility to ensure consistency in consolidation. *Table 3* below identifies the discrepancies in red between the current LEPs and proposed changes. *Table 4* provides justification where changes are required.
- The E1 National Parks and Nature Reserve Zone provisions are identical in both LEPs therefore will be retained in the consolidated LEP as is.
- All other current land use zones of DLEP 2013 and CLEP 2013 will be retained and the objectives and land use permissibility within these zones will be included in the ERLEP.
- This planning proposal includes the rezoning of the ‘deferred area’ to be consistent with SI zoning to enable consolidation into the proposed ERLEP (see Section 2 of this proposal). Part of the ‘deferred area’ is proposed to be zoned B6. (E3)*Table 6* below identifies an anomaly to the permissibility of *shops* in this zone proposed to be amended as part of this proposal.
- The General Industrial Zone of the DLEP 2013 prohibits Information and Education facilities. This is considered an anomaly and is proposed to be rectified as part of this LEP consolidation process. *Table 8* below identifies the proposed amendment to the permissibility of this land use in the INI zone.
- For clarity, all other zones, land uses or objectives of either DLEP 2013 or CLEP 2013 within this part NOT included within the tables below, are proposed to be incorporated into the ERLEP in its current form.

RU1 Primary Production

Table 2: Justification for Proposed Amendments to RUI Primary Production Land Use Zone Objectives and Land Use Permissibility

RUI Primary Production		
<i>Issue 1: Non-mandated and duplicated, repetitive objectives between plans</i>		
<i>Issue</i>	<i>Justification</i>	<i>Action/Recommendation</i>
Zone Objectives	<p>CLEP 2013 includes 4 additional objectives to the mandated SI objective within DLEP 2013.</p> <p>The additional objectives of the CLEP 2013 are proposed to be consolidated into a single objective to be retained in the proposed ERLEP.</p>	<p>The objectives are proposed to be consolidated as follows:</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To allow the development of non-agricultural land uses that are compatible with the character of the zone. Including function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural use <p><i>Note: all SI objectives will be retained.</i></p>
<i>Issue 2: Permissibility of Land Uses</i>		
Turf Farming	Turf Farming is permitted with consent in the DLEP 2013 and without consent in the CLEP 2013 (Intensive Plant Agriculture). The impacts of the development in this zone are considered minor and like other intensive plant agriculture land uses which do not require consent. Therefore, the permissibility of CLEP 2013 is considered appropriate.	Permit Turf Farming without consent
Forestry	Forestry is permitted with consent in the DLEP 2013 and without consent in the CLEP 2013. The potential impacts of	Permit Forestry with consent

	Forestry warrant the need for land use regulation through development assessment as opposed to being permitted without consent.	
Dual Occupancies	Dual Occupancies, Dual Occupancies (attached) and Dual occupancies (detached) are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. Several other forms of residential accommodation resulting in dual accommodation units are permissible, and this form should not be alienated. Potential land use conflict of such development can be mitigated through development assessment.	Permit Dual Occupancies, Dual Occupancies (attached) and Dual Occupancies (detached) with consent.
Home Business	Home Business is permitted with consent in the DLEP 2013 and without consent in the CLEP 2013. The impacts of the development in this zone is considered minor therefore permissibility of CLEP 2013 is considered appropriate.	Permit Home Business without consent
Home Occupation (sex services)	Home occupation (sex services) are prohibited in the CLEP 2013 and permitted with consent in the DLEP 2013. The impacts of the development in this zone is considered minor however warrants control through development assessment therefore the permissibility of the DLEP 2013 is considered appropriate.	Permit Home occupation (sex services) with consent
Backpackers Accommodation, Hotel or Motels and Caravan Park	Backpackers Accommodation, Hotel or Motel and Caravan Park are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. With appropriate controls through the DCP and the development assessment process Caravan Park accommodation would have minor impact and are appropriate non-agriculture land	Permit caravan Park with consent Prohibit Hotel Motel, Backpackers Accommodation, Prohibit Tourism and Visitor accommodation (parent term)

	<p>uses compatible with the character of the zone and consistent with the zone objectives.</p> <p>Backpackers accommodation however is considered to have potential local land use conflict in the agricultural area and is not consistent with the zone objectives. Other types of tourist accommodation are permissible in the zone. The use is considered to be more suitably located in alternate zones within the LEP.</p>	
Restaurant or Café, Highway Service Centre, Markets, Rural Supplies and Function Centres	<p>Restaurant or Café, Highway Service Centre, Markets, Rural Supplies and Function Centres are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. With appropriate controls through the DCP and the development assessment process these land uses would have minor impact and are appropriate non-agriculture land uses compatible with the character of the zone and consistent with the zone objectives.</p>	<p>Permit Artisan Food and Drink Industry, Highway Service Centre, Restaurant or Café, Markets, Rural Supplies and Function Centres with consent</p>
Takeaway food & drink premises, Garden centre, Kiosk, Industrial Retail Outlet, Sex Service Premises and Wholesale Supplies	<p>Take away food & drink premises, Garden centre, Kiosk, Industrial Retail Outlet, Sex Service Premises and Wholesale Supplies are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. These land uses are not suitable due to inconsistency with the objectives of the zone, likely alienation of resource land and potential land use conflicts with traffic, odours and noise. The uses are more suitably located in alternate zones within the LEP.</p>	<p>Prohibit Take away food & drink premises, Garden centre, Kiosk, , Industrial Retail Outlet, Sex Service Premises and Wholesale Supplies</p>
Industries	<p>Industries (parent term) is prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. It is proposed to be</p>	<p>Prohibit Industries (parent term)</p>

	prohibited as not all sub terms are permissible.	
General Industries	General Industries are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. The use is not considered an appropriate use in this zone and is most appropriate in industrial zoned land in the LEP area. Land use conflicts relating to contamination, safety and alienation of resource land are likely with adjoining permitted agricultural land uses.	Prohibit General Industries
Light Industries (parent term) and High technology Industries	Light Industries (parent term) and High Technology Industries are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. The definitions of both require that development does not interfere with the amenity of the neighbourhood amongst other controls to minimise impact. Therefore the permissibility of CLEP 2013 is considered appropriate.	Prohibit Light Industries (parent term) and High Technology Industries Permit Artisan Food and drink industry (child term) with consent
Storage Premises (parent term), Self Storage Units, Warehouse or Distribution Centres, Car Parks, Transport Depot and Truck Depot	Storage Premises (parent term), Self Storage Units, Warehouse or distribution centres, Car Parks, Transport Depot and Truck Depot are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. Impact of such land uses is potentially minimal and likely able to be mitigated through the development assessment process. The permissibility of CLEP 2013 is considered appropriate.	Permit Storage Premises (parent term), Self -Storage Units, Warehouse or distribution centres, Car Parks, Transport Depot and Truck Depot with consent
Roads	Roads are mandated under the SI to be either permitted with consent or permitted without consent. Roads are permitted with consent in the DLEP 2017 and permitted without consent in the CLEP 2017. The potential impacts of Roads warrant the need for land use regulation via development assessment as	Permit Roads with consent

	opposed to being permitted without consent. Note: Roads carried out by or on behalf of a public authority are permitted without consent under SEPP (infrastructure) 2007.	
Wharf or boating facilities and Charter & Tourism Boating facilities	Wharf or boating facilities are permitted with consent in the DLEP 2013 and prohibited in the CLEP 2013. Charter & Tourism Boating Facilities are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. With appropriate controls this development would potentially have minor impact and is an appropriate non-agriculture land use consistent with the zone objectives.	Permit Wharf or boating facilities and Charter & Tourism Boating facilities with consent
Educational Establishment (parent term), Schools, Health consulting rooms, Child care centres, Places of Public Worship, Public Administration Building, Recreation facilities (indoor) and Crematorium	Educational Establishment (parent term), Schools, Health consulting rooms, Child care centres, Places of Public Worship, Public Administration Building, Recreation facilities (indoor) and Crematorium are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. This form of development will have potential land use conflict in the agricultural zone and is not consistent with the zone objectives. Such uses are more appropriate in more urban zones within the LEP area.	Permit Educational Establishment (parent term), Schools, Prohibit Health consulting rooms, Child care centres, Public Administration Building, Recreation facilities (indoor), Places of Public Worship and Crematorium
Building Identification Signage and Business identification Signage	Building Identification Signage and Business identification Signage are permitted with consent in the DLEP 2013 and without consent in the CLEP 2013. The impact of signage meeting these definitions in this zone are minimal therefore the permissibility of the CLEP 2013 is considered appropriate.	Permit Building Identification Signage and Business Identification Signage without consent
Boat building and repair, vehicle body repair workshops and vehicle repair stations	Boat building and repair, vehicle body repair workshops and vehicle repair stations are permitted with consent in CLEP	Permit Boat building and repair and vehicle repair stations with consent.

	<p>2013 and prohibited in DLEP 2013. With appropriate controls Boat building and repair, vehicle repair stations would potentially have minor impact and is an appropriate ancillary land use consistent with the zone objectives.</p> <p>Vehicle body repair workshops are likely to result in land use conflict in the residential zone and this land use is not considered an appropriate use in the zone.</p>	Prohibit vehicle body repair workshops
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R5 Large Lot Residential

Table 4: Justification for Proposed Amendments to R5 Large Lot Residential Land Use Zone Objectives and Land Use Permissibility

R5 Large Lot Residential		
Issue 1: Non-mandated and duplicated, repetitive objectives between plans		
Issue	Justification	Action/Recommendation
Zone objectives	<p>CLEP 2013 includes 2 additional objectives to the mandated SI objective within DLEP 2013 relating to agriculture and the rural characteristics of the locality.</p> <p>These additional objectives are proposed to be amended and consolidated into one ensuring they are applicable to the proposed LEP area which includes additional R5 land in more urban localities.</p>	<p>The objectives are proposed to be consolidated as follows:</p> <ul style="list-style-type: none"> • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To provide opportunities for low intensity residential development and other non residential development that is compatible with the characteristics of the locality.

		<i>Note: all SI objectives will be retained.</i>
Issue 2: Permissibility of Land Uses		
Bee keeping	Bee keeping is prohibited in the DLEP 2013 and permitted without consent in the CLEP 2013. The potential impacts of bee keeping are minimal, however warrant the need for land use regulation via development assessment in this zone.	Permit Bee keeping with consent
Extensive Agriculture (parent term), Dairy (pasture based), Intensive Plant Agriculture (parent term) and Turf farming	Extensive Agriculture (parent term), Dairy (pasture based), Intensive Plant Agriculture (parent term) and Turf farming are prohibited in the DLEP 2013 and permitted in the CLEP 2013. Most lots within this zone are relatively small therefore not suitable for extensive commercial crop or livestock production or provide appropriate buffers to mitigate impacts of Intensive Plant Agriculture and Turf farming. The surrounding rural lands provide for these agricultural uses.	Prohibit Extensive Agriculture (parent term), Dairy (pasture based), Intensive Plant Agriculture (parent term) and Turf farming.
Horticulture, Viticulture and Farm Buildings	Horticulture, Viticulture and Farm Buildings are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. In some circumstances impact may be contained to an appropriate level to mitigate land use conflict in this zone therefore the permissibility of CLEP 2013 is considered appropriate. Controls through DCP and appropriate Development assessment to minimise impact	Permit Horticulture, Viticulture and Farm Buildings with consent
Residential Accommodation (parent term), Group Homes, Group homes (permanent) and Group homes (transitional)	Residential Accommodation (parent term), Group Homes, Group homes (permanent) and Group homes (transitional) are permitted with consent in the DLEP 2013 and prohibited in the CLEP 2013. Residential Accommodation in this form is consistent with the objectives of	Prohibit Residential Accommodation (parent term), permit dwelling houses , dual occupancies Group Homes, Group homes (permanent) and Group homes (transitional)

	the zone and considered a permissible use.	
Home occupation (sex services)	Home occupation (sex services) are prohibited in the CLEP 2013 and permitted with consent in the DLEP 2013. The impacts of the development in this zone is considered minor however warrants control through development assessment therefore the permissibility of the DLEP 2013 is considered appropriate.	Permit Home occupation (sex services) with consent
Cellar door premises, Food & drink premises (parent term), Landscaping material supplies, Markets, Helipad and Passenger Transport Facilities	Cellar door premises, Food & drink premises (parent term), Landscaping material supplies, Markets, Helipad and Passenger Transport Facilities are prohibited in the DLEP 2013 and permitted with consent in the CLEP 2013. Food and drink premises (parent term) is proposed to be prohibited as not all sub terms are permissible. All other uses will have potential land use conflicts in the residential zone including noise, traffic and odour and are not consistent with the zone objectives.	Prohibit Cellar door premises, Food & drink premises (parent term), Landscaping material supplies, Markets, Helipad and Passenger Transport Facilities
Restaurants or café, Take away food & drink premises, Garden Centres, Roadside stalls, Neighbourhood shops, Function Centres, Childcare centre, Community facilities, Information and education facilities, Places of public worship, Cemetery and Exhibition homes	Restaurants or café, Take away food & drink premises, Garden Centres, Roadside stalls, Neighbourhood shops, Function Centres, Childcare centre, Community facilities, Information and education facilities, Places of public worship, Cemetery and Exhibition homes are permitted with consent in the DLEP 2013 and prohibited in the CLEP 2013. With appropriate controls these forms of development would potentially have minimal conflict between land uses in this zone and are an appropriate land use	Permit Restaurants or café, Artisan Food and drink Industry, Garden Centres, Roadside stalls, Childcare centre, Community facilities, Information and education facilities, Places of public worship, and Exhibition homes with consent Prohibit Cemeteries, Take away food & drink premises, Neighbourhood shops and Function Centres

	consistent with the zone objectives.	
Roads and Building Identification Signage	Roads and Building Identification Signage are permitted with consent in the DLEP 2013 and permitted without consent in the CLEP 2013. Given the sensitivity of the residential zone the permissibility of the DLEP 2013 is considered appropriate. Note: Roads carried out by or on behalf of a public authority are permitted without consent under SEPP (infrastructure) 2007.	Permit Roads and building Identification Signage with consent

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B6 Enterprise Corridor (E3 Productivity)Zone

Correction of anomaly to the current prohibition of Shops in this zone. Proposed to permit Shops with consent to ensure consistency with existing land uses in current and proposed E3 zoned land (see Section 2 below regarding rezoning of Davidson St).

Note : Council proposes the introduction of the new employment zones as part of this Planning Proposal.. It is proposed that the existing B6 zone will transition to E3 Productivity zone. The Employment zone transitions are covered in Section 4

Table 6: Justification for Proposed Amendment to E3 Productivity Zone Land Use Permissibility

E3 Productivity zone (B6 Enterprise Corridor Zone)		
Issue 1: Permissibility of Shops		
Issue	Justification	Action/Recommended
Shop	<p>The current DLEP 1997 administering the 'deferred area' permits Shops with consent in the Urban Zone. This area is proposed to be rezoned to E3 as part of this proposal which prohibits shops. The amendment is considered necessary to retain the existing development potential of the subject land.</p> <p>The prohibition of Shops is considered too restrictive having consideration to the current permissibility of the DLEP 1997 and existing land use patterns of the subject land.</p> <p>Most other Retail Premises group term are permitted in the E3 zone.</p> <p>Current B6 zoned land adjacent to the deferred area in Victoria St includes a butcher shop amongst other commercial activity, therefore it is considered the proposed correction is appropriate to existing B6 zoned land. There is no other B6 zoned land in the LEP area.</p>	Permit Shop with consent

	<p>The objectives of the E3 zone include <i>to maintain the economic strength of centres by limiting retail activity</i>. New retail activity (which include shops) in the B6 area is constrained to an extent by the availability of existing premises, as new development is limited due to local flood restrictions. Therefore it is not considered the permissibility of shops in this zone will compromise the CBD.</p> <p>The use is consistent with the objectives of the zone and considered a complimentary use in the E3 zone for Deniliquin.</p>	
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INI General Industrial Zone (E4 General Industrial)

Correction of anomaly to the current prohibition of Information and Education Facilities in this zone. Proposed to permit Information and Education Facilities for the reasons outlined in the justification below.

Note: Council proposes the introduction of the new employment zones as part of this Planning Proposal.. It is proposed that the existing IN1 zone will transition to E4 General industrial zone. The Employment zone transitions are covered in Section 4.

Table 8: Justification for Proposed Amendment to INI General Industrial Zone Land Use Permissibility

INI General Industrial (E4 General Industrial)		
Issue 1: Permissibility of Information and Education Facility		
Issue	Justification	Action/Recommended
Information and Education Facility	<p>An Information and Education Facility which includes an art gallery, museum, library and visitor information centre is prohibited in the INI zone of the DLEP 2013.</p> <p>Edward River Council has recently granted a DA for a part temporary use as an information and education facility (transport museum) in the INI Zone. The applicant is seeking approval for a permanent use rather than a temporary use which requires</p>	Permit Information and Education Facility with consent

	<p>an amendment to the land use permissibility within the LEP.</p> <p>It is considered that impact of such land use in the INI zone of Deniliquin is minimal and if required able to be mitigated through provisions in the DCP and the development assessment process.</p>	
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SP2 Infrastructure

Table 9: Justification for Proposed Amendment to SP2 Infrastructure Zone Land Use Permissibility

SP2 Infrastructure		
Issue 1: Permissibility of Information and Education Facility		
Issue	Justification	Action/Recommended
Roads	<p>Roads are permitted with consent in the DLEP 2013 and permitted without consent in the CLEP 2013.</p> <p>Note: Roads carried out by or on behalf of a public authority are permitted without consent under SEPP (infrastructure) 2007.</p>	Permit Roads without consent
Group Homes	<p>Group Homes are not permitted in the DLEP 2013 and the CLEP 2013 . Development for the purpose shown on the Land zoning map that is Ancillary or incidental development for the purpose. shown is permitted with consent in the DLEP 2013 and CLEP 2013 . To align with Housing SEPP prescribed zones Group homes to be permitted with Consent</p>	Permit Group Homes with consent
Education Establishment	<p>Education Establishments are not permitted in the DLEP 2013 and the CLEP 2013 . Development for the purpose shown on the Land zoning map</p>	Permit Education Establishment with consent

	that is ancillary or incidental development for the purpose. shown is permitted with consent in the DLEP 2013 and CLEP 2013 . To align with Education SEPP prescribed zones Education Establishments to be permitted with Consent	
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ERLEP Part 3 - Exempt and Complying Development

Part 3 of the consolidated ERLEP will identify the circumstances when development can be undertaken without consent (exempt development) and as complying development.

Key Issues

- Clauses 3.1 – 3.3 of CLEP 2013 and DLEP 2013 are consistent and proposed to be retained in the consolidated LEP.
- Clauses 3.1 and 3.2 enable Exempt and Complying Development Provisions and are addressed below in “ERLEP Schedule 2 - Exempt Development” and “ERLEP Schedule 3 - Complying Development” of this proposal.

ERLEP Part 4 - Principal Development Standards

Part 4 of the consolidated ERLEP will cover the development standards for minimum subdivision sizes, rural subdivision and erection of dwellings in certain rural and environmental protection zones. This part will also identify circumstances when the development standards may be altered or varied.

Key Issues

- *Table 9* below identifies where changes are required to specific objectives to ensure consistency.
- The DLEP 2013 includes some additional provisions in relation to subdivision and rural dwellings which are not part of the CLEP 2013. These provisions are proposed to be incorporated into the consolidated LEP as outlined in *Table 9* below.
- For clarity, all other provisions of either DLEP 2013 or CLEP 2013 within this part NOT included within the table below, are proposed to be incorporated into the ERLEP in its current form.

Table 10: Justification for proposed amendments to Principal Development Standards

Lot Size & Subdivision		
Issue 1: Non-mandated and duplicated, repetitive objectives between plans		
Issue	Justification	Action/Recommendation

Clause objectives	<p>This issue relates to DLEP 2013 and CLEP 2013 clauses 4.1.</p> <p>The simplification of objectives promotes a more streamlined planning instrument and removes unnecessary duplication of objectives with similar intent.</p>	<p>The ERLEP should adopt a combination of DLEP 2013 and CLEP 2013 objectives as follows:</p> <ul style="list-style-type: none"> • to maintain appropriate farm sizes for agricultural production and protect the productive capacity of agricultural land • to ensure that rural residential development does not result in fragmentation of rural Lands • to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area • to ensure that new subdivisions reflect the characteristic lot sizes and patterns of the surrounding locality, and have a practical and efficient layout to meet their intended use • to minimise the intensification of development on flood liable land • to ensure that the creation of lots and any subsequent development on such lots does not create a demand for the uneconomic provision of services by Council
Issue 2: Minimum subdivision lot size for community title schemes & strata plan schemes		
Minimum subdivision lot size for community title schemes and strata plan schemes	<p>This issue relates to DLEP 2013 Clause 4.1AA and Clause 4.2A. It prevents land in the RU1, R5 and C3 Zones from being subdivided below the minimum lot size using a Community title scheme and Strata title scheme respectively. Ultimately ensuring additional dwelling entitlements are not created. This is consistent with the intent and objectives of the applicable zones to this standard.</p>	<p>Include DLEP 2013 Clause 4.1AA – Minimum subdivision lot size for community title schemes and Clause 4.2A – Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones.</p>
Issue 3: Exceptions to minimum subdivision lot sizes		
Exceptions to minimum subdivision sizes	<p>This issue relates to DLEP 2013 Clause 4.1A and Clause 4.1B.</p>	<p>Include DLEP 2013 Clause 4.1A – Exceptions to minimum subdivision</p>

	Both standards provide a more flexible approach to rural subdivision and should therefore be adopted to ensure that existing development potential of land is retained.	lot sizes for certain split zones and Clause 4.1B Exceptions to minimum lot sizes for certain rural subdivisions
Issue 4: Erection of dwelling houses on land in certain rural and environment protection zones		
Erection of dwelling houses on land in certain rural and environment protection zones	This issue relates to DLEP 2013 Clause 4.2B and applies to RU1 and C3 land. This standard provides a more flexible approach to the erection of dwellings in these zones and should be adopted to ensure that existing development potential of land is retained.	Include DLEP 2013 Clause 4.2B – Erection of dwelling houses on land in certain rural and environment protection zones
Issue 5: Boundary changes between lots in certain rural, residential and environment protection zones		
Boundary changes between lots in certain rural, residential and environment protection zones	This issue relates to DLEP 2013 Clause 4.2D and applies to RU1, R5 and C3 land. This standard enables the subdivision of 2 or more adjoining lots below the minimum lot sizes in certain circumstances. This clause enables a more flexible approach to boundary changes and should be adopted to ensure that existing development potential of land is retained.	Include DLEP 2013 Clause 4.2D - Boundary changes between lots in certain rural, residential and environment protection zones. Include 'Other issues' model clause.
Issue 6: Subdivision for the purpose of intensive Plant agriculture		
Subdivision for the purpose of plant agriculture	This issue relates to CLEP 2013 Clause 4.2D and applies to RU1. This standard provides a more flexible approach in the application for standards for subdivision for the purpose of intensive agriculture in the rural zone.	Include CLEP 2013 Clause 4.2D – Subdivision for the purpose of intensive plant agriculture

ERLEP Part 5 - Miscellaneous Provisions

Part 5 of the consolidated ERLEP will cover miscellaneous provisions including acquisition for public purposes, classification of public land, controls relating to specific land uses, development near zone boundaries, conversion of fire alarms, heritage conservation and bushfire hazard reduction.

Key Issues

- Clause 5.4 is the only provision which is inconsistent between the DLEP 2013 and CLEP 2013 within this part. *Table 11* below identifies the changes required to this clause to ensure consistency.
- For clarity, all other provisions of either DLEP 2013 or CLEP 2013 within this part NOT included within the table below, are proposed to be incorporated into the ERLEP in its current form.

Table 11: Justification for amendments to Miscellaneous Provisions

Controls relating to miscellaneous permissible uses		
Issue 1: Inconsistent provisions		
Issue	Justification	Action/Recommended
Miscellaneous provisions	<p>This issue relates to both DLEP 2013 and CLEP 2013 Clause 5.4. Both are based on the SI LEP.</p> <p>This clause nominates the area or size of several land uses. In most instances these are different between the two plans.</p> <p>It is recommended that the provision which provides the most flexibility be adopted to ensure that existing development potential of land is retained.</p>	<p>The ERLEP should adopt the control which provides the greater flexibility.</p> <p>The CLEP 2013 provisions should be adopted for Industrial retail outlets, farm stay accommodation, neighbourhood shops, secondary dwellings and artisan food and drink industry exclusion.</p> <p>The DLEP 2013 provisions should be utilised for kiosks and roadside stalls</p>

ERLEP Part 6 - Additional Local Provisions

Part 6 of the consolidated ERLEP will specify additional local provisions in relation to certain matters (e.g. flooding) and localities within the Local Government Area (LGA).

Key Issues

- The local provisions for Salinity and Sex Services differ within the DLEP 2013 and CLEP 2013. *Table 12* below identifies the changes required to this clause to ensure consistency.
- For clarity, all other provisions of either DLEP 2013 or CLEP 2013 within this part NOT included within the table below, are proposed to be incorporated into the ERLEP in its current form.
- Clause reference numbers within this Part will need to be renumbered.

Table 12: Justification for amendments to Additional Local Provisions

Additional Local Provisions		
Issue 1: Inconsistent salinity provisions		
Issue	Justification	Action/Recommendation
Salinity provisions	This issue relates to DLEP Clause 6.5 and CLEP Clause 6.7 both regarding the management of	Include CLEP 2013 Clause 6.7 Salinity and remove DLEP 2013 Clause 6.5 Salinity.

	<p>salinity. There is a very minor discrepancy in wording between the two clauses of which does not change the intent of the provision, however it is considered the wording of CLEP Clause 6.7 provides better clarity.</p>	
Issue 2: Inconsistent sex services provision		
Sex services provisions	<p>This issue relates to DLEP Clause 6.8 and CLEP Clause 6.9 relating to the Location of sex services premises.</p> <p>The DLEP provision requires that when deciding whether to grant development consent for the purpose of sex services premises, consideration must be given to whether the premises will be located on land that adjoins or is directly opposite land in Zone R1 and Zone RE1. The CLEP provision refers to Zone RU5 and Zone R5 in this same requirement.</p> <p>It is appropriate and consistent with the objectives of this provision to consider all of these abutting zonings when deciding on a development application for a sex services premises.</p>	<p>Include Zone R1 General Residential, Zone RE1 Public Recreation, Zone RU5 Village and Zone R5 Large Lot Residential in point (2)(a)(i) of the additional local provision for Location of sex services premises.</p>
Issue3: Inconsistent caravan park provisions		
Caravan park provisions	<p><u>This issue relates to the permissibility of caravan parks within the RU1 zone</u></p>	<p>Caravan parks to be permissible in the RU1 zone subject to Local provision as follows:</p> <p>1) The intent of the clause is to cover the following detail ;</p> <p>(a) to enable appropriate forms of caravan parks to be developed in conjunction with primary production uses,</p> <p>(b) to encourage development that will not have an adverse impact on primary production activities in the existing area.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(3) Before determining a development application for development for the purposes of a caravan park on land to</p>

		<p>which this clause applies, the consent authority must consider—</p> <p>(a) the suitability of the site for the development, and</p> <p>(b) the likely impact of the development on adjoining and adjacent land, and</p> <p>(c) that adequate access exists or will be provided to service the development from a road other than a classified road, taking into account the scale of the development, and</p> <p>(d) the development will not have a significant adverse impact on agricultural production, the scenic amenity of the locality or significant features of the natural environment, and</p> <p>(e) that adequate on-site wastewater systems will service the land without having an adverse impact on the water quality of the area, and</p> <p>(f) that adequate water supply is available for potable and firefighting purposes, and</p> <p>(g) that the development will not be affected by natural hazards</p> <p>The of the Local clause is as stated however the final detail will be subject to Parliamentary Counsel drafting</p>
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ERLEP Schedule 1 – Additional Permitted Uses

Schedule 1 of the Edward River Local Environmental Plan (ERLEP) will identify land within the Edward River Local Government Area (LGA), which has additional development entitlements beyond those specified in the land use tables. This Schedule will apply to Clause 2.5 (Additional permitted uses for particular land) of the ERLEP.

Key Issues

- CLEP 2013 does not specify additional permitted uses. DLEP 2013 contains two additional permitted use –

1. Permitting Residential Accommodation with development consent at 321 Victoria Street, Deniliquin.

This will be retained in the consolidated LEP, as would otherwise be an inequitable outcome for this landholder.

2. This clause applies to land at 227 Augustus Street, Deniliquin (being Lot 114, DP 756310) identified as “1” on the [Additional Permitted Uses Map](#).

Development for the purpose of general industry (limited to the manufacture of precast concrete components) is permitted with development consent

This will be retained in the consolidated LEP, as would otherwise be an inequitable outcome for this landholder.

3. An Additional Permitted Use is proposed in line with the new translation of the new employment zones

This clause is to apply 137-143 Napier St (Lots 2 and 3 DP 1135813) development for the purpose of an office premises is to be permitted with consent.

ERLEP Schedule 2 – Exempt Development

Schedule 2 of the Edward River Local Environmental Plan (ERLEP) will identify exempt development, which may be undertaken without consent. This Schedule will apply to Clause 3.1 (Exempt development) of the ERLEP.

Key issues

- DLEP 2013 does not specify additional exempt development. CLEP 2013 contains a number of exempt developments in relation to signage. These are proposed to be removed as identified in Table 13 below.

Table 13: Justification for amendments to Schedule 2 – Exempt Development

Exempt Development		
Issue 1: Inconsistency with SEPP		
Issue	Justification	Action/Recommendation
Permissibility of Signage	This issue relates to CLEP 2013 Schedule 2: Exempt development. Circumstances the schedule exempts Advertisements and advertising structures, Real estate signs and Signs behind glass line of shop windows. These exemptions are inconsistent with the SEPP Exempt and Complying Development Codes and SEPP 64 Advertising and Signage. Therefore, to create a more streamlined planning instrument it is recommended the CLEP exemptions be removed.	The ERLEP should remove Advertisements and advertising structures, Real estate signs and Signs behind glass line of shop window from Schedule 2.

ERLEP Schedule 3 - Complying Development

Schedule 3 of the ERLEP will identify development, which may be undertaken as complying development. This Schedule will apply to Clause 3.2 (Complying development) of the ERLEP.

Key Issues

- Neither DLEP 2013 nor CLEP 2013 specifies complying development within Schedule 3 Complying Development.

ERLEP Schedule 4 - Classifications and Reclassification of Public Land

Schedule 4 of the ERLEP will identify any public land, which is proposed to be reclassified in accordance with the Provisions of the Local Government Act, 1993. This Schedule will apply to Clause 5.2 (Classification and reclassification of land) of the CCLEP

Key Issues

- Neither DLEP 2013 nor CLEP 2013 specifies any land within Schedule 4 Classifications and Reclassification of Public. There are no changes to Schedule 4 proposed as part of this amendment.

ERLEP Schedule 5 - Environmental Heritage

Schedule 5 of the ERLEP will identify heritage items, heritage conservation areas and archaeological sites. This Schedule will apply to Clause 5.10 (Heritage conservation) of the CCLEP.

Key Issues

- All listed Heritage Items and Heritage Conservation Areas included in the DLEP 2013 and CLEP 2013 are proposed to be retained within the ERLEP.
- It is likely that during the instrument drafting, amendments to the clause and subclause numbering (including in clause referral numbering) will be required.

JUSTIFICATION

Section A – Need for the Planning proposal

1. Is the Planning proposal a result of any Strategic Study or report?

The planning proposal has been initiated following the amalgamation between the former Deniliquin Council and Conargo Shire Council on 12 May 2016.

Conargo Rural Lands Strategy was endorsed by the Department on 19 June 2013. The proposal is consistent with the Strategy. Deniliquin does not have an endorsed land use strategy.

The creation of a new Edward River Local Environmental Plan (ERLEP) will be achieved via a process of consolidation. The process will consolidate, simplify and align where possible the controls within the Deniliquin Local Environmental Plan (DLEP 2013) Conargo Local Environmental Plan 2013 (CLEP 2013) and Deniliquin Local Environmental Plan (DLEP 1997) into a single environmental planning instrument (EPI).

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

All the matters covered by the Planning proposal relate to achieving a single environmental planning instrument (EPI). In this regard, the planning proposal is the only mechanism for achieving the intended outcomes and is a transparent community consultative process.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the Riverina Murray Regional Plan 2036. The Regional Plan is considered in Appendix 2.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Edward River Council does not have a comprehensive local land use strategy that applies to the former Deniliquin Local Government Area.

Local Land Use Strategies

The Conargo Shire Council Rural Lands Strategy (endorsed by Department 19 June 2013) applies to the proposal. This strategy applies to rural land only within the former Conargo Local Government Area. The Rural zone objectives, land use permissibility's and land use provisions are proposed to be amended to align existing planning instruments, including the strategy. The proposal is consistent with the strategy.

Edward River Local Strategic Planning Statement

The Edward River Council Local Strategic Planning Statement (LSPS) 2020) sets out the 20-year vision for land use planning in the Edward River Local Government Area (LGA), outlining how change will be managed to maintain the high levels of liveability and landscape quality that characterises the Edward

River region. It identifies the special characteristics that contribute to the regions local identity and recognises the shared community values to be maintained and enhanced.

The LSPS identifies Eight (8) Planning Priorities to achieve the Councils vision for the Edward River region being ; Agriculture, Industry, Heritage, Liveability, Housing, Infrastructure, Climate Change and Natural Hazards and the Environment.

The statement is aligned with the Edward River Council Community Strategic Plan 2018-2030 and gives effect to the Riverina Murray Regional Plan 2036 implementing the directions and actions at a local level.

The Planning proposal is generally consistent with the objectives and principles of the LSPS by providing a consistent application of land use zones and uses and local clauses throughout the Edward River Council area.

The Edward River Council Community Strategic Plan (CSP) 2018-2030 was prepared with extensive community input and identify the social, economic, environmental, governance and leadership directions for the LGA area.

The objectives of the Edward River CSP 2018-2030 are incorporated with the Edward River Council Operational Plan 2016-17. An assessment of the objectives of the Operational Plan has been undertaken, as attached to this proposal.

The Planning proposal is generally consistent with the objectives and principles of the CSP by providing a consolidated and consistent application of land use zones and uses throughout the Edward River shire.

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

The proposal has been considered against the relevant State Environmental Planning Policies (SEPPs). The SEPPs are considered in Appendix 1.

The proposal is consistent with the relevant provisions.

6. Is the Planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The proposal has been considered against the relevant Ministerial Section 9.1 Directions. The full assessment of these Directions is contained within Appendix 3 of this proposal.

Section C – Environmental, Social and Economic Impact

7. 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. there will be no change from current situation and planning controls.

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

The planning proposal does not propose any detrimental environmental impacts from the introduction of the consolidated Standard Instrument.

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

The planning proposal provides an opportunity to consolidate the three current local planning instruments applicable within the Edward River LGA to reduce the number of documents to one single Local Environmental Plan. This will help to provide greater certainty to landowners, resolve any errors, align controls and land uses where possible and promote greater certainty for new development.

The intention is to retain the development right of landowners where there is currently a development right and the use is considered appropriate. The ERLEP generally does not seek to alter the zoning or minimum lot sizes of land, outside of the Deniliquin deferred area. However, to achieve consolidation of the planning instruments the permissibility of several land uses are proposed to be amended in both the CLEP 2013 and DLEP 2013 in the RU1 and RU5 zones. These are ancillary or complementary to the objectives of these zones.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The proposal is primarily a consolidation of the existing provisions of DLEP 2013 and CLEP 2013 and correction of some administrative anomalies. The implementation of the ERLEP is not expected to alter the infrastructure requirements for the LGA area.

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

Council has not consulted any state or Commonwealth public authorities in relation to this planning proposal at this time.

Consultation with relevant state agencies will be undertaken as required by the Gateway determination.

SECTION 2

Consolidation of DLEP 1997 into ERLEP

Rezoning of “Deferred Area” of Davidson Street, Deniliquin

Objectives

- Consolidate the deferred area currently administered under the DLEP 1997 into the proposed ERLEP.

During the preparation of the Deniliquin Local Environmental Plan (DLEP 2013), Council had unresolved concerns regarding the rezoning of land in Davidson St. At its meeting on 25 September 2013, Council resolved to defer the rezoning of both sides of Davidson Street between the two bridges (image 1 below) pending provision and finalisation of the Edward River Flood Study. The intention of Council was that this land continue to be administered under the Deniliquin Local Environmental Plan 1997 until the Flood Study is completed. The Department of Planning and Environment (DPE) agreed to the deferral.



Image 1: “Deferred Area” to which LEP 1997 currently applies

The Edward River Flood study is now complete, and the Department of Planning and Environment issued a **gateway** determination to proceed with a planning proposal (PP_2018_ERIVE_001_00) to amend the Deniliquin LEP 2013 and Deniliquin LEP 1997 to update Flood Planning Maps and Clauses as per the recommendations in the Floodplain Risk Management study and Plan. The Planning Proposal was finalised in June 2020.

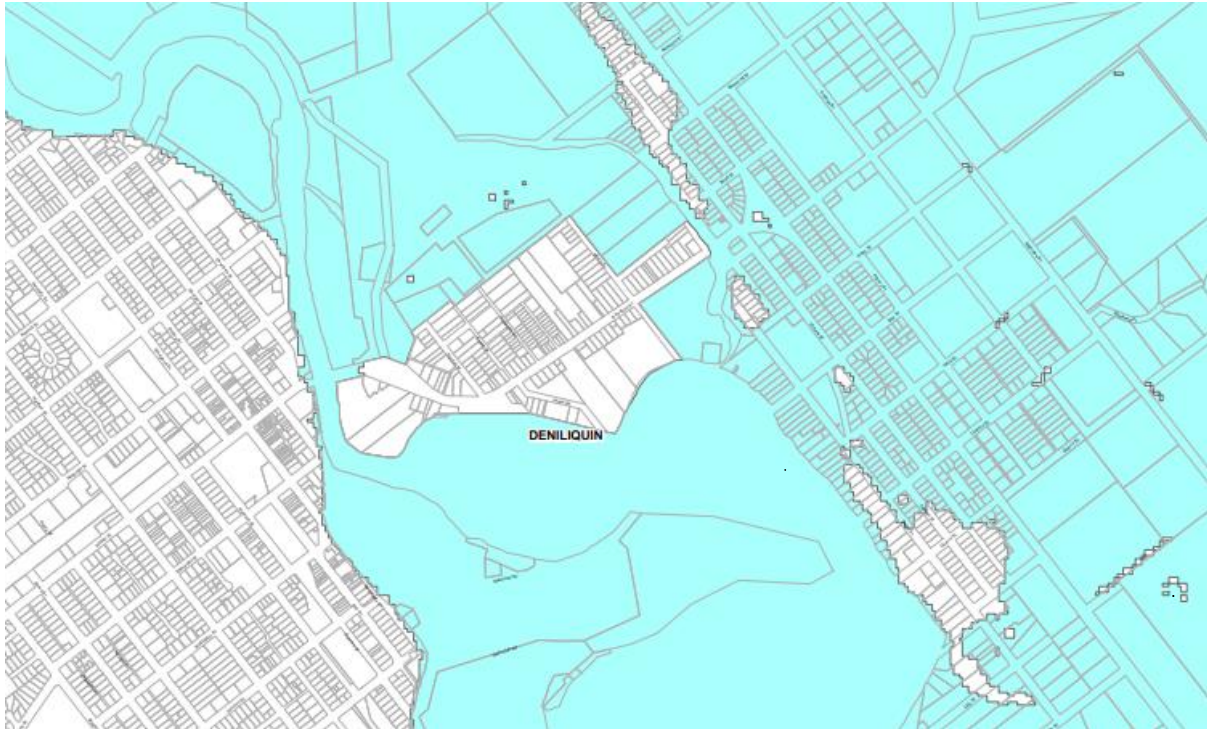
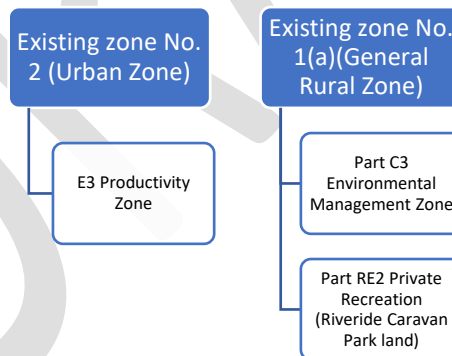


Figure 1 Flood Mapping DLEP 1997

It is proposed to include the deferred area currently administered under the Deniliquin LEP 1997 in the current DLEP 2013 and proposed ERLEP. This will require rezoning to be consistent with the Standard Instrument (SI) zoning, reflective of existing land uses. The land directly abutting Davidson St is currently zoned No. 2 (Urban Zone) with the remainder in this deferred area zone No. 1 (a)(General Rural Zone). It is proposed to rezone the land as follows:



The proposed zones identified in the draft ERLEP are the most suitable for this land when considering the flood prone nature of the land. Both zones reflect the existing land use patterns within the area; the E3 Productivity zone allows for a range of commercial and light industrial uses, and the C3 Environmental Management zone maintains dwelling entitlements and the existing minimum lot size. The RE2 zone is considered most appropriate zone for the existing Caravan Park situated at Lot 12 DP 808189, Lot 1 DP 1103707, Lot 2 DP 1103707 20 Davidson Street.

Current & proposed land use permissibility's are identified in *Appendix 5 Tables 17 and 18*. The proposed zoning is considered the best equivalent zone to the existing zoning.

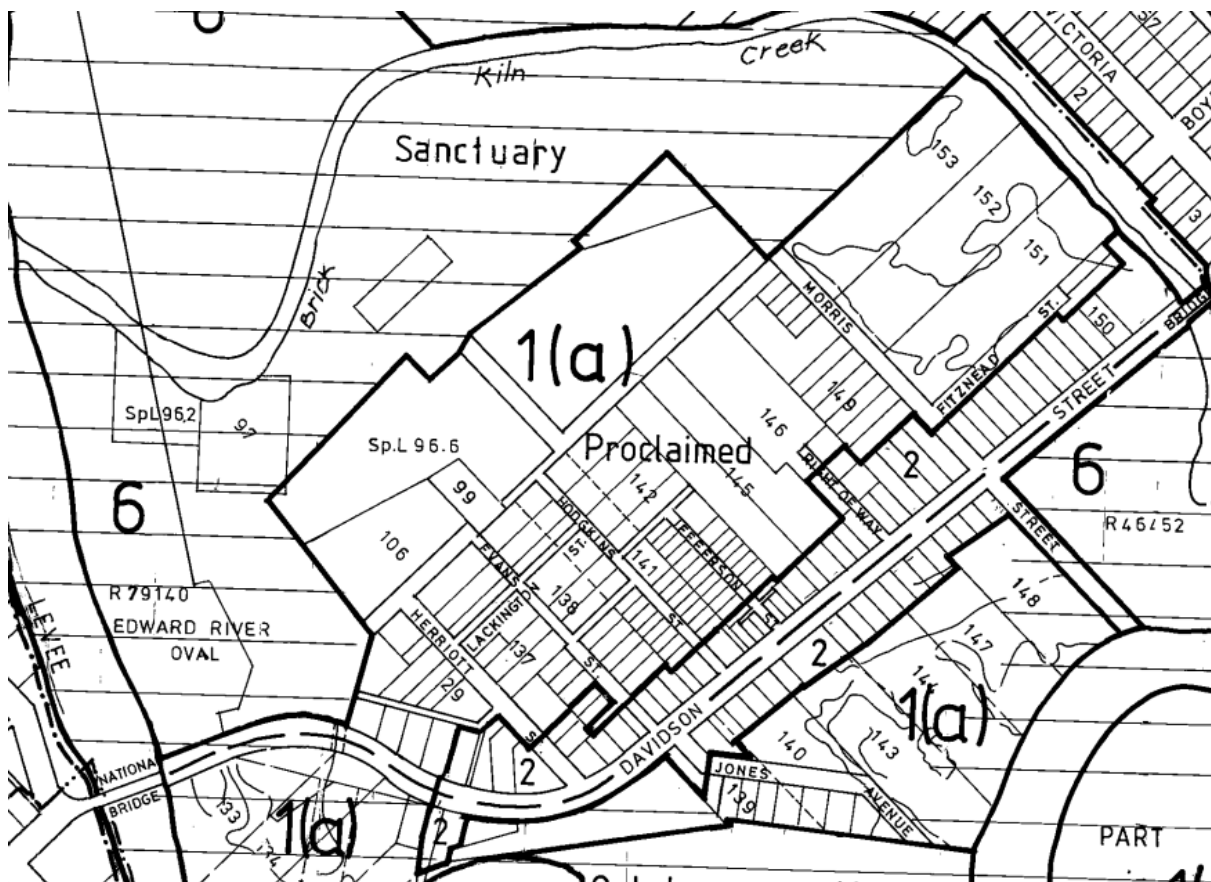


Figure 2 -Existing zones DLEP 1997



Figure 3 - proposed zone map-

JUSTIFICATION

Section A – Need for the planning proposal

1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategy study or report?*

The planning proposal is the result of the completion of the Edward River Flood Study. At its meeting on 25 September 2013, Council resolved to defer the rezoning of both sides of Davidson Street between the two bridges pending provision and finalisation of the Edward River Flood Study. The intention of Council was that this land continue to be administered under the Denilquin Local Environmental Plan 1997 until such time as the Flood Study is completed. The Department of Planning Industry & Environment (DPIE) agreed to the deferral. The flood study is now complete and agreed by Office of Environment and Heritage.

The rezoning of the deferred area utilises comparison zones and seeks to maintain the existing development rights within the Davidson Street precinct.

2. *Is the Planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal is the only mechanism for achieving the intended outcome to rezone the deferred area to enable consolidation of the DLEP 1997 into Standard Instrument format in the proposed ERLEP and allows for a transparent community consultation process.

Section B – Relationship to strategic planning framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

The planning proposal is consistent with the Riverina Murray Regional Plan 2036. The Regional Plan is considered in Appendix 1.

4. *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

The Edward River Council Community Strategic Plan (CSP) 2018-2030 was prepared with extensive community input and identify the social, economic, environmental, governance and leadership directions for the LGA area.

The objectives of the Edward River CSP 2018-2030 are incorporated with the Edward River Council Operational Plan. The planning proposal is generally consistent with the objectives and principles of the CSP.

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

The proposal has been considered against the relevant State Environmental Planning Policies (SEPPs). The SEPPs are considered in Appendix 2.

The proposal is consistent with the relevant provisions.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within Appendix 3 of this proposal. There are no inconsistencies.

Section C – Environmental, Social and Economic Impact

7. *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?*

The planning proposal does not propose any detrimental environmental impacts from the introduction of the standard instrument zones for the Davidson Street precinct. No land use changes are proposed as part of the rezoning, only permissibility of additional land uses that will be required to be assessed through the development application process.

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

Flooding

Council have updated the Floodplain Risk Management Plan through a planning proposal (PP_2018_ERIVE_001_00) to insert flood planning maps into the DLEP 2013. The flood planning area identified the Davidson Street precinct as being flood prone land. The provisions in relation to flood prone land are not changing because of the rezoning, and the flood planning controls in the DLEP

2013 will still apply. The proposal will be referred to Office of Environment and Heritage for comment during the consultation process.

The flood impacts were assessed as part of the PP_2018_ERIVE_001_00. The proposal will manage flood risk by continuing the application of a Flood Planning Area and Flood Planning Levels that are consistent with the Standard Instrument.

The environmental impacts of the proposal will require Council to assess the impacts of development on the area at the development application stage, allowing development that is compatible with the land's flood hazard and avoid significant adverse impacts on flood behaviour and the environment.

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

The planning proposal is considered to provide social and economic benefits to the community through the consideration of flood risk for development and existing land uses. The Planning proposal provides an opportunity to rezone the 'deferred area' of Deniliquin to be consistent with the Standard Instrument (SI) zoning, reflective of existing land uses. The intention is to retain the development right of landowners where there is currently a dwelling right and the use is considered appropriate having regard to the flood risk. The rezoning does not provide for any additional increase in dwelling potential through reduction in minimum lot size.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning proposal?

The planning proposal does not increase demand for public infrastructure including public transport, roads, utilities, waste management or essential services, beyond the capacity of the existing system.

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

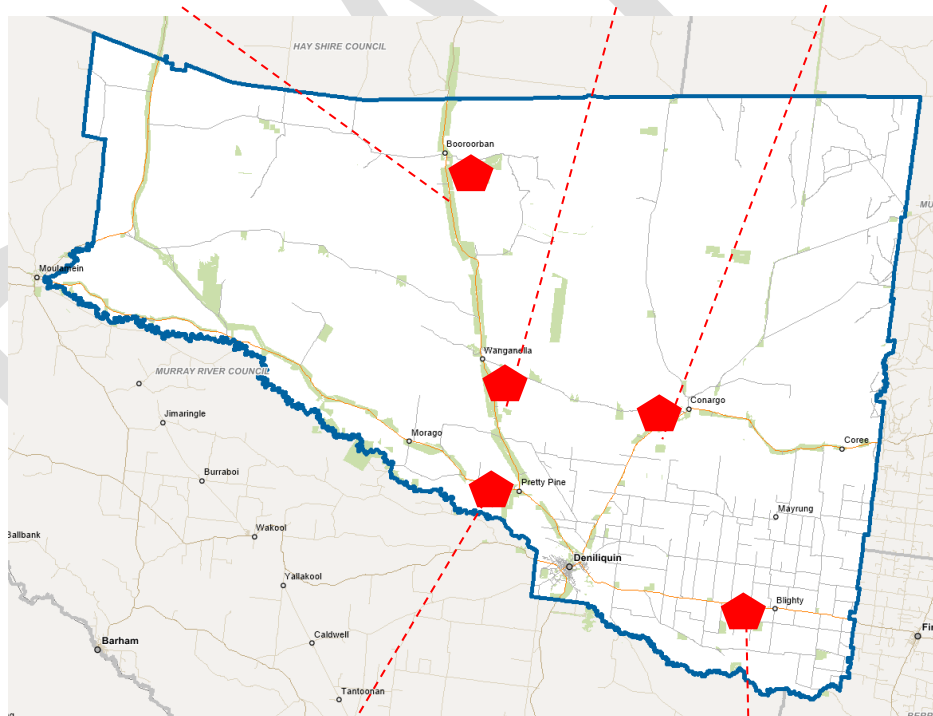
Council has not consulted any state or Commonwealth public authorities in relation to this planning proposal. Appropriate consultation will be completed as part of the community consultation as required by the Gateway determination.

SECTION 3

Rezoning of community recreation reserves / halls

Objectives

- Rezone the community halls and recreation reserves within the former Conargo Shire area to appropriately reflect the land use.



Pletty Pine Rec Ground



Blighty Rec Ground

A number of Edward River Council community halls and recreation reserves are located within the rural settlements of the LGA area (see image above). Currently the subject facilities are within the RU1 Primary Production Zone or RU5 Village zone, this is considered an anomaly which does not appropriately reflect the intended use of this land. It is proposed to rectify this anomaly through this proposal and rezone the subject land parcels to RE1 Public Recreation.

The RE1 Public Recreation Zone is the most appropriate zone allowing for a range of recreational and community uses and allows better management of the facilities by Council. The proposal will also remove the minimum lot sizes from the lots.

It is not proposed to reclassify or change any interests in the facilities.

Table 19: Rezoning of community recreation reserves / halls

Recreation Facility	Title Details	Current Zoning	Proposed Zoning	Minimum Lot Size
Pretty Pine Recreation Ground	Lot 7007 & Lot 7008 DP1023663	RU1	RE1	N/A
Wanganella Hall	Lot 88 DP1230613, Lot 7 & Lot 8 Sec 8 DP759045	RU5	RE1	N/A
Boooroorban Hall	Lot 7303 DP1157228	RU1	RE1	N/A
Conargo Recreation Ground	Lot 123 DP756268	RU5	RE1	N/A
Blighty Recreation Reserve	Lot 72 DP756319	RU1	RE1	N/A

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JUSTIFICATION

Section A – Need for the planning proposal

1. *Is the planning proposal a result of any Strategic Study or report?*

The planning proposal is not the result of any strategic study or report. The amendment to the zoning of the recreation facilities is being undertaken as part of the consolidation of the LEPs.

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

The planning proposal is the most appropriate means of achieving the objectives of intended outcomes. It allows for a transparent and community consultation process.

Section B – Relationship to strategic planning framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

The planning proposal is consistent with the Riverina Murray Regional Plan 2036. The Regional Plan is considered in Appendix 2.

4. *Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Edward River Council Community Strategic Plan 2018-2030

The Edward River Council Community Strategic Plan (CSP) 2018-2030 was prepared with extensive community input and identify the social, economic, environmental, governance and leadership directions for the LGA area.

The objectives of the Edward River CSP 2018-2030 are incorporated with the Edward River Council Operational Plan. The planning proposal is consistent with the Operational Plan.

The planning proposal is generally consistent with the objectives and principles of the CSP.

Edward River Local Strategic Planning Statement

The Edward River Local Strategic Planning Statement was endorsed by Council on 20 February 2020. The Statement sets a 20 year plan integrating land use, transport and infrastructure planning. The proposed rezoning is in line with the LSPS Planning Priority 1: to control the form and scale of permissible development in rural areas and Planning priority 4: to actively seek opportunities/funding to upgrade/provide community facilities throughout the council area.

The planning proposal is consistent with the Local Strategic Planning Statement.

5. *Is the Planning proposal consistent with applicable State Environmental Planning Policies?*

The proposal has been considered against the relevant State Environmental Planning Policies (SEPPs). The SEPPs are considered in Appendix 1.

The proposal is consistent with the relevant provisions.

6. *Is the Planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The full assessment of these Directions is contained within Appendix 3 of this proposal.

Direction 9.1 6.2 Reserving land for public purposes is applicable. The proposal is not inconsistent with the Direction, and the proposal does not change the reservation status of the land.

Section C – Environmental, Social and Economic Impact

7. *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?*

The proposal to rezone land to RE1 Public Recreation for the purposes of recreation, open space and parkland is consistent with the recommendations of the Edward River CSP 2018-2030. The amount of public land available will not be reduced and not result in a social cost to the community. The proposal is confirming the appropriate zone for the site.

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

The planning proposal is likely to have an overall positive impact on subject land. The direct impacts of the proposal will be to reflect existing uses and rezone land already utilised for recreation, open space and parkland uses.

The proposal will strengthen the zoning and land use objectives applied to the recreational, open space and parkland areas and will ensure development is managed and compatible with the nature of the subject land, as identified in the proposal. This will retain social infrastructure and service in Edward River and potentially stimulate indirect economic impacts.

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

The proposal will allow for appropriate uses to be undertaken on the sites, providing a social benefit to the community.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning proposal?

The planning proposal confirms but does not increase demand for public infrastructure including public transport, roads, utilities, waste management or essential services, beyond the capacity of the existing system.

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

The planning proposal is likely to be of minor significance to State and Commonwealth public authorities. Notwithstanding, appropriate consultation will be completed as required by the Gateway determination and community consultation requirements of the planning proposal.

SECTION 4

Translation of Employment zones

The Amendment Order to the Standard Instrument (Local Environmental Plans) Order introduces the new employment zones alongside the existing business and industrial zones and enables implementation into individual local environmental plans .

The new employment zones within the Standard Instrument Principal Local Environmental Plan came into effect on 1 December 2021.

Council proposes the introduction of the new employment zones as part of this Planning Proposal.. The new employment zones to be adopted are as detailed in the table below and the translated land use tables

B2 – Business Centre	E1 – Local Centre
B6 – Enterprise Corridor	E3 – Productivity Support
IN1 – Industrial General	E4 – General Industrial

Deniliquin Local Environmental Plan 2013

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

Environmental protection works; Home occupations; Water reticulation systems

3 Permitted with consent

Amusement centres; Boarding houses; [Building identification signs](#); [Business identification signs](#); Centre-based child care facilities; Commercial premises; Community facilities; [Dwelling houses](#); [Educational establishments](#); Entertainment facilities; Function centres; [Home businesses](#); [Home industries](#); Hotel or motel accommodation; Information and education facilities; [Light industries](#); Local distribution premises; Medical centres; Oyster aquaculture; [Passenger transport facilities](#); Places of public worship; Public administration buildings; [Recreation areas](#); Recreation facilities (indoor); [Registered clubs](#); [Residential care facilities](#); Respite day care centres; [Restricted premises](#);

Roads; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Cemeteries; Correctional centres; Crematoria; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial training facilities; Industries; Open cut mining; Recreation facilities (major); Residential accommodation; Rural industries; Sewage treatment plants; Sex services premises; Transport depots; Vehicle body repair workshops; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities

Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To provide for residential uses, but only as part of a mixed use development.

2 Permitted without consent

Environmental protection works; Home occupations; Water reticulation systems

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roads; Rural supplies; Service stations; Shops; Shop top housing; Specialised retail premises;

Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; [Water recycling facilities](#); Wholesale supplies; [Any other development not specified in item 2 or 4](#)

4 Prohibited

[Agriculture](#); [Air transport facilities](#); [Airstrips](#); [Amusement centres](#); [Biosolids treatment facilities](#); [Cellar door premises](#); [Cemeteries](#); [Correctional centres](#); [Crematoria](#); [Electricity generating works](#); [Exhibition homes](#); [Exhibition villages](#); [Extractive industries](#); [Farm buildings](#); [Farm stay accommodation](#); [Forestry](#); [Freight transport facilities](#); [Heavy industrial storage establishments](#); [Industries](#); [Open cut mining](#); [Residential accommodation](#); [Roadside stalls](#); [Rural industries](#); [Sewage treatment plants](#); [Sex services premises](#); [Waste or resource management facilities](#); [Water treatment facilities](#); [Wharf or boating facilities](#)

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

2 Permitted without consent

[Environmental protection works](#); [Water reticulation systems](#)

3 Permitted with consent

[Building identification signs](#); [Business identification signs](#); [Depots](#); [Food and drink premises](#); [Freight transport facilities](#); [Funeral homes](#); [Garden centres](#); [General industries](#); [Goods repair and reuse premises](#); [Hardware and building supplies](#); [Industrial retail outlets](#); [Industrial training facilities](#); [Information and education facilities](#); [Kiosks](#); [Landscaping material supplies](#); [Light industries](#); [Local distribution premises](#); [Neighbourhood shops](#); [Oyster aquaculture](#); [Plant nurseries](#); [Roads](#); [Rural supplies](#); [Take away food and drink premises](#); [Tank-based aquaculture](#); [Timber yards](#); [Vehicle sales and hire premises](#); [Warehouse or distribution centres](#); [Any other development not specified in item 2 or 4](#)

4 Prohibited

[Agriculture](#); [Amusement centres](#); [Camping grounds](#); [Car parks](#); [Caravan parks](#); [Cemeteries](#); [Centre-based child care facilities](#); [Commercial premises](#); [Eco-tourist facilities](#); [Educational establishments](#); [Entertainment facilities](#); [Exhibition homes](#); [Exhibition villages](#); [Farm buildings](#); [Forestry](#); [Function](#)

centres; Health services facilities; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Public administration buildings; Pubs; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Wharf or boating facilities

Local Provisions and Schedule 1 – Additional permitted uses

This table lists Local Provisions and Schedule 1 – Additional permitted uses.

Existing zone names will be updated to new zone names.

LEP	Clause / Schedule	Provision	Direction
Deniliquin LEP 2013	Schedule 1		
	Schedule 1, cl.1, 321 Victoria St, Deniliquin	Allows residential accommodation (land zoned B6)	Retain provision.
	Proposed new APUs for Schedule 1		
	Propose new item: 137-143 Napier St (Lots 2 and 3 DP 1135813)	Allows office premises (land zoned E4).	New provision

SECTION 5

Mapping

Indicative mapping has been included in this proposal.

Prior to the submission of the planning proposal to the Department for finalisation, final LEP maps will be prepared as follows:

- Consolidate all mapping within LGA area into a single mapping format
- DLEP 1997 land zoning map amended to show rezoning of 'deferred area' (DLEP 1997)
- CLEP 2013 land zoning map amended to show rezoning of the Community Recreation Grounds

SECTION 6

Community Consultation

In accordance with schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979, it is proposed to exhibit the planning proposal for 28 days in the local media and on Council's website in accordance with the Guide to preparing local environmental plans (dated December 2018).

In accordance with Council's notification policy, individual land owner notifications will only occur to landowners of the "Deferred Area" due to this issue previously being contentious. Individual land owner notification will not occur to the remainder of the LGA area due to the number of properties affected by this planning proposal.

Council will consult with Government authorities including

- Geoscience to meet the requirements of s9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.
- Biodiversity and Conservation Division for Direction 4.3 Flood Prone Land.
- NSW Rural Fire Service for Direction 4.4 Planning for Bushfire Protection

SECTION 7

Project Timeline

Given the nature of the amendment, Council proposes to complete the amendment in 12 months as follows.

Description	Milestone	Anticipated Completion date
Planning proposal	Preparation	May/June 2022
	Report to Council	July/August 2022
	Submission to Gateway	July/August 2022
	Issue of Gateway Determination	August 2022
Public Exhibition	Public notices/individual land owner notification	August 2022
Consideration of submissions	Consideration of Submissions	September 2022
	Report to Council	October 2022
Preparation of LEP	Resolution to prepare LEP	October 2022
	Preparation of written instrument	November/December 2022
	Preparation of mapping	November/December 2022
Making of LEP	Request for finalisation of LEP	December 2022

Appendix 1- State Environmental Planning Policies

SEPP's	Consistent	Comments		
		Consolidation of DLEP 2013 & CLEP 2013	Rezoning of "deferred area"	Rezoning of Rec Reserves
SEPP 21 Housing 2021 (SEPP (Affordable Rental Housing) (SEPP (Housing for Seniors and People with a Disability) (SEPP 70 – Affordable Housing) (SEPP 21 – Caravan Parks) (SEPP 36 – Manufactured Home Estates)	N/A	No impact	No impact	No impact
SEPP (Resilience and Hazards) 2021 (SEPP 33 Hazardous and Offensive Development) (SEPP 55 (Remediation of Land) (SEPP (Coastal Management) 2018)	N/A	No impact	No impact	No impact
SEPP (Industry and Employment) 2021 (SEPP 64 Advertising and Signage)	Yes	The advertising signage exemptions listed in Schedule 2 of the CLEP 2013 are recommended to be removed as part of this consolidation to ensure consistency with this SEPP.	No impact	No impact
Draft Design and Place SEPP 2021 (SEPP 65(Design Quality of Residential Flat Development) SEPP (Building and Sustainability Index ; BASIX 2004)	N/A	No impact	No impact	No impact

SEPP (Planning Systems) 2021 (SEPP (Aboriginal Land) 2019) (Concurrences and Consents) SEPP 2018) (SEPP (State and Regional Development) 2011)	N/A	No impact	No impact	No impact
SEPP (Exempt and Complying Development Codes) 2008	Yes	The ERLEP will specify the permissibility of land uses within certain zones. The operation of the Exempt and Complying Development Codes SEPP will mean that some land uses may be enabled without development consent in prescribed zones subject to compliance with the provisions of the SEPP. It is not the intent of the ERLEP to contradict the provisions of this SEPP.	No impact	No impact
SEPP (Transport and Infrastructure) 2021 ((SEPP (Infrastructure) 2007) (SEPP(Educational Establishments and Childcare Facilities) 2017)	Yes	The ERLEP will specify the permissibility of land uses within certain zones. The operation of the Infrastructure	No impact	No impact

		SEPP (ISEPP) will mean that some land uses may be enabled with or without development consent in prescribed zones subject to compliance with the provisions of the SEPP. It is not the intent of the ERLEP to contradict the provisions of the ISEPP.		
SEPP (Resources and Energy) 2021 (SEPP (Mining, Petroleum Production and Extractive Industries) 2007)	N/A	No impact	No impact	No impact
SEPP (Primary Production) 2021 (SEPP (Primary Production and Rural Development) 2019)	Yes	The objectives, land use permissibility's and provisions of the Rural Zone are proposed to be amended to align existing planning instruments. The extent of amendments proposed is detailed in the main body of the Planning proposal.	The proposal will rezone land in the township of Deniliquin from 1 (a) General Rural to C3 Environmental Management and RE2 Private Recreation. This land is within the township of Deniliquin with very limited	The proposal will correct an anomaly in the current LEP and rezone several Community Hall from RU1 to RE1 to more appropriately reflect the use. The proposal is not considered to conflict with the aims of this policy.

		Existing minimum lot size of this land will not be changed, however the additional provisions of the DLEP 2013 will be included as detailed in the main body of the Planning proposal.	agricultural value. The proposal is consistent with the Rural Planning Principles of the Rural Lands SEPP.	
<p>SEPP (Biodiversity and Conservation) 2021</p> <p>(SEPP Murray Regional Environmental Plan No. 2 Riverine Land)</p> <p>(SEPP 19 Bushland in Urban Areas)2019)</p> <p>(SEPP (Koala Habitat Protection) 2020)</p> <p>(SEPP (Koala Habitat Protection) 2021)</p> <p>(SEPP (Vegetation in Non-Rural Areas) 2017)</p> <p>(SEPP 50 Canal Estate Development)</p>	Yes	<p>Council is required to consider the planning principles of the Murray Regional Environmental Plan No. 2 Riverine Land when it is preparing a planning proposal.</p> <p>See Appendix 2.</p>		

Appendix 2

SEPP (Biodiversity and Conservation) 2021

Murray Regional Environmental Plan No. 2 – Riverine Land Planning Principles

Clause	Consistency/Comment
1 Aim of the REP The aims of the REP are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.	The overall objective of this planning proposal is to consolidate current planning instruments into a single LEP for all land in the Edward River LGA. This will enable a more consistent approach to development within the riverine environment.
2 Objectives of the REP The objectives of the REP are: <ul style="list-style-type: none"> To ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray. To establish a consistent and co-ordinate approach to environmental planning and assessment along the River Murray. To conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray. 	The planning proposal includes the rezoning of the 'deferred area' in Davidson St which is flood prone land and a review of some land use permissibility's of the Rural Zone, which includes some riverine land, to ensure consistency between the current LEPs to enable consolidation. The proposed planning controls have considered flood risk and impact of potential development on the Murray River.
3 Relevant River Management Plans Consideration to be given to any relevant river management plan.	Council is not aware of any river management plans for this local government area.
4 Downstream Local Government Areas Any likely effect of the proposed plan or development on adjacent and downstream local government areas.	The proposed consolidated LEP will not impact on downstream LGA areas.
5 Cumulative impact of the proposed development on the River Murray. Cumulative impact of proposed plan or development on River Murray.	The proposed consolidated LEP will continue to require Council to consider the impacts of development on flood behaviour and the impacts on the environment.
6 Specific Principles – Access Principles to be considered include alienation/obstruction of foreshore/waterway as a public resource, development along the River Murray should be for public purposes and human and stock access should be	The proposed consolidated LEP will not impact existing principles in relation to access.

Clause	Consistency/Comment
managed to minimise impacts on uncontrolled river access on stability of the bank and vegetation growth.	
7 Specific Principles – Bank Disturbance Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.	The proposed consolidated LEP will not alter existing controls in relation to bank disturbance resulting from the development of riverfront land.
8 Specific Principles – Flooding Specific principles for flooding are: <ul style="list-style-type: none"> • The benefits to riverine ecosystems of periodic flooding • The hazard risk involved in developing land that is subject to flood inundation • The redistributive effect of the proposed development on floodwater • The availability of other suitable land in the locality not liable to flooding • The availability of flood free access for essential facilities and services • The pollution threat represented by any development in the event of flood • Cumulative effect of development on behaviour of flood water • The cost of providing emergency services and replacing infrastructure in the event of a flood • Flood mitigation works constructed to protect new urban development should be designed and maintained to meet technical specifications of the Department of Water Resources 	Not applicable to this planning proposal. The existing flood planning controls will apply and have been reviewed by OEH in accordance with the Floodplain Development Manual (2005).
9 Specific Principles – Land Degradation Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accretion, salination and soil acidity and	Not applicable to this planning proposal.

Clause	Consistency/Comment
adverse effects on the quality of terrestrial and aquatic habitats	
10 Specific Principles – Landscape Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species	Not applicable to this planning proposal.
11 Specific Principles - River Related Uses <ul style="list-style-type: none"> Only development which has a demonstrated, essential relationship with the River Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray Development which would intensify the use of riverside land should provide public access to the foreshore 	Not applicable to this planning proposal
12 Specific Principles – Settlement New or expanding settlements (including rural residential subdivision, tourism and recreational development) should be located on flood free land, close to existing services and facilities and on land that does not compromise the potential of prime crop and pasture land to produce food or fibre	Not applicable to this planning proposal
13 Specific Principles – Water Quality All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients enter River Murray and otherwise improve the quality of water in the River Murray	Not applicable to this planning proposal
14 Specific Principles - Wetlands <ul style="list-style-type: none"> Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values Land use and management decisions affecting wetlands should provide for a 	Not applicable to this planning proposal.

Clause	Consistency/Comment
hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland, consider the potential impact of surrounding land uses and incorporate measures such as a vegetation buffer which mitigate against any adverse effects, control human and animal access and conserve native plants and animals	

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Appendix 3

Section 9.1 Directions

The Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the Environmental Planning and Assessment Act 1979 are contained in the tables below. The numbering of the directions has been changed to reflect recent changes however the lists have not been re-ordered. These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced.

Section 9.1 Direction	Consistent	Comments		
		1. Consolidation of DLEP 2013 & CLEP 2013	2. Rezoning of “deferred area”	3. Rezoning of Rec Reserves
7.1 Business and Industrial Zones	Yes	Minor amendments are proposed to rectify differing provisions controlling the area or size of a number of commercial land uses as specified within Clause 5.4 of the LEP. These changes are required to consolidate existing planning controls. The proposal is consistent with this Direction.	Some land in the ‘deferred area’ is proposed to be rezoned from Urban Zone to B6 to be consistent with the Standard Instrument (SI) zoning to allow consolidation into a single LEP. The proposal maintains the permissibility of the existing business and industrial areas, and provides permissibility within the zone for new uses that have previously been prohibited. The proposal is consistent with this Direction.	N/A
9.2 Rural Zone	Yes	The ERLEP encompasses land which is zoned for rural purposes.	The proposal will rezone a small area of rural zoned land within the current ‘deferred’ area in the township of Deniliquin to E3 Environmental Management and RE2 Private Recreation. The	The proposal will rezone several Community Halls from RU1 Primary Production to RE1 Public

Section 9.1 Direction	Consistent	Comments		
		The Rural zone objectives, land use permissibility's and land use provisions are proposed to be amended to align existing planning instruments. The proposal is consistent with this Direction.	land is within an urban environment and has very limited agricultural value or production capacity. This rezoning is reflective of existing land uses and is required to be consistent with the Standard Instrument (SI) zoning. The proposal is considered to be of minor significance.	Recreation to appropriately reflect the intended land use of these sites. The existing use of the site for recreation purposes is therefore not considered to be a loss of agricultural land. The proposal is consistent with this direction.
8.1 Mining, Petroleum Production and Extractive Industries	Yes	<p>The ERLEP does not seek to prohibit or restrict the mining of coal or other minerals, petroleum or extractive materials. The proposal is consistent with this Direction.</p> <p>The proposal applies to the deferred area where part of the land is to be rezoned from Rural to part E3 and RE2. This may restrict mining therefore consultation with Geoscience is required prior to this direction being settled.</p> <p>In relation to rezoning RU1 land to RE1, this still allows mining, petroleum and extractive industries as agriculture is permitted in zone RE1. The proposal remains consistent. Consultation with Geoscience is required.</p>		
9.3 Oyster Aquaculture	N/A			
9.2 Rural Lands	Yes	This direction applies to this planning proposal as it will affect land within an existing rural and environmental protection	This direction applies as the proposal will affect a small area of rural zoned land within the current 'deferred' area in the township of Deniliquin. The land is proposed to be rezoned to E3 Environmental Management and RE2	This direction applies as the proposal affects Community Halls on land currently RU1 Primary Production.

Section 9.1 Direction	Consistent	Comments
	<p>zone and therefore must be considered.</p> <p>The objectives, land use permissibility and provisions of the Rural Zone are proposed to be amended to align existing planning instruments. The extent of amendments proposed is detailed in the main body of the Planning proposal (Part 2 - Principal Development Standards).</p> <p>Existing minimum lot size of this land will not be changed; however some additional provisions will be included as detailed in the main body of the Planning proposal.</p> <p>These amendments are consistent with the</p>	<p>Private Recreation required to be consistent with the Standard Instrument (SI) zoning. This land is within the township of Deniliquin, not currently used for agricultural purposes and has limited agricultural value.</p> <p>The land is not identified as State Significant land. The proposal is of minor inconsistency with the Direction as the proposed changes are minor.</p> <p>The land is proposed to be rezoned to the actual intended land use of these council owned sites to RE1 Public Recreation.</p> <p>The land is not identified as State Significant land. The proposal is of minor inconsistency with the Direction as the proposed changes are minor.</p>

Section 9.1 Direction	Consistent	Comments		
		objectives of this direction.		
3.1 Conservation Zones	Yes	<p>The ERLEP encompasses land which is zoned for environmental protection purposes.</p> <p>The environmental protection standards of existing planning instruments are proposed to be retained. The proposal is consistent with this direction.</p>	<p>This direction applies as the proposal will rezone land from General Rural Zone to Conservation Management Zone.</p> <p>The proposal will increase the environmental protection standards for this land. The proposal is consistent with this direction.</p>	N/A
4.2 Coastal Management	N/A			
3.2 Heritage Conservation	Yes	<p>The heritage provisions of existing planning instruments are proposed to be retained with no amendments required within the ERLEP.</p> <p>The proposal is consistent with this Direction.</p>	N/A	N/A
3.5 Recreational Vehicle Areas	Yes	The proposal does not seek to enable land for recreational vehicle purposes. The proposal is consistent with this direction.		
3.4 Application of E2 and E3 Zones and Environmental	N/A			

Section 9.1 Direction	Consistent	Comments		
Overlays in Far North Coast LEPs				
4.4 Remediation of contaminated land				
6.1 Residential Zones	Yes	<p>The ERLEP encompasses land which is zoned for residential purposes (specifically land zoned R1 & R5).</p> <p>Some changes are proposed to the R5 zone objectives and land use permissibility to consolidate the existing planning instruments.</p> <p>The extent of amendments proposed are detailed in the main body of the Planning proposal and are consistent with this direction.</p>	<p>The proposal includes rezoning of part of the 'deferred area' from Urban Zone to B6 Enterprise Corridor. Shop top housing will be the only form of residential accommodation permitted in the zone. This rezoning will reduce housing choice deeming the proposal inconsistent with this Direction. The inconsistency is considered to be of minor significance as the land use remains permissible within appropriately zoned locations within the LGA and existing use rights are retained.</p>	N/A
6.2 Caravan Parks and Manufactured Home Estates	Yes	N/A	<p>The rezoning of the 'deferred area' includes land on which the Riverside Caravan Park is located. This land is proposed to be rezoned to RE2 which maintains permissibility of a Caravan Park. The proposal will retain the zonings of all other</p>	N/A

Section 9.1 Direction	Consistent	Comments		
			existing caravan parks. The proposal is consistent with this direction.	
5.1 Integrating Land Use & Transport	Yes	<p>Generally, the ERLEP does not seek to amend the location or provision of land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The land use zone objectives, land use permissibility and land use provisions of the R5 zone are proposed to be amended to align existing planning instruments. The extent of amendments proposed is detailed in the main body of the Planning proposal. These changes are consistent with the intent of the zone, and enable land uses which have regard for the availability of existing</p>	<p>The rezoning of the 'deferred area' along Davidson St to B6, E3 and RE2 will encourage commercial activity along this transport corridor with existing infrastructure provision.</p> <p>The proposal is consistent with this direction.</p>	N/A

Section 9.1 Direction	Consistent	Comments		
		transport infrastructure.		
5.3 Development Near regulated Airports and Defence Airfields	Yes	The provisions of DLEP 2013 (Clause 6.6 Airspace Operations) are proposed to be incorporated within the ERLEP to address development near the Deniliquin Airport. The consolidation of the LEPs will not impact on the aerodrome. The proposal is consistent with this direction.	N/A	N/A
5.4 Shooting Ranges	Yes	N/A	N/A	<p>This direction applies to this planning proposal as it will include the rezoning of land at the Pretty Pine Recreation Reserve from RU1 to RE2, which includes an existing shooting range.</p> <p>A shooting range is defined as 'Recreation</p>

Section 9.1 Direction	Consistent	Comments		
				facility (outdoor)' which is permissible within the proposed land use table for RE2 land. There is no change to the permissibility of a shooting range within the proposed LEP and the proposal is considered to be consistent with this direction.
7.2 Reduction in non-hosted short term rental accommodation period	N/A			
4.5 Acid Sulfate Soils	N/A			
4.6 Mine Subsidence and Unstable Land	N/A			
4..1 Flooding	Yes	<p>Areas of the Edward River LGA are flood prone.</p> <p>The ERLEP will generally not alter existing zoning of land which is currently subject to DLEP 2013 and CLEP 2013, excluding land within the</p>	Land within the 'deferred area' was intended to be administered under the Deniliquin Local Environmental Plan 1997 until such time as the Edward River Flood Study was completed. The Edward River Flood study is now complete and the Department of Planning, and Environment have issued a gateway determination to proceed with a planning proposal (PP_2018_ERIVE_001_00) to amend the Deniliquin LEP 2013 and Deniliquin	N/A

Section 9.1 Direction	Consistent	Comments
		<p>'deferred area'.</p> <p>LEP 1997 to update Flood Planning Maps and Clause as per the recommendations in the Floodplain Risk Management study and Plan.</p> <p>This proposal will consolidate both current Deniliquin LEP's subject to the flood planning amendment which will require rezoning of the 'deferred area' administered under the DLEP 1997 to be consistent with the Standard Instrument (SI) zoning.</p> <p>Rezoning of this area will involve the rezoning of flood prone land from the General Rural Zone to B6 and will permit some development to be carried out without development consent as detailed in the main body of the report (Section 2 Deferred Area).</p> <p>Flood risk has been considered during the land zoning process and the proposal does not seek to permit a significant increase in the development of this land. The proposal is inconsistent with this direction however is in accordance with a floodplain risk management plan - the Edward River Flood Study.</p>

Section 9.1 Direction	Consistent	Comments		
			Consultation with the Biodiversity and Conservation Division will be undertaken to address consistency with this Direction.	
4.3 Planning for Bushfire Protection	Yes	<p>Areas of the Edward River LGA are identified as bushfire prone land.</p> <p>The ERLEP will generally not alter existing zoning of land which is currently subject to DLEP 2013 or CLEP 2013, excluding those within the 'deferred area'.</p>	<p>The consideration of the 'deferred area' land has had regard for bushfire prone land during the land zoning process and does not seek to permit a significant increase in the development of such land. The proposal is consistent with this Direction.</p> <p>Consultation with the NSW Rural Fire Service will be undertaken prior to community consultation as required by the Direction.</p>	N/A
5.2 Sydney Drinking Water Catchments	N/A			
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A			
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A			
5.8 Second Sydney Airport: Badgerys Creek	N/A			
1.17 North West Rail Link Corridor Strategy	N/A			
1.2 Implementation of Regional Plans	Yes	<p>Refer to Appendix 4.</p> <p>The proposals seek to provide for a single planning instrument applicable to the Edward River LGA, reflective of the goals and directions within the Murray Regional Environmental Plan 2036. An assessment of the proposal identifies that it consistent with the intent of relevant goals, directions and actions.</p>		

Section 9.1 Direction	Consistent	Comments		
		The proposal is consistent with this Direction.		
1.3 Development of Aboriginal Land Council land	N/A			
1.4 Approval and Referral Requirements	Yes	This planning proposals do not propose to introduce any approval or referral requirements additional to those existing in the DLEP 2013 and CLEP 2013.		
5.2 Reserving Land for Public Purposes	Yes	This planning proposals do not intend to reserve additional land for public purpose but does create more land as RE1. The proposal is consistent with the Direction.		
1.5 Site Specific Provisions	N/A	The planning proposals do not propose to introduce any site-specific planning provisions.		
7.1 Implementation of A Plan for Growing Sydney	N/A			
7.2 Implementation of Greater Macarthur Land Release Investigations	N/A			
1.6 Parramatta Road Corridor Urban Transformation Strategy	N/A			
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A			
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A			
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A			
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A			
1.11 Implementation of Western Sydney Aerotropolis Plan	N/A			

Section 9.1 Direction	Consistent	Comments		
1.12 Implementation of Bayside West Precincts 2036 Plan	N/A			
1. 13 Implementation of Planning Principles for the Cooks Cove Precinct	N/A			

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Appendix 4

Section 9.1 Direction 5.10 – Implementation of Regional Plans Checklist

Directions that do not apply to this planning proposal have been removed.

Direction 2: Promote and grow the agribusiness sector

No	Action	Consistent			Comments
		Yes	No	N/A	
2.1	Encourage agribusiness diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions.	Yes			The planning proposal is consistent with DLEP 2013 and CLEP 2013. The proposal updates the DLEP 1997 to the Standard Instrument format and is therefore consistent with this Direction.
2.2	Provide opportunities to improve support to agriculture through better guidance on protecting agricultural land and managing the interface with other land uses.	Yes			The planning proposal involves the review of the Rural Zone objectives and land use permissibility and rural subdivision provisions to ensure consistency to enable consolidation. The proposal also involves some minor rezoning of rural zoned land to rectify anomalies. The protection of agricultural land and managing the interface with other land uses have been considered in this process. The removal of the Deferred Area is consistent with this action.
2.3	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflict arising from the encroachment of incompatible land uses.			N/A	

Direction 4: Promote business activities in industrial and commercial areas

No	Action	Consistent			Comments
		Yes	No	N/A	
4.1	Encourage the sustainable development of industrial land to maximise the use of infrastructure and connectivity to the existing freight network.			N/A	

4.2	Promote specialised employment clusters and co-location of related employment generators in local plans.	N/A	
4.3	Protect industrial land, including in the regional cities, from potential land use conflicts arising from inappropriate and incompatible surrounding land uses.	N/A	
4.4	Encourage the consolidation of isolated, unused or underused pockets of industrial zoned land to create new development opportunities over the long-term.	N/A	
4.5	Monitor the supply and demand of employment and industrial land in regional cities to inform the planning and coordination of utility infrastructure to support new development.	N/A	
4.6	Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits for the community.	Yes	The planning proposal includes the rezoning of the 'deferred area' to be consistent with SI zoning. Part of this area will be zoned B6 which will encourage additional commercial activity along the Davidson St corridor and maintain the development opportunities for existing businesses.
4.7	Require proposals for new retail development to demonstrate how they: <ul style="list-style-type: none"> • Respond to retail supply and demand needs; • Respond to innovations in the retail sector; • Maximise the use of existing infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and • Enhance the value of the public realm. 	N/A	

Direction 7: Promote tourism opportunities

No	Action	Consistent			Comments
		Yes	No	N/A	
7.1	Align local land use strategies and tourism strategies with the Destination Management Plan for the Riverina Murray Destination Network.			N/A	
7.2	Enable opportunities for tourism development and associated land uses in local plans.	Yes			The planning proposal involves the review of the Rural Zone objectives and land use permissibility to ensure consistency to enable consolidation. This has considered and incorporated opportunities for tourism development. Rezoning the land to RE1 and RE2 enables opportunities for tourism.
7.3	Target experiential tourism opportunities and tourism management frameworks to promote a variety of accommodation options.			N/A	
7.4	Continue to implement actions and invest in boating infrastructure priorities identified in the Murray-Riverina Regional Boating Plan to improve boating safety, boat storage and waterway access.			N/A	

Direction 16: Increase resilience to natural hazards and climate change

No	Action	Consistent			Comments
		Yes	No	N/A	
16.1	Locate developments, including new urban release areas, away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards.			N/A	
16.2	Incorporate the findings of the Riverina Murray Enabling Regional Adaptation Project to inform future land use planning decisions.			N/A	
16.3	Adopt a whole-of-government approach to information exchange			N/A	

	on climate change adaptation and preparedness.		
16.4	Respond to climate-related risks by applying and communicating fine-scale climate information to support decision-making.		N/A
16.5	Implement the requirements of the NSW Floodplain Development Manual by updating flood studies and floodplain risk management plans.		N/A
16.6	Incorporate the best available hazard information in local plans, consistent with, current flood studies, flood planning levels, modelling and floodplain risk management plans.	Yes	The planning proposal includes the rezoning of the 'deferred area' to be consistent with SI zoning. The proposed rezoning to B6, E3 and RE2 is considered to be suitable for this land when considering the flooding nature of the land as informed by the Edward River Flood Study.
16.7	Update and share current information on environmental assets and natural hazards with councils to inform planning decisions.	Yes	The Edward River Flood Study has been completed and will be incorporated into the draft ERLEP.
16.8	Manage the risks of disturbance in areas affected by natural occurring asbestos.		N/A

Direction 27: Manage rural and residential development

No	Action	Consistent			Comments
		Yes	No	N/A	
27.1	Enable new rural residential development only where it has been identified in a local housing strategy prepared by council and approved by the Department of Planning and Environment.			N/A	No new residential areas are proposed as part of the consolidation of the LEPs.
27.2	Locate new residential areas: <ul style="list-style-type: none"> In close proximity to existing urban settlements to maximise the efficient 			N/A	No new residential areas are proposed as part of the consolidation of the LEPs.

	<p>use of existing infrastructure and services and social and community infrastructure.</p> <ul style="list-style-type: none"> • To avoid or minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and • To avoid areas of high environmental, cultural and heritage significance, important agricultural land or areas affected by natural hazards. 	
<p>27.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.</p>	<p>Yes</p>	<p>The planning proposal involves the review of the Large Lot Residential Zone (R5) objectives and land use permissibility to ensure consistency to enable consolidation. This will assist in the management of land use conflict.</p>

Appendix 5 – Land Use Tables

Changes to the zone objectives and some land use permissibility's required to ensure consistency.

Table 1: RU1 Zone – Objectives and Land Use Permissibility (discrepancies and proposed changes in red)

DLEP	CLEP	Proposed ERLEP
1 Objectives of zone <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	1 Objectives of zone <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To allow for the development of processing and service industries relating to primary production. • To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities. • To allow for the development of non-agricultural land uses that are compatible with the character of the zone. • To permit small-scale rural tourism uses associated with primary production and environmental conservation that have minimal impact on primary production and the scenic amenity of the area. • To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism. 	1 Objectives of zone <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To allow the development of non-agricultural land uses that are compatible with the character of the zone, including tourism and processing and service industries.
2 Permitted without consent	2 Permitted without consent	2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Intensive plant agriculture; Water reticulation systems	Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Forestry; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems	Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems
3 Permitted with consent	3 Permitted with consent	3 Permitted with consent
Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Mooring pens; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Turf farming; Veterinary hospitals; Water recreation structures; Water	Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Function centres; Garden centres; Health consulting rooms; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Jetties; Kiosks; Landscaping material supplies; Markets; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings;	Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industry; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Cellar door premises; Cemeteries; Charter and Tourism Boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dual occupancies (attached); Dual occupancies (detached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; High Technology Industries; Highway Service Centre; Home-based child care; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Light industries; Markets; Mooring pens; Moorings; Open cut mining; Plant nurseries; Places of public worship; Recreation areas; Recreation facilities (major); Recreation

supply systems; Wharf or boating facilities	Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Sex services premises; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wholesale supplies	facilities (outdoor); Roads; Restaurants or cafes; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Self Storage Units; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots;; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wharf or boating facilities
4 Prohibited	4 Prohibited	4 Prohibited
Any development not specified in item 2 or 3	Serviced apartments; Any other development not specified in item 2 or 3	Serviced Apartments; Backpackers accommodation;; Child care centres; Educational Establishment; Garden centre; General industries; Health consulting rooms; Hotel or motel accommodation; Industries; Industrial Retail Outlet; Kiosk; Public administration building; Recreation facilities (indoor); Schools; Sex Service Premises; Take away food & drink premises; Wholesale Supplies; Any other development not specified in item 2 or 3

Changes to the zone objectives and some land use permissibility's required to ensure consistency.

Table 3: R5 Zone – Objectives and Land Use Permissibility (discrepancies and proposed changes in red)

DLEP	CLEP	Proposed ERLEP
1 Objectives of zone	1 Objectives of zone	1 Objectives of zone
<ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally 	<ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally 	<ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally

<p>sensitive locations and scenic quality.</p> <ul style="list-style-type: none"> • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>sensitive locations and scenic quality.</p> <ul style="list-style-type: none"> • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To provide opportunities for combining residential development with agricultural uses and home occupations of a domestic scale. • To facilitate and promote an increased range of living opportunities by providing for low-intensity residential development that is compatible with the rural characteristics of the locality. 	<p>sensitive locations and scenic quality.</p> <ul style="list-style-type: none"> • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To provide opportunities for low density residential development and other non-residential development that is compatible with the characteristics of the locality.
2 Permitted without consent	2 Permitted without consent	2 Permitted without consent
Environmental protection works; Home occupations; Water reticulation systems	Building identification signs; Environmental protection works; Extensive agriculture; Home occupations; Roads; Water reticulation systems	Environmental protection works; Home occupations; Water reticulation systems
3 Permitted with consent	3 Permitted with consent	3 Permitted with consent
Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Kiosks; Plant nurseries; Roads; Roadside stalls; Any other development not specified in item 2 or 4	Bed and breakfast accommodation; Business identification signs; Cellar door premises; Dual occupancies; Dwelling houses; Home industries; Hotel or motel accommodation; Intensive plant agriculture; Kiosks; Landscaping material supplies; Markets; Plant nurseries; Waste or resource transfer stations; Any other development not specified in item 2 or 4	Artisan food and Drink Industry, Bed and breakfast accommodation; Bee keeping; Building identification signs; Business identification signs; Cemetery; Childcare centre; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Farm buildings; Food and drink premises; Garden centres; Group homes; Group homes (permanent); Group homes (transitional); Home occupation (sex services); Home industries; Horticulture;

		Information and education facilities; Kiosks; Places of public worship; Plant nurseries; Residential accommodation; Roads; Roadside stalls; Viticulture; Any other development not specified in item 2 or 4
4 Prohibited	4 Prohibited	4 Prohibited
Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Pubs; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water recycling facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mortuaries; Open cut mining; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Cellar door premises; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairy (pasture based); Depots; Electricity generating works; Entertainment facilities; Extensive Agriculture; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipad; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Intensive Plant Agriculture; Landscaping material supplies; Marinas; Markets; Mortuaries; Neighbourhood shops; Open cut mining; Passenger Transport Facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Restaurants or café; Rural industries; Service stations Sex services premises; Signage; Storage premises; Take away food & drink premises; Tourist and visitor accommodation; Transport

	resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies	depots; Truck depots; Turf farming ; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water treatment facilities; Wharf or boating facilities; Wholesale supplies
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Table 5: B6 Zone (E3 – Objectives and Land Use Permissibility (proposed changes in red)

Note

Note: B6 (E3) zone not included in CLEP.

DLEP	Proposed ERLEP
1 Objectives of zone	1 Objectives of zone
<ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity. To provide for residential uses, but only as part of a mixed use development. 	<ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity. To provide for residential uses, but only as part of a mixed use development.
2 Permitted without consent	2 Permitted without consent
Environmental protection works; Home occupations; Water reticulation systems	Environmental protection works; Home occupations; Water reticulation systems
3 Permitted with consent	3 Permitted with consent
Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Roads; Shop top housing; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4	Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Roads; Shops ; Shop top housing; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4
4 Prohibited	4 Prohibited
Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial training facilities; Industries; Open cut mining; Recreation facilities	Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Cellar door premises; Cemeteries; Correctional centres; Crematoria; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industrial training facilities; Industries; Open cut mining; Recreation facilities

(major); Residential accommodation; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Shops ; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities	(major); Residential accommodation; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities
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Table 7: INI Zone (E4)– Objectives and Land Use Permissibility (proposed changes in red)

Note: (INI) Zone E4 not included in CLEP.

DLEP	Proposed ERLEP
1 Objectives of zone	1 Objectives of zone
<ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. 	<ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses.
2 Permitted without consent	2 Permitted without consent
Environmental protection works; Water reticulation systems	Environmental protection works; Water reticulation systems
3 Permitted with consent	3 Permitted with consent
Aquaculture; Depots; Food and drink premises; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Roads; Rural supplies; Timber yards; Vehicle sales and hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	Aquaculture; Depots; Food and drink premises; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Information and education facilities ; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Roads; Rural supplies; Timber yards; Vehicle sales and hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4
4 Prohibited	4 Prohibited
Agriculture; Amusement centres; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities ; Public administration buildings; Pubs; Registered clubs; Residential accommodation; Respite day care centres;	Agriculture; Amusement centres; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Public administration buildings; Pubs; Registered clubs; Residential accommodation; Respite day care centres;

Tourist and visitor accommodation; Wharf or boating facilities	Tourist and visitor accommodation; Wharf or boating facilities
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Development Standards

Table 9: Principle development standards (*discrepancies and proposed changes in red*)

DLEP	CLEP	ERLEP
4.1 Minimum subdivision lot size		
(1) The objectives of this clause are as follows:	(1) The objectives of this clause are as follows:	(1) The objectives of this clause are as follows:
<p>a) to ensure that new subdivisions reflect the characteristic lot sizes and patterns of the surrounding locality,</p> <p>(b) to ensure that lot sizes for dwelling houses are consistent with lot sizes on adjoining lands,</p> <p>(c) to ensure that lot sizes have a practical and efficient layout to meet their intended use,</p> <p>(d) to prevent the fragmentation of rural lands,</p> <p>(e) to minimise the intensification of development on flood liable land.</p>	<p>(a) to protect the productive capacity of agricultural land,</p> <p>(b) to maintain appropriate farm sizes for agricultural production,</p> <p>(c) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area,</p> <p>(d) to prevent the fragmentation of natural and rural areas,</p> <p>(e) to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,</p> <p>(f) to ensure that rural residential development does not prejudice future agricultural production,</p> <p>(g) to ensure that the creation of lots and any subsequent development on such lots does not create a demand for the uneconomic provision of services by Council.</p>	<p>a) to maintain appropriate farm sizes for agricultural production and protect the productive capacity of agricultural land</p> <p>b) to ensure that rural residential development does not prejudice future agricultural production</p> <p>c) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area</p> <p>d) to prevent the fragmentation of natural and rural areas</p> <p>e) to ensure that new subdivisions reflect the characteristic lot sizes and patterns of the surrounding locality, and have a practical and efficient layout to meet their intended use</p> <p>f) to minimise the intensification of development on flood liable land</p> <p>g) to ensure that the creation of lots and any subsequent development on such lots does not create a demand for the uneconomic provision of services by Council</p>
4.1AA Minimum subdivision lot size for community title schemes		
<p>2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p>	<p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p>	<p>2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:</p> <p>(a) Zone RU1 Primary Production,</p>

<p>(b) Zone R5 Large Lot Residential, (c) Zone E3 Environmental Management, but does not apply to a subdivision by the registration of a strata plan.</p>	<p>but does not apply to a subdivision by the registration of a strata plan.</p>	<p>(b) Zone R5 Large Lot Residential, (c) Zone E3 Environmental Management, but does not apply to a subdivision by the registration of a strata plan.</p>
<p>4.1A Exceptions to minimum subdivision lot sizes for certain split zones</p>		
<p>(1) The objectives of this clause are: (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, and (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development. (2) This clause applies to each lot (an original lot) that contains: (a) land in a residential, business or industrial zone, and (b) land in Zone RU1 Primary Production or Zone E3 Environmental Management. (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if: (a) one of the resulting lots will contain: (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and (ii) all of the land in Zone RU1 Primary Production or Zone E3 Environmental Management that was in the original lot, and (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>BLANK</p>	<p>(1) The objectives of this clause are: (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, and (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development. (2) This clause applies to each lot (an original lot) that contains: (a) land in a residential, business or industrial zone, and (b) land in Zone RU1 Primary Production or Zone E3 Environmental Management. (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if: (a) one of the resulting lots will contain: (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and (ii) all of the land in Zone RU1 Primary Production or Zone E3 Environmental Management that was in the original lot, and (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.</p>

4.1B Exceptions to minimum subdivision lot sizes for certain rural subdivisions		
<p>(1) The objective of this clause is to permit the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of residential accommodation.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(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 residential accommodation) permitted under the existing development consent for the land.</p> <p>(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and</p> <p>(b) the subdivision is necessary for the ongoing operation of the permissible use, and</p> <p>(c) the subdivision will not cause or increase rural land uses conflict in the locality, and</p> <p>(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.</p>	BLANK	<p>(1) The objective of this clause is to permit the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of residential accommodation.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(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 residential accommodation) permitted under the existing development consent for the land.</p> <p>(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and</p> <p>(b) the subdivision is necessary for the ongoing operation of the permissible use, and</p> <p>(c) the subdivision will not cause or increase rural land uses conflict in the locality, and</p> <p>(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.</p>
4.2B Erection of dwelling houses on land certain rural and environment protection zones		
(1) The objectives of this clause are as follows:	(1) The objectives of this clause are as follows:	(1) The objectives of this clause are as follows:

<p>(a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dwelling houses in rural and environment protection zones. (2) This clause applies to land in the following zones: (a) Zone RU1 Primary Production, (b) Zone E3 Environmental Management.</p>	<p>(a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dwelling houses in rural and environment protection zones. (2) This clause applies to land in Zone RU1 Primary Production.</p>	<p>(a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dwelling houses in rural and environment protection zones. (2) This clause applies to land in the following zones: (a) Zone RU1 Primary Production, (b) Zone E3 Environmental Management.</p>
<p>4.2D Boundary changes between lots in certain rural, residential and environment protection zones</p>		
<p>(1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone. (2) This clause applies to land in any of the following zones: (a) Zone RU1 Primary Production, (b) Zone R5 Large Lot Residential, (c) Zone E3 Environmental Management. (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following: (a) an increase in the number of lots, (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots. (4) In determining whether to grant development consent to the subdivision of land under this clause, the consent authority must consider the following:</p>	<p>BLANK</p>	<p>(1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone. (2) This clause applies to land in any of the following zones: (a) Zone RU1 Primary Production, (b) Zone R5 Large Lot Residential, (c) Zone E3 Environmental Management. (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following: (a) an increase in the number of lots, (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots. (4) In determining whether to grant development consent to the subdivision of land under this clause, the consent authority must consider the following:</p>

<p>(a) the existing uses and approved uses of other land in the vicinity of the subdivision,</p> <p>(b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,</p> <p>(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),</p> <p>(f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,</p> <p>(g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.</p> <p>(5) This clause does not apply:</p> <p>(a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or</p> <p>(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.</p>		<p>(a) the existing uses and approved uses of other land in the vicinity of the subdivision,</p> <p>(b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,</p> <p>(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),</p> <p>(f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,</p> <p>(g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.</p> <p>(5) This clause does not apply:</p> <p>(a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or</p> <p>(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.</p>
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Table 11: Miscellaneous Provisions (discrepancies and proposed changes in red)

DLEP	CLEP	ERLEP
5.4 Controls relating to miscellaneous permissible uses		
<p>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.</p>	<p>(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.</p>	<p>1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the Building Code of Australia.</p>
<p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.</p>	<p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.</p>	<p>(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.</p>
<p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.</p>	<p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.</p>	<p>(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.</p>
<p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.</p>	<p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: (a) 50% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.</p>	<p>(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: (a) 50% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.</p>

<p>(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.</p>	<p>(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 10 bedrooms.</p>	<p>(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 10 bedrooms.</p>
<p>(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.</p>	<p>(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.</p>	<p>(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.</p>
<p>(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.</p>	<p>(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.</p>	<p>(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.</p>
<p>(7AA) Neighbourhood supermarkets If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p>	<p>(7AA) Neighbourhood supermarkets If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p>	<p>(7AA) Neighbourhood supermarkets If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.</p>
<p>(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 50 square metres.</p>	<p>(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 30 square metres.</p>	<p>(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 50 square metres.</p>
<p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.</p>	<p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 50% of the total floor area of the principal dwelling.</p>	<p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 50% of the total floor area of the principal dwelling.</p>

<p>(10) Artisan food and drink industry exclusion</p> <p>If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:</p> <p>(a) 30% of the gross floor area of the industry, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>	<p>(10) Artisan food and drink industry exclusion</p> <p>If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:</p> <p>(a) 50% of the gross floor area of the industry, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>	<p>(10) Artisan food and drink industry exclusion</p> <p>If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:</p> <p>(a) 50% of the gross floor area of the industry, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>
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Table 13: Additional Local Provisions (discrepancies and proposed changes in red)

DLEP	CLEP	Proposed ERLEP
Salinity		
<p>(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.</p> <p>(2) Before determining a development application for development that the consent authority is satisfied may affect the process of salinisation or is proposed to be carried out on land affected by groundwater salinity, the consent authority must consider the following:</p> <p>(a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(3) Development consent must not be granted to development to which subclause (2) applies</p>	<p>(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.</p> <p>(2) This clause applies to development on land affected by groundwater salinity and development that may have an adverse impact on salinity processes on any land.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <p>(a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>(1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.</p> <p>(2) This clause applies to development on land affected by groundwater salinity and development that may have an adverse impact on salinity processes on any land.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <p>(a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>

<p>unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(4) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(4) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>
Location of sex services		
<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:</p> <p>(i) in Zone R1 General Residential or Zone RE1 Public Recreation, or</p> <p>(ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,</p> <p>(b) the impact of the development and its hours of operation on any place likely to be regularly frequented by children:</p>	<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from, land:</p> <p>(i) in Zone RU5 Village or Zone R5 Large Lot Residential, or</p> <p>(ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,</p> <p>(b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:</p>	<p>(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:</p> <p>(a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from, land:</p> <p>(i) in Zone R1 General Residential, Zone RE1 Public Recreation, Zone RU5 Village or Zone R5 Large Lot Residential, or</p> <p>(ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,</p> <p>(b) the impact of the proposed development and its hours of operation on any place likely to</p>

(i) that adjoins the development, or (ii) that can be viewed from the development, or (iii) from which a person can view the development.	(i) that adjoins the proposed development, or (ii) that can be viewed from the proposed development, or (iii) from which a person can view the proposed development.	be regularly frequented by children: (i) that adjoins the proposed development, or (ii) that can be viewed from the proposed development, or (iii) from which a person can view the proposed development.
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Schedule 2

Table 15: Schedule 2 – Exempt Development (*discrepancies and proposed changes in red*)

DLEP	CLEP	Proposed ERLEP
Schedule 2 Exempt Development		
BLANK	<p>Advertisements and advertising structures</p> <p>(1) Must not be illuminated.</p> <p>(2) Must relate to the lawful use of the premises.</p> <p>(3) Must not be located in land in a residential zone.</p> <p>(4) If located on land in Zone RU5 Village, maximum area—15% of the front elevation of a building on which it is displayed.</p> <p>(5) If located on land in any other zone, maximum area—2.5m².</p> <p>(6) Maximum height—3m above ground level (existing).</p> <p>(7) If sign is an underawning sign, maximum height—height of the underside of the awning to which it is attached or 3m above ground level (existing), whichever is greater.</p> <p>(8) If sign is suspended from an awning along a public road—must be at least 2.7m above ground level (existing).</p> <p>Real estate signs</p> <p>(1) Maximum area:</p> <p>(a) if located on land in an environment protection zone—2.5m², or</p> <p>(b) if located on land in any other zone—4m².</p> <p>(2) Must not be displayed for longer than 14 days after the date of sale or lease of the premises.</p> <p>(3) Maximum 2 signs per premises.</p> <p>Signs behind glass line of shop window</p> <p>If located on land in Zone R5 Large Lot Residential—must not be illuminated.</p>	BLANK

Land Use Table Deferred Matters – Davidson Street, Deniliquin

Table 17 Current & proposed land use permissibility (*discrepancies and proposed changes in red*)

DLEP 1997 (current)	ERLEP (proposed)
INI - Urban Zone	B6 – Enterprise Corridor
Permitted without consent	Permitted without consent
Nil	Environmental protection works, Home occupations, Water reticulation systems
Permitted with consent	Permitted with consent
Any development other than included in item 4	Business premises, Community facilities Garden centres, Hardware and building supplies, Hotel or motel accommodation, Landscaping material supplies, Light industries, Neighbourhood shops, Passenger transport facilities, Plant nurseries, Roads, Shop top housing, Warehouse or distribution centres, Water recycling facilities, Shop, Any other development not specified in item 2 or 4
Prohibited	Prohibited
Extractive Industries, Intensive livestock keeping establishments, Mines, Offensive or hazardous industries, Quarries	Agriculture, Air transport facilities, Airstrips, Amusement centres, Animal boarding or training establishments, Biosolids treatment facilities, Cellar door premises, Cemeteries, Correctional centres, Crematoria, Electricity generating works, Exhibition homes Exhibition villages, Extractive industries, Farm buildings, Farm stay accommodation, Forestry, Freight transport facilities, Heavy industrial storage establishments, Industrial training facilities, Industries, Open cut mining, Recreation facilities (major), Residential accommodation, Roadside stalls, Rural industries, Sewage treatment plants, Sex services premises, Waste or resource management facilities, Water recycling facilities, Wharf or boating facilities

Table 18 **Current & proposed land use permissibility (*discrepancies and proposed changes in red*)**

DLEP 1997 (current)	ERLEP (proposed)	
1(a) General Rural Zone	E3 - Environmental Management Zone	RE2 – Private Recreation Zone (Riverside Caravan Park land)
Permitted without consent	Permitted without consent	Permitted without consent
Agriculture	Home occupations, Water reticulation systems	Environmental protection works, Water reticulation systems
Permitted with consent	Permitted with consent	Permitted with consent
Any development other than included in item 2 or 4	Aquaculture, Bed and breakfast accommodation, Boat launching ramps, Boat sheds, Building identification signs, Business identification signs, Camping grounds, Caravan parks, Cellar door premises, Community facilities, Dwelling houses, Eco-tourist facilities, Environmental facilities, Environmental protection works, Farm buildings, Flood mitigation works, Home-based child care, Home businesses, Home industries, Home occupations (sex services), Information and education facilities, Jetties, Kiosks, Mooring pens, Moorings, Recreation areas, Recreation facilities (outdoor), Research stations, Roads, Roadside stalls, Secondary dwellings, Veterinary hospitals, Water recreation structures, Water supply systems	Airstrips, Animal boarding or training establishments, Boat launching ramps, Boat sheds, Camping grounds, Caravan parks, Centre-based child care facilities, Charter and tourism boating facilities, Community facilities, Eco-tourist facilities, Emergency services facilities, Entertainment facilities, Environmental facilities, Farm buildings, Flood mitigation works, Food and drink premises, Function centres, Helipads, Information and education facilities, Jetties, Kiosks, Marinas, Mooring pens, Moorings, Places of public worship, Recreation areas, Recreation facilities (indoor), Recreation facilities (major), Recreation facilities (outdoor), Registered clubs, Respite day care centres, Roads, Seniors housing, Signage, Tourist and visitor accommodation, Water recreation structures, Water recycling facilities, Water supply systems
Prohibited	Prohibited	Prohibited
Motor showrooms, Residential flat buildings, Shops (other than general stores <200sqm)	Industries, Multi dwelling housing, Residential flat buildings, Retail premises, Seniors housing, Service stations, Warehouse or distribution centres, Any other development not specified in item 2 or 3	Bed and breakfast accommodation, Farm stay accommodation, Water treatment facilities, Any other development not specified in item 2 or 3

Rezoning of recreation land

Table 20: Current and Proposed Objectives and Land Use Permissibility (*proposed changes in red*)

Current CLEP	Proposed
RU1 Primary Production	RE1 Public Recreation
Objectives of zone	Objectives of zone
<ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. To allow for the development of processing and service industries relating to primary production. To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities. To allow for the development of non-agricultural land uses that are compatible with the character of the zone. To permit small-scale rural tourism uses associated with primary production and environmental conservation that have minimal impact on primary production and the scenic amenity of the area. To provide opportunities for employment-generating development that adds value to local agricultural production and integrates with tourism. 	<ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes.
Permitted without consent	Permitted without consent
Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Forestry; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems	Environmental protection works; Water reticulation systems
Permitted with consent	Permitted with consent
Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities;	Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Mooring

<p>Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Freight transport facilities; Function centres; Garden centres; Health consulting rooms; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Jetties; Kiosks; Landscaping material supplies; Markets; Mooring pens; Moorings; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Sex services premises; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wholesale supplies</p>	<p>pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures; Water recycling facilities; Water supply systems</p>
Prohibited	Prohibited
Serviced apartments; Any other development not specified in item 2 or 3	Water treatment facilities; Any other development not specified in item 2 or 3
Current CLEP	Proposed
RU5 Village	RE1 Public Recreation
Objectives of zone	Objectives of zone
<ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To ensure that land uses are supported by satisfactory arrangements for water supply and effluent disposal. To enable a range of housing forms and land uses that complement the character of each rural village. To provide for land uses that support the role of the rural villages. 	<ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes.
Permitted without consent	Permitted without consent
Environmental protection works; Home occupations; Roads; Water reticulation systems	Environmental protection works; Water reticulation systems

Permitted with consent	Permitted with consent
Agricultural produce industries; Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Any other development not specified in item 2 or 4	Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures; Water recycling facilities; Water supply systems
Prohibited	Prohibited
Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Correctional centres; Crematoria; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Marinas; Mortuaries; Open cut mining; Rural industries; Rural workers' dwellings; Waste disposal facilities	Water treatment facilities; Any other development not specified in item 2 or 3