

***Glen Innes Severn Ordinary Council Meeting***  
***24 FEBRUARY 2022***

**Annexures**

**ANNEXURES UNDER SEPARATE COVER**

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# Planning Proposal

Glen Innes Severn Council

5<sup>th</sup> General Review of

Glen Innes Severn  
Local Environmental Plan 2012

PP-2021-5562

**Version 3:**  
Post-Exhibition Version

December 2021



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## 1.0 Introduction

### 1.1 Background

The *Glen Innes Severn Council Local Strategic Planning Statement (LSPS)*, *A Strategic Land Use Vision to 2040* plans for the Glen Innes Severn community's economic, social and environmental land use needs over the next 20 years. Regular amendments to the GIS LEP 2012 are necessary to deliver the Planning Priorities of the LSPS.

The *Glen Innes Severn Local Environmental Plan (GISLEP) 2012* commenced on 14 September 2012, as the primary environmental planning instrument for the Glen Innes Severn Local Government Area (LGA). Since the commencement of the LEP, Council has undertaken four (4) previous LEP reviews/amendments, following the identification of administrative and minor errors/anomalies within the current LEP.

At its meeting of 22 July 2021, Council resolved to endorse the initial Planning Proposal (Version 1 – Pre-Gateway Determination), and forward the Planning Proposal to the NSW Department of Planning, Industry and Environment (DPIE) requesting the issue of a Gateway Determination.

The Gateway Determination was issued by DPIE on 13 October 2021. The initial Planning Proposal was amended to reflect the conditional terms of the Gateway Determination, and was subsequently placed on public exhibition for the period from 28 October 2021 to 25 November 2021. There were no significant changes made to the Planning Proposal following the exhibition period, other than the following administrative change:

- *References to the E3 Environmental Conservation zone have been amended to C3 Environmental Conservation, consistent with the title (revised by DPIE) for that zone.*

The Minister for Planning has conditioned the Gateway Determination for Council to be authorised as the local plan-making authority, to make the subsequent amendment to *Glen Innes Severn Local Environmental Plan 2012* under delegation.

This version of the Planning Proposal discusses issues raised during the exhibition of the Planning Proposal, and recommends that the Minister for Planning finalise the and publish the subsequent amendment to GIS LEP 2012.

### 1.2 Overview

Reviewing and amending the GISLEP meets the recommendations of the Glen Innes Severn Land Use Strategy *to monitor and conduct a regular review of the new LEP* and is the most appropriate means of ensuring that the LEP is accurate, reliable and meets current environmental planning requirements.

The LSPS Planning Priority 8 aims to protect areas of high environmental value and significance. The following LSPS actions were considered in this review:

*Action 4.2: Promote the prosperity of our urban areas by directing future residential and large lot housing to existing areas of R1, R2 and R5 land within Glen Innes and RU5 zoned land in Deepwater, Emmaville, Glencoe and Red Range, whilst protecting their unique character.*

A review of the Glen Innes Severn Land Use Strategy is presently underway. The outcomes of the review will be reported to Council under a separate Planning Proposal.



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*Action 8.2: Review native vegetation mapping for the LGA to identify areas of High Environmental value, including biodiversity, at a local scale.*

*Action 8.8: Review the LEP and associated map overlays to include Additional Local Provisions to ensure the LEP managed riparian areas, water catchment areas and ground water sources to avoid potential development impacts.*

Action 8.2 will be implemented in this proposal by including a “**Riparian land and watercourses**” clause and map overlay in the GISLEP. The map overlay has been prepared by the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (DPIE). Action 8.8 has been considered in this review. Additional Local Provision 7.2 Drinking Water Catchments is already included in the GISLEP and does not require amendment.

## 1.2 Purpose

This Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979; a guide to preparing planning proposals* (NSW Department of Planning and Environment 2018); and *A guide to preparing local environmental plans* (NSW Department of Planning and Environment 2018).

The purpose of this Planning Proposal (PP) is to outline the fifth general review of *Glen Innes Severn Local Environmental Plan (GISLEP) 2012*.

The PP incorporates the following six (6) amendments to the GISLEP that have arisen from strategic and development matters occurring over the preceding two years.

1. Include a “**Riparian land and watercourses**” clause provision in the GISLEP.
2. Amend **Clause 4.2A Erection of dwelling houses and dual occupancies** on land in certain rural, residential and environmental protection zones to delete references to land being an “existing holding”.
3. Insert the Standard Instrument LEP **Natural Disaster Clause**, consistent with a direction from the Department of Planning, Industry and Environment (DPIE) to all Councils to include the clause in their respective Local Environmental Plans.
4. Allocate Special Purpose (SP2) zones for Council owned **infrastructure**.
5. Rezone land used for industrial purposes in Deepwater from RU5 Village to IN1 Industrial.
6. Delete two **Urban Release Areas (URA)** from the LEP, as neither URA requires state infrastructure provision or upgrading.



## 2.0 Planning Proposal

### 2.1 Intended Outcomes

The objective of this PP is to provide a mechanism to review and amend the *Glen Innes Severn Local Environmental Plan (GIS LEP) 2012* where necessary to ensure that it provides the most up to date and accurate information as it applies to development in the Glen Innes Severn Local Government Area (LGA).

It is intended to amend GIS LEP 2012 as follows:

- 1) Insert a “**Riparian land and watercourses**” clause into GIS LEP 2012, with the objectives being to protect and maintain water quality within watercourses, the stability of the bed and banks of watercourses, aquatic and riparian habitats, and ecological processes within watercourses and riparian areas. This item is consistent with Action 8.8 of the Glen Innes Severn Local Strategic Planning Statement.
- 2) Amend **Clause 4.2A Erection of dwelling houses and dual occupancies** on land in certain rural, residential and environmental protection zones to delete references to land being an “existing holding”.

The term “existing holding” means land that—

4.2A(5):

(a) was a holding on 31 October 1975, and

(b) is a holding at the time the application for development consent referred to in subclause

(3) is lodged,

whether or not there has been a change in the ownership of the holding since 31 October 1975\*.

**holding** means all adjoining land, even if separated by a road or railway, held by the same person or person.

Dwelling Opportunity Maps were introduced into the GISLEP in 2012. The Dwelling Opportunity Maps identify unused (vacant land) dwelling entitlements that are captured by the existing holding definition above. Identification of unused dwelling entitlement involved a review of Council’s rates records of land holdings as at the ‘appointed day’ (\*31 October 1975). Another source of unused dwelling entitlements arises from land held in rural subdivisions created prior to the gazettal of the former Severn LEP in 1991. Although these lots are below the current minimum rural lot size, the original subdivision was permissible at the time of consent, therefore the lot retains a dwelling entitlement.

The identification of vacant rural land with a dwelling entitlement on the Dwelling Opportunity Maps is an efficient way of identifying such land holdings, however, it is imperfect and from time to time unmapped entitlements are identified by landowners. The Dwelling Opportunity Map can be amended to include additional unmapped entitlements once they are verified. On this basis, there is no planning need to retain subclause 4.2A(3)(d) or 4.2A(5) referring to existing holdings in the GISLEP.



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- 3) Insert the draft Standard Instrument LEP **Natural Disaster Clause**, consistent with a direction from the Department of Planning, Industry and Environment (DPIE) to all Councils to include the clause in their respective Local Environmental Plans. The guideline, *Natural Disasters Clause Guidance for Implementation*, NSW DPIE, November 2020 is provided at **Appendix C**.
- 4) Allocate Special Purpose (SP2) Infrastructure land use zones to the following properties and locations:

	Name	Address	Lot / DP	Rezone from/to
1	Glen Innes Water Treatment Plant	59 Watsons Drive Glen Innes 2370	Part of Lot 515 DP 753282	RE1 to SP2
2	Glen Innes Sewage Treatment Plant	299 New England Highway Glen Innes 2370	Lot 221 DP 1174923	RU1 to SP2
3	Deepwater Landfill Facility	46 Deepwater Tip Road Deepwater 2371	Lot 306 DP 753323	RU1 to SP2
4	Deepwater Water Treatment Plant	25 Carl Baer Circuit Deepwater 2371	Lot 3 DP 1176546 Lot 2 DP 542366	RU1 and RU5 to SP2
5	Deepwater Sewage Treatment Plant	7 Carl Baer Circuit Deepwater 2371	Lot 1 DP 937297	RU1 to SP2
6	Red Range Waste Transfer Facility	75 Red Range Tip Road Red Range 2370	Lot 280 DP 861283	RU1 to SP2

- 5) Rezone land used for industrial purposes in Deepwater from RU5 Village to IN1 Industrial. The intention of this rezoning is to differentiate between the mix of uses permissible in the RU5 Village zone and the existing industrial uses within the industrial precinct described below.

Light industries are the only type of industry that are permissible with consent in the RU5 zone, whereas, general industries and light industries are permissible with consent in the IN1 zone. This will increase the range of permissible industrial land uses that can be carried out in the Deepwater Industrial Area and will have no affect on the permissible land uses in the RU5 zone.

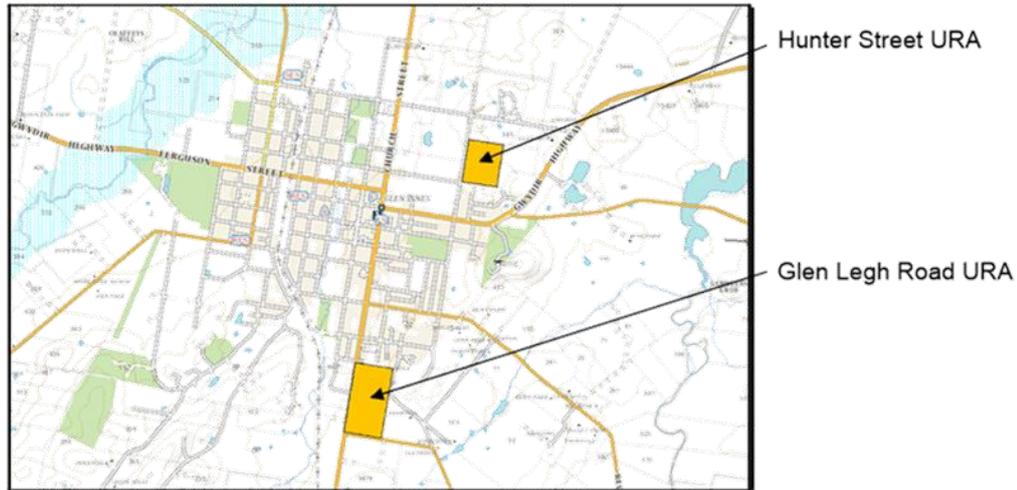
Name	Address	Lot / DP	Rezone from/to
Deepwater Industrial Area	29 Carl Baer Circuit Deepwater 2371	Lots 1 & 2 DP 1176546 Lots 1 to 10 DP 1077598 Lot 13 DP 1077598 Lot 11 DP 1172142	RU5 to IN1



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6) Delete two **Urban Release Areas (URAs)** from the LEP. There are two URAs identified in the Glen Innes residential area:

- Hunter Street R2 Low Density Residential Area
- Glen Legh Road R5 Large Lot Residential Area



Source: NSW ePlanning Spatial Viewer

Part 6, *Urban release areas*, of the GISLEP requires, among other things, the preparation of a Development Control Plan before subdivision can occur in a URA. A DCP has been prepared for the Hunter Street URA at Chapter 10 of the Glen Innes Development Control Plan (DCP) 2014. The Hunter Street URA has now been rezoned to residential land and a development application has been received for the development of the land into 106 residential lots. Council understands that the Hunter Street URA is likely to be developed for low density residential purposes in accordance with the DCP the foreseeable future. There is no further need for this area to be identified as a URA.

The Glen Legh Road URA is zoned R5 Large Lot Residential with a minimum subdivision lot size of 2,000 m<sup>2</sup>. The existing lots within the URA range in size from approximately 8,000 m<sup>2</sup> to 1.2 ha. Reticulated water and sewer would be necessary to support residential development of lots of 2,000 m<sup>2</sup> or greater. Since the Glen Legh Road URA was created in 2012, there has been no demonstrated landowner interest in preparing a DCP or Concept Master Plan for the URA. The Glen Legh Road URA is considered to be too difficult to pursue as it involves the agreement of multiple land holders and would be unlikely to allow any orderly residential development in the future. As shown in the image below, there are multiple properties involved and an 'ad hoc' settlement pattern within the URA reduces the scope for subdivision within separate landholdings.

Landowners within the URA will be notified in writing of this Planning Proposal.



**Glen Legh Road URA**



Glen Legh Road URA  
R5 Large Lot Residential  
Minimum subdivision lot size  
2,000 m<sup>2</sup>

Source: NSW ePlanning Spatial Viewer

The means to make the above amendments are contained within Section 2.2 – Explanation of Provisions.

**2.2 Explanation of Provisions**

**Note:** *The final drafting for all proposed clauses and maps will be subject to legal opinion, to recognise the clauses as proposed may not be reflected within the final LEP.*

The intended outcomes of this Planning Proposal will be achieved by amending GIS LEP 2012 as follows:

**Item 1:**

Include a “**Riparian land and watercourses**” clause into GIS LEP 2012, by inserting the following after **Clause 7.2 Drinking water catchments**:

**7.2A Riparian land and watercourses**

- (1) The objective of this clause is to protect and maintain the following—
  - (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following—
  - (a) land identified as “Watercourse” on the [Riparian Lands and Watercourses Map](#),



(b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any adverse impact on the following—

- (i) the water quality and flows within the watercourse,
- (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
- (iii) the stability of the bed and banks of the watercourse,
- (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
- (v) any future rehabilitation of the watercourse and riparian areas, and

(b) whether or not the development is likely to increase water extraction from the watercourse, and

(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

- By virtue of proposed Clause 7.2A (2) (a), this item includes a new LGA-wide LEP mapping layer, **Riparian Lands and Watercourses**.

**Item 2:**

Amend *Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones* to delete references to land being an "existing holding". Amendments shown in red.

**4.2A Erection of dwelling houses and dual occupancies (attached) on land in certain rural, residential and environmental protection zones**

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of certain lawfully erected dwelling houses and dual occupancies (attached) in certain rural, residential and environmental protection zones.

(2) This clause applies to land in the following zones—



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- (a) Zone RU1 Primary Production,
  - (b) Zone R5 Large Lot Residential,
  - (c) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy (attached) on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy (attached) has been erected, unless the land—
- (a) is a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or
  - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy (attached) was permissible immediately before that commencement, or
  - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy (attached) would have been permissible if the plan of subdivision had been registered before that commencement, or
  - ~~(d) is an existing holding, or~~
  - (d) is within a lot identified as “Dwelling Opportunity” on the Dwelling Opportunity Map, or
  - (e) would have been a lot or a holding referred to in paragraphs (a)–(d) (c), had it not been affected by—
    - i. a minor realignment of its boundaries that did not create an additional lot, or
    - ii. a subdivision creating or widening a public road or public reserve or for another public purpose.
- (4) Development consent may be granted for development to which this clause applies if there is a lawfully erected dwelling house or dual occupancy (attached) on the land and the dwelling house or dual occupancy (attached) to be erected is intended only to replace the existing dwelling house or dual occupancy (attached).
- (5) In this clause—
- ~~existing holding means land that—~~
- ~~(a) was a holding on 31 October 1975, and~~
  - ~~(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,~~
- ~~whether or not there has been a change in the ownership of the holding since 31 October 1975.~~
- holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.



**Item 3: Natural Disaster Clause**

Insert the following draft Standard Instrument LEP Natural Disaster Clause:

**Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster.**

- 1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwelling that have been damaged or destroyed by a natural disaster.
- 2) This clause applies to land in the following zones—
  - a. RU1 Primary Production
  - b. RU5 Village
  - c. R1 General Residential
  - d. R2 Low Density Residential
  - e. R5 Large Lot Residential
  - f. B4 Mixed Use
  - g. C3 Environmental Management
- 3) Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - a. the dwelling house or secondary dwelling was lawfully erected, and
  - b. the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.



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**Item 4:** SP 2 Infrastructure Zone amendments:

**1. Glen Innes Water Treatment Plant**



Land Zoning Map LZN\_003



Land Zoning Map LZN\_003

Amend the zone from RE1 Public Recreation to SP2 Infrastructure as shown below and add annotation "SP2 Water Treatment".

**2. Glen Innes Sewage Treatment Plant**



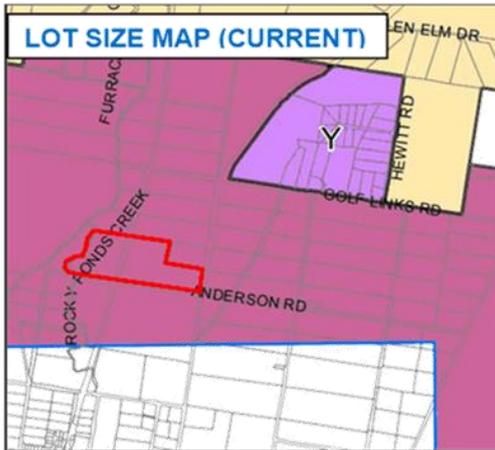


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**Land Zoning Map LZN\_003**

**Land Zoning Map LZN\_003**

Amend the Zone from RU1 Primary Production to SP2 Infrastructure, add annotation "SP2 Sewerage System".

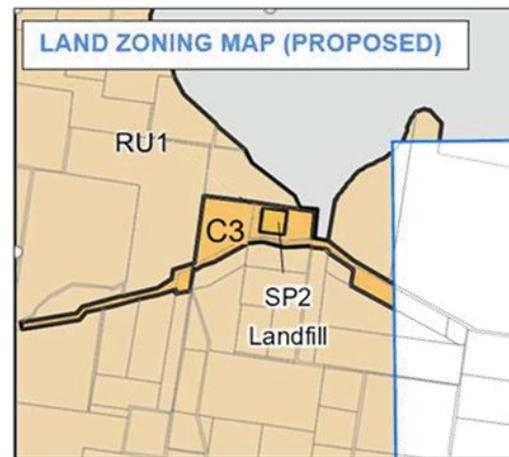
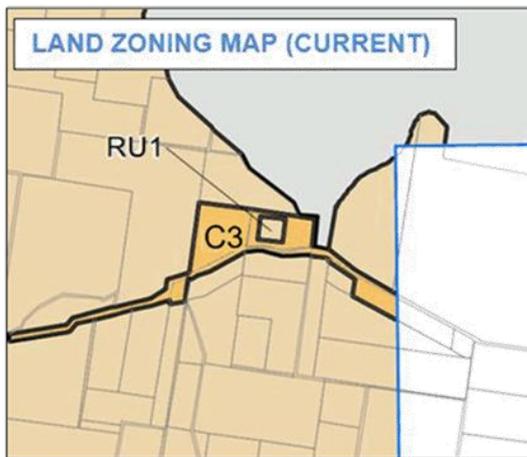


Lot Size Map LSZ\_003

Lot Size Map LSZ\_003

Amend the minimum subdivision lot size from Category AB 40 ha to no category.

**3. Deepwater Landfill Facility**



Land Zone Map LSZ\_002

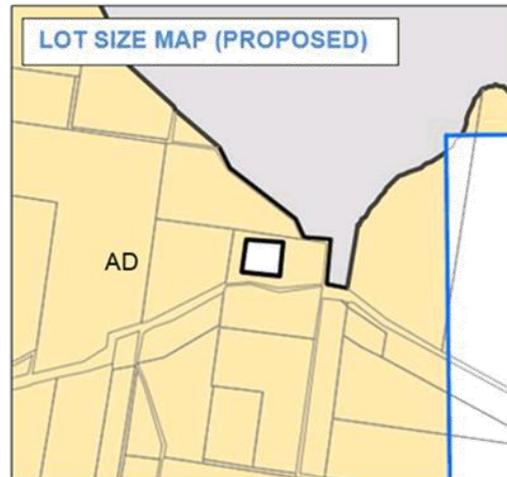
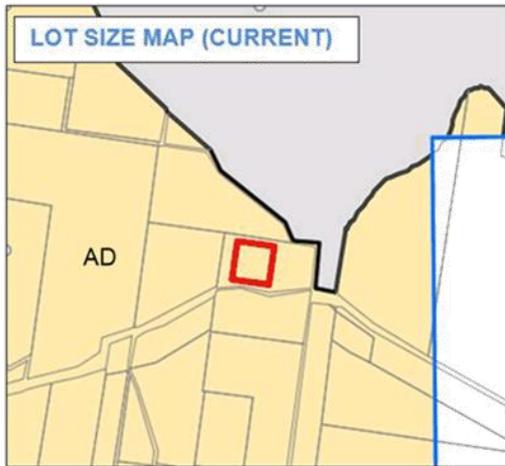
Land Zone Map LSZ\_002

Amend from RU1 Primary Production to SP2 Landfill Facility.

Amend the Zone from RU1 Primary Production to SP2 Infrastructure 'Landfill'.



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Lot Size Map LSZ\_002

Lot Size Map LSZ\_002

Amend from Category AD (100 hectares) to No Category.

4. Deepwater Water Treatment Facility and Deepwater Sewage Treatment Facility,



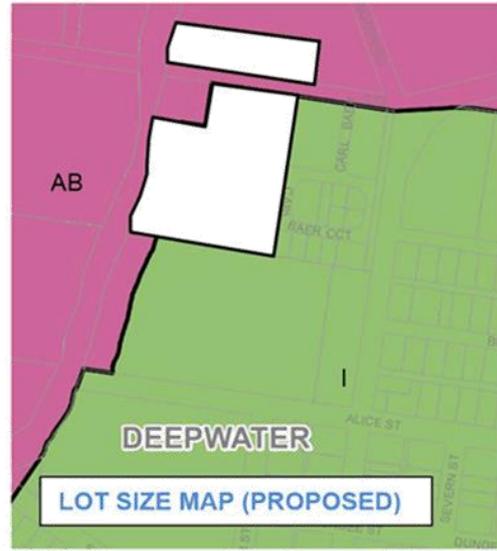
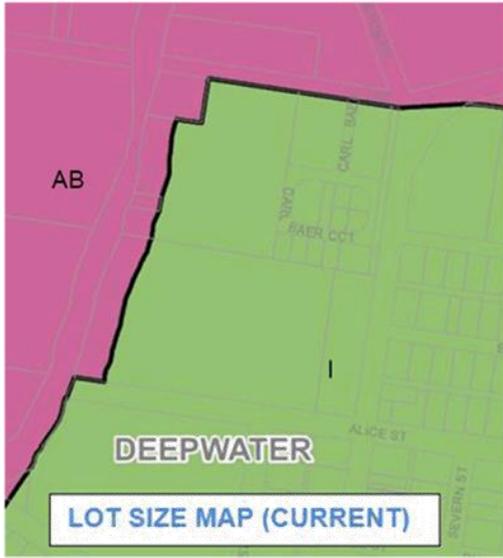
Land Zone Map LZN\_002D

Land Zone Map LZN\_002D

Amend the zones from part RU1 Primary Production and part RU5 Village to SP2 Infrastructure.  
 Add annotation "SP2 Water Treatment" and "SP2 Sewage Management".  
 Refer Item 5 Deepwater Industrial Area rezone from RU5 Village to IN1 General Industrial



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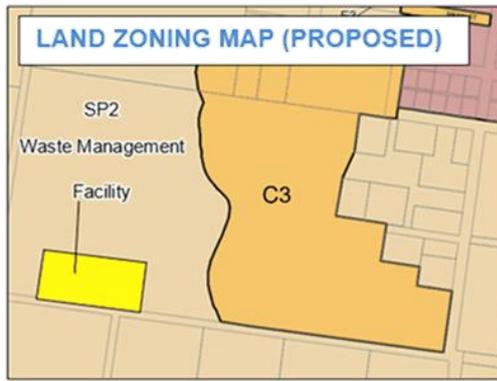
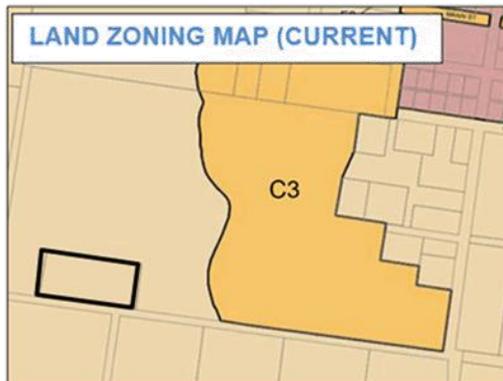


Lot Size Map LSZ\_002D

Lot Size Map LSZ\_002D

Amend the lands proposed to be rezoned from the Category AB 40 ha and Category I 500m<sup>2</sup> to No Category.

5. Red Range Waste Transfer Facility



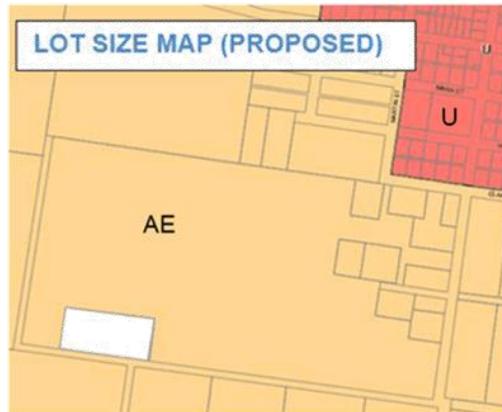
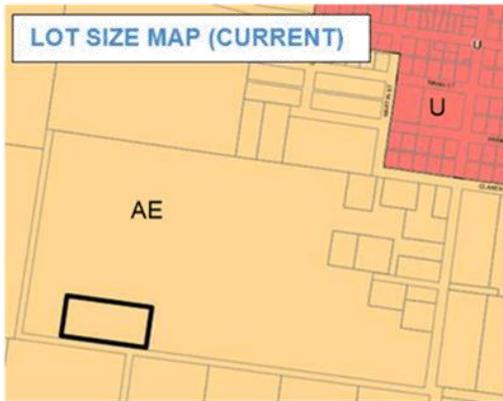
Lot Zone Map LZN\_003C

Lot Zone Map LZN\_003C

Amend from RU1 Primary Production to SP2 Infrastructure, add annotation "SP2 Waste Management".



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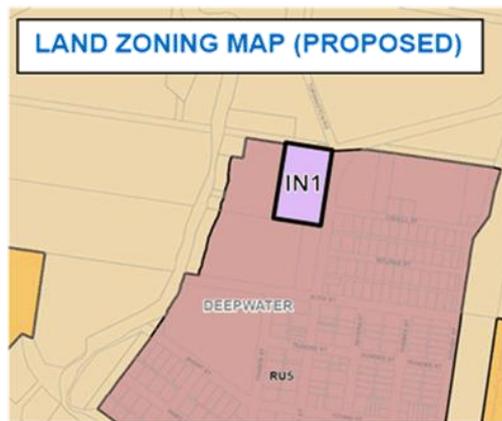
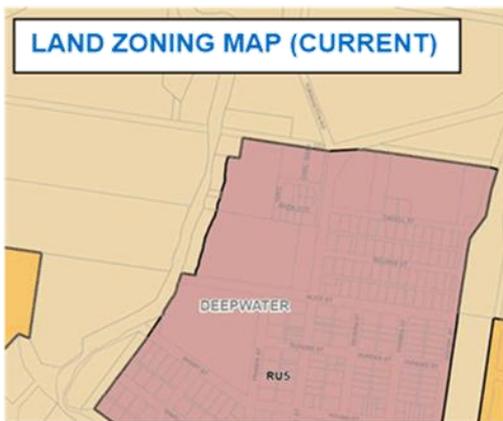


Lot Size Map LSZ\_003C

Lot Size Map LSZ\_003C

Amend from the Category AE 300 ha to No Category.

**Item 5: Deepwater Industrial Estate**



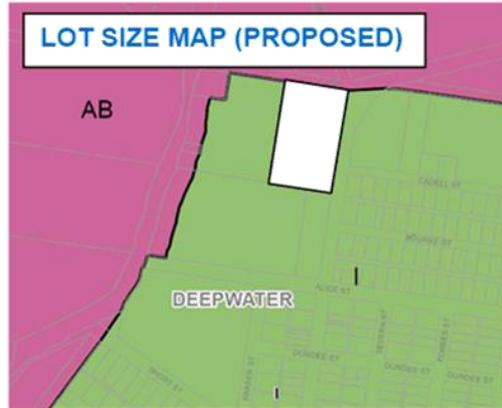
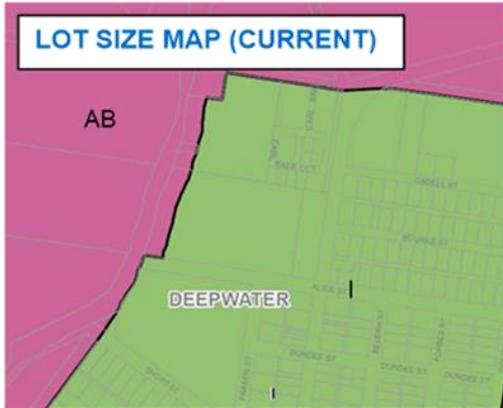
Lot Zone Map LZN\_002D

Lot Zone Map LZN\_002D

Rezone from RU5 Village to IN1 General Industrial.



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Lot Size Map LSZ\_002D

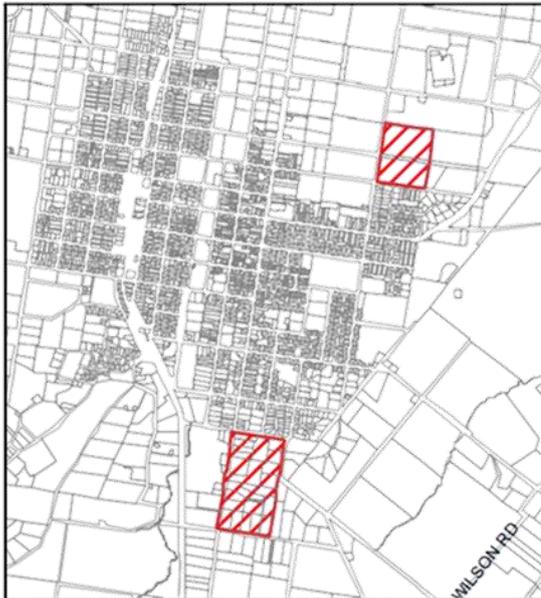
Lot Size Map LSZ\_002D

Amend from Category I 500 m<sup>2</sup> to No Category.

**Item 6:**

Remove two Urban Release Areas from Urban Release Area Map Sheet URA\_003.

There are no other Urban Release Areas within the Glen Innes Severn LGA, therefore the URA map and the corresponding clauses at Part 6 of the GISLEP can be deleted rather than amended.



Urban Release Area Map URA\_003



## 3.0 Justification

This part provides a response to the following matters in accordance with “A guide to preparing planning proposals” (NSW Department of Planning and Environment 2018):

- Section A: Need for the Planning Proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact

### 3.1 Section A: Need for the Planning Proposal

#### *Is the Planning Proposal a result of any strategic study or report?*

Yes. GIS LEP 2012 was made by the Minister for Planning on 14 September 2012. GIS LEP 2012 replaced *Glen Innes Local Environmental Plan 1991* and *Severn Local Environmental Plan 2002* as the primary planning instrument to guide local development in the LGA.

The *Glen Innes Severn Land Use Strategy 2010* was prepared to inform the transition to the present LEP. One of the recommendations of the strategy was to monitor and conduct a regular review of the new LEP (Page 54 Section 9.6). *The Glen Innes Severn Local Strategic Planning Statement* was adopted in June 2020. These strategies are further discussed in this section of the Planning Proposal.

#### *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes, the Planning Proposal is the best and most appropriate way to achieve the intended outcomes and make amendments to GIS LEP 2012. A planning proposal is the most effective method of ensuring that the accuracy and reliability of GIS LEP 2012 is maintained and regularly administered, and is the most feasible means of ensuring that the proposed amendments are administered expeditiously in accordance with current statutory requirements.

#### *Is there a net community benefit?*

The Net Community Benefit Criteria is identified in the NSW Government’s publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to Planning Proposals that promote significant increased residential areas or densities, or significant increased employment areas or the like.

### 3.2 Relationship to Strategic Planning Framework

#### *Will the Planning Proposal give effect to the objectives and actions contained within the New England North West Regional Plan 2036?*

The *New England North West Regional Plan 2036* applies to the Glen Innes Severn LGA. That plan provides for the following regionally focused goals:

- A strong and dynamic regional economy
- A healthy environment with pristine waterways
- Strong infrastructure and transport networks for a connected future



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- Attractive and thriving communities

Conducting housekeeping reviews of the GIS LEP 2012 will assist in maintaining consistency with the regional strategy.

This Planning Proposal is considered to be consistent with the relevant goals, directions and actions within the *New England North West Regional Plan 2036*, as follows:

GOAL	DIRECTION	ACTION
1. A strong and dynamic regional economy	3. Protect and enhance productive agricultural lands	<p><b>3.3</b> Manage the interface between important agricultural lands and other land uses by incorporating controls in local plans that manage compatibility between land uses, and undertaking land use conflict risk assessments where potential conflicts are identified through rezoning processes.</p> <p><u>Comment:</u> The proposed rezoning of certain lands (Item 4) from RU1 Primary Production to SP2 Infrastructure are logical based on their current use as Council facilities. The lands are not used for any type of Agriculture, and have no potential to be used for agricultural purposes. There are no perceived land use conflicts, the objective of Item 4 is to rezone the relevant lands to reflect their current and long term uses and functions.</p>
	6. Deliver new industries of the future	<p><b>6.1</b> Encourage green industries by reviewing local plans to ensure land use zonings reflect industry requirements.</p> <p><u>Comment:</u> The land at Deepwater which is proposed to be zoned IN1 General Industrial will provide a clear location for industry in Deepwater, which minimises land use conflict with the residential village.</p>
	7. Build strong economic centres	<p><b>7.5</b> Promote an appropriate mix of land uses and prevent the</p>



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		<p>encroachment of sensitive uses on employment land through local planning controls.</p> <p><u>Comment:</u> Addressing this action by rezoning the land at Deepwater to IN1 General Industrial may contribute to further industrial activities in Deepwater which are beneficial to local employment and the local economy.</p>
<p><b>2.</b> A healthy environment with pristine waterways</p>	<p><b>11.</b> Protect areas of potential high environmental value</p>	<p><b>11.2</b> Ensure local plans consider areas of high environmental value to avoid potential development impacts.</p> <p><b>11.3</b> Encourage the identification of vegetated areas adjacent to aquatic habitats and riparian corridors in local plans.</p> <p><u>Comment:</u> This part of the Planning Proposal will provide a mechanism for the enhancement and preservation/protection of watercourses and riparian lands.</p>
<p><b>3.</b> Strong infrastructure and transport networks for a connected future</p>	<p><b>13.</b> Expand emerging industries through freight and logistics connectivity</p>	<p><b>13.1</b> Implement local planning controls to protect freight and logistics facilities from encroachment of sensitive land uses.</p> <p><u>Comment:</u> The proposed Industrial land at Deepwater is already used for industrial purposes, however it is inappropriately zoned as R5 Village. Amendment of the zone to IN1 General Industrial will clearly define the current and future use of the land, including the retention of any approved freight/logistics facilities.</p>
	<p><b>14.</b> Enhance transport and infrastructure networks</p>	<p><b>14.1</b> Protect freight and utility infrastructure and corridors through local plans and strategies to protect network opportunities and distribution from incompatible land uses or land fragmentation.</p> <p><u>Comment:</u> Amendment of the subject land's zone at Deepwater to IN1</p>



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		<p>General Industrial will not allow the encroachment of inappropriate land uses.</p>
	<p><b>16.</b> Coordinate infrastructure delivery</p>	<p><b>16.1</b> Undertake detailed infrastructure service planning to establish that land can be feasibly and economically serviced prior to rezoning.</p> <p><u>Comment:</u> The relevant items described by this Planning Proposal allow infrastructure provision to be determined under SEPP (Infrastructure) 2007. It is expected that this will be a positive influence on infrastructure delivery.</p>
<p><b>4.</b> Attractive and thriving communities</p>	<p><b>23.</b> Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage</p>	<p><b>23.1</b> Ensure Aboriginal communities are engaged throughout the preparation of local planning strategies and local plans.</p> <p><b>23.3</b> Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols.</p> <p><b>23.4</b> Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are avoided and appropriate heritage management mechanisms are identified.</p> <p><u>Comment:</u> Noted. Further actions can be undertaken if required, in respect to these actions. It is expected that consultation with the Aboriginal community will be undertaken under the terms of the DPIE Gateway Determination.</p>

***Is the Planning Proposal consistent with the council's local strategy or local strategic plan?***

One of the strategic objectives listed under the *Glen Innes Severn Land Use and Economic Development Community Strategic Plan 2013-2023* is:



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“to engage the Community in integrated planning incorporating land use, economic development infrastructure and social policy that reflect and retain the character of our natural and built environment.”

The ongoing maintenance of the GIS LEP 2012 enforces this strategy.

The PP is consistent with the Community Strategic Plan 2013-2023, the *Glen Innes Severn Economic Development Strategy 2012 – 2017* and the *Glen Innes Severn Land Use Strategy 2010*.

***Is the Planning Proposal consistent with Council's Local Growth Management Strategy?***

The Glen Innes Severn Land Use Strategy was adopted in May 2010. The rezoning of the proposed IN1 General Industrial zone in Deepwater is consistent with Clause 5.1.1 of that strategy, as follows:

***Section 5.1.1 Economic Activity in Glen Innes Severn LGA***

*The Glen Innes Severn LGA benefits from a broad economy principally based on primary industry, retail, manufacturing, government activity and tourism. Geographically there are a number of differences between the more urban centres and the rural areas. The rural areas are dominated by primary industries, processing of produce and associated service industries. Employment in the urban centres is spread across retail, government activity, community services and manufacturing. The diversity in employment is reflected its proximity to major service centres such as Armidale.*

*The settlements of Glen Innes, Emmaville and Deepwater form the major centres of economic activity. They provide the majority of goods and services for the population; they are the centres for industrial, retail, commercial and government services; and are the location of many jobs. Tourism is a significant and growing component of the Glen Innes Severn economy. The LGA has a significant number of tourist destinations and is geographically well placed for people touring the state.*

*Continued economic development is essential for the growth and prosperity of the Glen Innes Severn. The new LEP must provide opportunities for appropriate economic growth and must recognise the need for local employment in order to sustain settlement populations and ensure their economic wellbeing. Council's capacity to promote development opportunities and diversification of activities can be inhibited by a lack of available and appropriately located land, and overly restrictive controls. A scarcity of land available to economic development could deter investment in local areas, stifling economic growth and employment.*

*The new LEP should ensure that land is available for development and is adequately served by infrastructure, and should be responsive to economic trends. It should provide for different land uses to cater for different needs, encourage competition and provide the flexibility required by industries to develop in appropriate locations.*



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**Will the Planning Proposal give effect to Council's endorsed Local Strategic Planning Statement, or another endorsed local strategy or strategic plan?**

Glen Innes Severn City Council adopted its Local Strategic Planning Statement (LSPS) on 25 June 2020. The LSPS was prepared in accordance with the *Environmental Planning and Assessment Act 1979 and Regulations*, and provides a land use planning vision for the Glen Innes Severn LGA to 2040. The LSPS identifies ten Planning Priorities to be delivered within four themes:

- A renewed economy & authentic place;
- A thriving & vibrant community;
- Strong & connected infrastructure; and
- Sustainable environment & protected heritage.

The planning priorities will be delivered through strategies to guide actions and land use directions to be undertaken by Glen Innes Severn Council. The actions have each been allocated a time frame for completion, in line with Council's Operational Plan (short term 1 to 5 years), Delivery program (medium term 5 to 10 years) and Community Strategic Plan (long term 10 to 20 years). This Planning Proposal is consistent with the following relevant priorities and associated actions of the LSPS:

Theme	Planning Priority	Action
<b>A RENEWED ECONOMY &amp; AUTHENTIC PLACE</b>	<b>1.</b> Council will develop a new Economic Development Strategy to deliver a well-positioned place-based approach to economic development and sustainable land use planning.	<b>1.2</b> Council will contribute to the outcomes agreed to be implemented in the EDS by incorporating them into the relevant plans such as the LEP, DCP and Developer Contributions Plan.
	<b>2.</b> Encourage diversification in agriculture, horticulture and agribusiness to grow these sectors and respond to domestic and international opportunities.	<b>2.4</b> Review rural land use provisions in the LEP and DCP to ensure protection of biophysical strategic agricultural land and intensive agricultural cluster to avoid land use conflicts, particularly with rural residential expansion, in alignment with the Right to Farm Policy;
<b>STRONG &amp; CONNECTED INFRASTRUCTURE</b>	<b>6.</b> Continue to develop service and logistics infrastructure on appropriate sites and encourage new industry opportunities.	<b>6.5</b> Review LEP zoning of land where Council's Infrastructure assets are located eg Water Treatment Plant, to ensure they are appropriately identified for 'special purpose' activities.
	<b>8.</b> Protect areas of high environmental value and significance.	<b>8.8</b> Review the LEP and associated map overlays to



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<b>SUSTAINABLE ENVIRONMENT &amp; PROTECTED HERITAGE</b>		include Additional Local Provisions to ensure the LEP managed riparian areas, water catchment areas and ground water sources to avoid potential development impacts.
	<b>9. Adapt to natural hazard and climate change</b>	<b>9.5</b> Consider and implement a range of urban design guidelines and land use planning controls through the LEP and DCP to reduce the risks of known environmental hazards such as bushfire, flooding, drought, heat, and storms. These may include but are not limited to Minimising the Impacts of Extreme Heat, Water Sensitive Urban Design Guidelines and the NSW Government’s Flood Prone Land Policy.

One of the strategic objectives listed under the *Glen Innes Severn Land Use and Economic Development Community Strategic Plan 2013-2023* is to engage the Community in integrated planning incorporating land use, economic development infrastructure and social policy that reflect and retain the character of our natural and built environment. The ongoing maintenance of the GIS LEP 2012 enforces this strategy.

This Planning Proposal is considered to be consistent with the Community Strategic Plan 2013-2023, the *Glen Innes Severn Economic Development Strategy 2012 – 2017* and the *Glen Innes Severn Land Use Strategy 2010*.

***Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?***

Yes. An assessment of consistency with the State Environmental Planning Policies (SEPPs) considered relevant to the proposal is at **Appendix A**. In instances when an inconsistency has been identified, appropriate justification and how the Planning Proposal addresses the inconsistency has been provided. Minor inconsistencies to the following SEPPs have been identified, and these inconsistencies have been justified in the assessment of those SEPPs.

- SEPP No. 70 Affordable Housing (Revised Schemes)
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Primary Production and Rural Development) 2019



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*Is the PP consistent with applicable Ministerial Directions (section 9.1 Directions)?*

Yes. An assessment of consistency with the applicable s9.1 Ministerial Directions as shown in the table provided at **Appendix B**. In instances when an inconsistency has been identified, appropriate justification and how the Planning Proposal addresses the inconsistency has been provided.

The Gateway Determination issued by the Department of Planning, Industry and Environment dated 13 October 2021 has determined that minor inconsistencies relating to section 9.1 Directions **1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 3.2 Caravan Parks and Manufactured Home Estates, 5.10 Implementation of Regional Plans and 6.2 Reserving Land for Public Purposes** have been appropriately addressed and that no further approvals are required in relation to those section 9.1 directions.

*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. This Planning Proposal and subsequent LEP Amendment will not alter any zones or development controls in a manner such that there could be adverse impacts on threatened species, populations, or ecological communities. The addition of Item 1 (insertion of a “Riparian land and watercourses: clause) will strengthen environmental protection and enhancement within the affected buffered riparian areas. In these cases, appropriate environmental investigations will be required at the Development Application stage.

*Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects which may result from this planning proposal which have not been previously discussed.

*Has the PP adequately addressed any social and economic effects?*

Social and economic effects of this Planning Proposal are summarised below:

Item 1	Insert a “ <b>Riparian land and watercourses</b> ” clause into GIS LEP 2012, with the objectives being to protect and maintain water quality within watercourses, the stability of the bed and banks of watercourses, aquatic and riparian habitats, and ecological processes within watercourses and riparian areas.	<p><b>Social</b></p> Social benefits include greater social wellbeing and a more sustainable community benefitting from increased water quality and responsible watercourse management. There are no detrimental social effects foreseen from this part of the Planning Proposal. <p><b>Economic</b></p> Healthier riparian areas are beneficial to the overall long-term sustainability of all lands, including farmland, residential and recreational areas, and a positive flow-on economic effect. There are no detrimental
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		economic effects foreseen from this part of the Planning Proposal.
Item 2	Amend <b>Clause 4.2A Erection of dwelling houses and dual occupancies</b> on land in certain rural, residential and environmental protection zones to delete references to land being an “existing holding”.	<p><b>Social</b></p> <p>This amendment does not change any development standard for the affected zones. There are no detrimental social effects foreseen from this part of the Planning Proposal.</p> <p><b>Economic</b></p> <p>This proposed amendment does not change any development standard for the affected zones. There are no detrimental economic effects foreseen from this part of the Planning Proposal.</p>
Item 3	Insert the Standard Instrument LEP <b>Natural Disaster Clause</b> , consistent with a direction from the Department of Planning, Industry and Environment (DPIE) to all Councils to include the clause in their respective Local Environmental Plans.	<p><b>Social</b></p> <p>Insertion of this Clause will be of social benefit in that residents who have lost their dwellings due to natural disaster events can be rehoused in their own homes in a shorter period of time. There are no detrimental social effects foreseen from this part of the Planning Proposal.</p> <p><b>Economic</b></p> <p>There are no detrimental economic effects resulting from this part of the Planning Proposal.</p>
Item 4	<p>Allocate appropriate land use zones and other LEP provisions to the following properties and locations:</p> <p>Glen Innes Water Treatment Plant                      Glen Innes Sewage Treatment Plant                      Deepwater Landfill Facility                      Deepwater Water Treatment Plant                      Red Range Waste Transfer Facility</p>	<p><b>Social</b></p> <p>The allocation of the SP2 Infrastructure zones is the most appropriate for those lands, and are reflective of the current and future land uses. This clarifies which uses are permissible or otherwise on those lands. There are no detrimental social effects foreseen from this part of the Planning Proposal.</p> <p><b>Economic</b></p> <p>The allocation of the SP2 Infrastructure zones is the most appropriate for those lands, and are reflective of the current and future land uses. Clarity of the SP2 zone will encourage appropriate public investment for that purpose. There are no detrimental economic effects foreseen from this part of the Planning Proposal.</p>



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Item 5	Deepwater Industrial Area (Carl Baer Circuit – various lots)	<p><b>Social</b></p> <p>The allocation of the IN1 General Industrial zone is the most appropriate for these lands, and are reflective of the current and future land uses. This clarifies which uses are permissible or otherwise on those lands. There are no detrimental social effects foreseen from this part of the Planning Proposal.</p> <p><b>Economic</b></p> <p>The allocation of the IN1 General Industrial zone is the most appropriate for those lands, and will increase the range of permissible industrial land uses that can be carried out in the Deepwater Industrial Area. There are therefore clear potential economic benefits foreseen from this part of the Planning Proposal.</p>
Item 6	Delete two “Urban Release Areas” from the LEP, as the lands in question have been given consent for urban development with appropriate infrastructure being provided.	<p><b>Social</b></p> <p>The Urban Release Areas in question will add to the ‘greenfield’ residential housing stock of Glen Innes. This will allow the township to grow and provide new housing options for the existing and future community. There are no detrimental social effects foreseen from this part of the Planning Proposal.</p> <p><b>Economic</b></p> <p>Opportunities for new housing will contribute positively to the economic wellbeing of Glen Innes in terms of employment, construction and economic flow-on benefits. There are no detrimental economic effects foreseen from this part of the Planning Proposal.</p>

3.3 State and Commonwealth Interests

**Is there adequate public infrastructure for the PP?**

This Planning Proposal will not create significant additional demand on existing public infrastructure. The proposed amendments to not create additional residential areas or increase the density of any residential areas.



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

The Gateway Determination dated 13 October 2021 requested that this Planning Proposal be referred to:

- NSW Rural Fire Service, and
- NSW Mining, Exploration and Geoscience.

Council received submissions from those agencies.

Summary of issues raised:

- **NSW Mining, Exploration and Geoscience.**

NSW Mining, Exploration and Geoscience has been consulted under the terms of the Gateway Determination.

Comment: NSW Mining, Exploration and Geoscience has raised no objection to the contents and intentions of this Planning Proposal with respect to Bush Fire Risk, with the following comment supplied:

*NSW MEG has reviewed the Gateway Determination Report (dated September 2021) for the proposed amendments to the Glen Innes Severn LEP 2012. We advise that we have no resource sterilisation issues for consideration under Section 9.1 of the Environmental Planning and Assessment Act 1979, Direction 1.3 Mining, Petroleum Production and Extractive Industries.*

Action: No change was made to the Planning Proposal as a result of consultation with the NSW Mining, Exploration and Geoscience.

- **NSW Rural Fire Service**

The NSW Rural Fire Service has been consulted under the terms of the Gateway Determination.

Comment: The NSW Rural Fire Service has raised no objection to the contents and intentions of this Planning Proposal with respect to Bush Fire Risk, with the following comment supplied:

*The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.*

Action: No change was made to the Planning Proposal as a result of consultation with the NSW Rural Fire Service.

### 3.4 Mapping

Existing mapping and proposed mapping amendments to Glen Innes Severn LEP 2012 are described and illustrated in Part 2 of this Planning Proposal. Amendments to the GIS LEP 2012 mapping are required for the subject Planning Proposal.

The following maps will require amendment in respect to this Planning Proposal:

**Land Zoning Map LZN\_002**



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Land Zoning Map LZN\_002D  
 Land Zoning Map LZN\_003  
 Land Zoning Map LZN\_003C

Lot Size Map LSZ\_002  
 Lot Size Map LSZ\_002D  
 Lot Size Map LSZ\_003  
 Lot Size Map LSZ\_003C

**Additional Maps**

In respect to Item 1 of this Planning Proposal, the watercourses identified as riparian area (consisting of watercourses Strahler’s Stream Order 3 and above) are to be shown on a new category of maps, labelled as the **CL2 Drinking Water Catchment Map and Riparian Lands and Watercourses Map**. All map tiles are proposed to be amended as such.

The following Drinking Water Catchment Maps are proposed to be incorporated in the new mapping category. Therefore, the existing (DWC) maps are to be deleted from the current suite of LEP maps:

Drinking Water Catchment Map DWC\_002  
 Drinking Water Catchment Map DWC\_002D  
 Drinking Water Catchment Map DWC\_003  
 Drinking Water Catchment Map DWC\_003A  
 Drinking Water Catchment Map DWC\_003B  
 Drinking Water Catchment Map DWC\_004

The following map sheet is proposed to be deleted from the suite of LEP maps:

Urban Release Area Map URA\_003

**3.5 Community Consultation**

The Gateway Determination dated 13 October 2021 recommended that Council place the Planning Proposal (PP\_2021-5562) on public exhibition, consistent with section 3.34(2) of the *Environmental Planning and Assessment Act 1979*, and the conditions/terms of the Gateway Determination, as follows:

*“2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:*

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and*
- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2018).*



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3. Consultation was required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- NSW Mining, Exploration and Geoscience

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least **21 days** to comment on the proposal.”

The government agency submissions have been previously discussed in Section 3.3 of this Planning Proposal.

The Planning Proposal was placed on public exhibition for the period from **28 October 2021 to 25 November 2021**. In addition to the two agency submissions, Council received a total of three submissions from the community.

Summary of Community Submissions:

Submission 1:

Issues raised:

- Riparian Lands and Watercourses

Issue: *Concern that the existing Drinking Water Catchment Map is being deleted by this Planning Proposal.*

*(mentioned in 2 submissions)*

Comment: The Riparian Lands and Watercourses clause and map are additional provisions to Glen Innes Severn LEP 2012. There is no intention indicated by this Planning Proposal to remove, or otherwise amend, the current Drinking Water Catchment Map, which is to be retained as a mapping layer within Glen Innes Severn LEP 2012.

- Riparian Lands and Watercourses

Issue: *Stream Order*

*(mentioned in 2 submissions).*

Comment: The selection of the Strahler stream order classifications for the draft Riparian Lands and Watercourses map was undertaken following consultation with relevant government agencies, and is also based on precedents set by other Council Local Environmental Plans which have adopted riparian waterways provisions. The definition of a watercourse, as per the Dictionary in GIS LEP 2012, is not proposed to be changed.

- Riparian Land and Watercourses

Issue: *Possible Implications for landholder rights to access water*

*(mentioned in 1 submission)*

Comment: The proposed Riparian Lands and Watercourses clause applies to uses which require development consent, which does not include extensive agriculture. The intent of this clause is to ensure that riparian areas are not at risk due to inappropriate or over-intensive development proposals which may be detrimental to water quality. The provisions of the *Water Management Act 2000* are unaffected by this Planning Proposal.



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- Riparian Lands and Watercourses  
Issue: *The inclusion of the Riparian Lands and Watercourses clause to this Planning proposal does not include associated revised Development Control Plan provisions, particularly in relation to a current Development Application for a cattle feedlot (DA25/2021). (mentioned in 1 submission)*  
Comment: The Development Application for the proposed feedlot is currently under assessment. This Planning Proposal/LEP Amendment, or any new DCP provisions, cannot be applied retrospectively.
  
- Inclusion of Separation Distances to reduce potential Land Use Conflict  
Issue: *Inclusion of provisions for separation Distances in GIS LEP 2012 to reduce potential Land Use Conflict (mentioned in 1 submission)*  
Comment: Potential for Land Use Conflict should be addressed on a case-by-case basis at Development Application Stage, via a Land Use Conflict Risk Assessment (LUCRA) prepared using the guidelines described in the *Living and Working in Rural Areas Handbook* (Department of Primary Industries et. al 2007).
  
- General comment: Prescribed Minimum Lot Sizes applying to the wider LGA  
*(mentioned in 2 submissions)*  
Issue: *Council should investigate revision of Minimum Lot Size provisions as part of this review.*  
Comment: Revision of Minimum Lot Sizes is outside the scope of a general review to a Local Environmental Plan, which includes this Planning Proposal. It is best practice to address matters such as this by way of a separate Planning Proposal, which is informed by appropriate Environmental Assessments.
  
- General comment: Reference to 'spot rezonings' unsupported by an endorsed strategy  
*(mentioned in 1 submission)*  
Issue: *The Planning Proposal should not rezone land which is not included in an endorsed strategy.*  
Comment: The lands nominated to be rezoned have been endorsed by the NSW DPIE via issue of the Gateway Determination to exhibit the Planning Proposal. To inform the issue of the Gateway Determination, NSW DPIE has assessed the Planning Proposal for justification, and consistence with the New England North West Regional Plan 2036, relevant State Environmental Planning Policies (SEPPs), and Section 9.1 Ministerial Directions.

Following consideration of issues raised within the community submissions received, no amendments have been made to the exhibited Planning Proposal following the exhibition period.



## 4.0 Project Time Line

### 4.1 Indicative Project Timeline

**Table 4.1 Indicative Project Timeline**

STAGE	VERSION / DATE (estimated in <i>italics</i> )
Preparation and submission of PP to Council	<b>June 2021</b>
Council adoption & Gateway Determination request	<b>22 July 2021</b>
Commencement (date of Gateway determination)	<b>13 October 2021</b>
Timeframe for completion of required additional information	<b>October 2021</b>
Timeframe for government agency consultation as required by Gateway determination.	<b>November 2021</b>
Commencement and completion dates for public exhibition period.	<b>November 2021</b>
Timeframe for consideration of submissions	<b>December 2021</b>
Timeframe for consideration of proposal post exhibition	<b>December 2021</b>
Adopted by Council for final submission to Department of Planning	<b><i>February 2022</i></b>
Date of submission to the department to finalise the LEP (projected)	<b><i>February 2022</i></b>
Making of the LEP Amendment by Council under delegation (projected)	<b><i>March 2022</i></b>
Notification of the LEP Amendment by Council (projected)	<b><i>March 2022</i></b>

### 4.2 Recommendation

Following the exhibition of this Planning Proposal, it is recommended that Council:

- Request that the Minister or Planning support this Planning Proposal (and subsequent LEP Amendment made under delegation) based on the information provided in this report; and
- Finalise notification of *Glen Innes Severn Local Environmental Plan 2012 (Amendment No.5)* by publishing the LEP Amendment on the NSW Legislation website.



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## CONSISTENCY WITH SEPPs



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SEPPs and Key issues relevant to the PP	Consistent / Inconsistent
<b>SEPP No. 21 – Caravan Parks</b>	
<b>APPLIES</b>	<p><b>CONSISTENT</b></p> <p>Caravan Parks are permitted with development consent in lands zoned RU1 Primary Production. While this Planning Proposal seeks to reduce the RU1 zone, the intent is to appropriately zone numerous Council facilities to their appropriate zone of SP2 Infrastructure. The lands in question are Council-owned and have no potential to be used as Caravan Parks.</p>
<b>SEPP No. 36 – Manufactured Home Estates</b>	
<b>APPLIES</b>	<p><b>CONSISTENT</b></p> <p>This SEPP is not directly relevant to this Planning Proposal, however it is consistent in that the Planning Proposal will not compromise the efficient application of this SEPP to any future development.</p>
<b>SEPP No. 64 – Advertising and Signage</b>	
<b>APPLIES</b>	<p><b>CONSISTENT</b></p> <p>This SEPP is not directly relevant to this Planning Proposal, however it is consistent in that the Planning Proposal will not compromise the efficient application of this SEPP to any future development.</p>
<b>SEPP No. 70 Affordable Housing (Revised Schemes)</b>	
<b>APPLIES</b>	<p><b>INCONSISTENT</b></p> <p><u>Justification of Inconsistency</u></p> <p>This SEPP applies as a small portion of land in Deepwater is proposed to be rezoned from RU5 Village to IN1 Industrial. The inconsistency is justified as the land is developed for industrial purposes, is separated from Deepwater village and is being rezoned to reflect the land use. It is a preferred planning outcome that any potential affordable housing development is confined to the established residential areas of Deepwater Village.</p>
<b>SEPP (Affordable Rental Housing) 2009</b>	
<b>APPLIES</b>	<p><b>CONSISTENT</b></p> <p>Items 1-5 of the Planning Proposal do not create or reduce any land use zones which permit Affordable Rental Housing. The SEPP nominates these zones as R1, R2, R3, R4 and</p>



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SEPPs and Key issues relevant to the PP	Consistent / Inconsistent
	R5. The removal of the two URAs (Item 5) does not compromise the application of this SEPP.
<b>SEPP (Building Sustainability Index – BASIX) 2004</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent in that any development that requires a BASIX assessment must consider this SEPP. This SEPP is mainly applied at the Development Application Stage.
<b>SEPP (Concurrences and Consents) 2018</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent in that any future development requiring concurrence will be subject to the provisions of this SEPP.
<b>SEPP (Educational Establishments and Child Care Facilities) 2017</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent in that any future development including such establishments will be subject to the provisions of this SEPP (in zones where the land use is permissible)
<b>SEPP (Exempt and Complying Development Codes) 2008</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent with the aims and provisions of this SEPP, however the SEPP is not specifically relevant to the context of this Planning Proposal.
<b>SEPP (Housing for Seniors or People with a Disability) 2004</b>	
<b>APPLIES</b>	<b>INCONSISTENT</b> <u>Justification of Inconsistency</u> These types of land uses are permissible with consent in the RU1 Primary Production and RU5 Village zones. This SEPP applies in that a small portion of land in Deepwater is proposed to be rezoned from RU5 Village to IN1 Industrial. The inconsistency is justified as the land is developed for industrial purposes, is separated from Deepwater village and is being rezoned to the most appropriate land use. It is a more preferable planning outcome that any potential housing developments that are described by this SEPP are confined to the established residential areas of Deepwater



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SEPPs and Key issues relevant to the PP	Consistent / Inconsistent
	Village.
<b>SEPP (Infrastructure) 2007</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent in that it contains no provisions that contradict or hinder the application of the SEPP.
<b>SEPP – (Koala Habitat Protection) 2020</b>	
<b>NOT APPLICABLE</b>	<b>CONSISTENT</b> The Planning Proposal do not propose a Koala Plan of Management, however the proposed inclusion of <b>Riparian land and watercourses</b> mapping and the relevant clause will improve Koala habitat protection.
<b>SEPP – (Koala Habitat Protection) 2021</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> <b>S.17 Preparation of local environmental studies.</b> The Planning Proposal intends to Insert a “ <b>Riparian land and watercourses</b> ” clause into GIS LEP 2012, with the objectives being to protect and maintain water quality within watercourses, the stability of the bed and banks of watercourses, aquatic and riparian habitats, and ecological processes within watercourses and riparian areas. The Planning Proposal will increase protection of Koala habitat therefore a Local Environmental Study is not required.
<b>SEPP (Mining, Petroleum and Extractive Industries) 2007</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent in that it contains no provisions that contradict or hinder the application of the SEPP.
<b>SEPP (Primary Production and Rural Development) 2019</b>	
<b>APPLIES</b>	<b>INCONSISTENT</b> <u>Justification of Inconsistency</u> This Planning Proposal will rezone RU1 zone land to SP2 Infrastructure to reflect the infrastructure use of the land. None of the land is used for agriculture. .



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SEPPS and Key issues relevant to the PP	Consistent / Inconsistent
<b>SEPP (State and Regional Development) 2019</b>	
<b>APPLIES</b>	The Planning Proposal is consistent in that it contains no provisions that contradict or hinder the application of the SEPP.
<b>SEPP (Vegetation in Non-Rural Areas) 2017</b>	
<b>APPLIES</b>	<b>CONSISTENT</b> The Planning Proposal is consistent in that it contains no provisions that contradict or hinder the application of the SEPP.



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B

## CONSISTENCY WITH S9.1 MINISTERIAL DIRECTIONS

**Annexure A**  
**Item 7.23**



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SECTION 9.1 DIRECTION	CONSISTENCY OF THE PP
<b>1. EMPLOYMENT AND RESOURCES</b>	
<b>Direction 1.1 Business and Industrial Zones</b>	
<p><i>Applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</i></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <li><i>(a) give effect to the objectives of this direction,</i></li> <li><i>(b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones,</i></li> <li><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i></li> <li><i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</i></li> </ul>	<p><b>CONSISTENT</b></p> <p>The Glen Innes Severn Land Use Strategy was adopted in May 2010. The rezoning of the proposed IN1 General Industrial zone in Deepwater is consistent with Clause 5.1.1 of the strategy.</p>
<b>Direction 1.2 Rural Zones</b>	
<p><i>The objective of this direction is to protect the agricultural production value of rural land. A draft LEP shall:</i></p> <ul style="list-style-type: none"> <li><i>a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i></li> <li><i>b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i></li> </ul>	<p><b>NOT APPLICABLE</b></p> <p>This Planning Proposal does not affect either matter (a) or (b).</p>
<b>Direction 1.3 Mining, Petroleum Production and Extractive Industries</b>	
<p><i>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</i></p> <ul style="list-style-type: none"> <li><i>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</i></li> </ul>	<p><b>INCONSISTENT</b></p> <p>This planning proposal is inconsistent with part (b) of this Direction as it will prohibit the mining of coal or other minerals or winning or obtaining of extractive material by changing the zoning of various lots from RU1 to SP2. However, it is recommended that consultation is undertaken</p>



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*(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.*

with Mining, Exploration and Geoscience to confirm the suitability of the proposal.

Justification of Inconsistency

The inconsistency is considered to be of minor significance as these sites all contain Council infrastructure such as waste, landfill, water or sewage treatment plants, and not likely to be able to be used for mining, petroleum production or extractive industries.

**Note:** The Gateway Determination issued by the Department of Planning, Industry and Environment dated 13 October 2021 has determined that this inconsistency is justified.

The Gateway Determination also recommended that consultation be undertaken with NSW Mining, Exploration and Geoscience, who have raised no objection to the contents and intentions of this Planning Proposal with respect to this Direction.

**Direction 1.4 Oyster Aquaculture**

*Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:*

**NOT APPLICABLE**

- (a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate", or*
- (b) incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.*

**Direction 1.5 Rural Lands**

*This direction applies when a relevant planning authority prepares a PP that:*

**INCONSISTENT**

Justification of Inconsistency

- (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*

Points (a) and (b) both apply.

Item 4 is a proposal to rezone lands which are currently zoned RU1 Primary Production to SP2 Infrastructure.

The relevant lands are Council-owned and used for Water Treatment, Sewage Treatment, and Waste Management purposes at Glen Innes and



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(b) *changes the existing minimum lot size on land within a rural or environment protection zone.*

Deepwater. They are not used for Primary Production/Agriculture and will not be used for those purposes in the future.

SP2 Infrastructure is the most appropriate zone for those lands in this case.

**Note:** The Gateway Determination issued by the Department of Planning, Industry and Environment dated 13 October 2021 has determined that this inconsistency is justified. No further approval is required in relation to this Direction.

**2. ENVIRONMENT AND HERITAGE**

**Direction 2.1 Environment Protection Zones**

*The direction requires that a draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.*  
*A draft LEP that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).*

**CONSISTENT**

The implementation of Item 3 (Natural Disaster clause) applies to land zoned E3 Environmental Management, however does not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

**Direction 2.2 Coastal Management**

**NOT APPLICABLE**

*This direction applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the State Environmental Planning Policy (Coastal Management) 2018.*

The land is not within the coastal zone.

**Direction 2.3 Heritage Conservation**

*The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*  
*A PP shall contain provisions that facilitate the conservation of:*

**CONSISTENT  
European Heritage**

The Planning Proposal does not impact any items currently listed in Schedule 5 Environmental Heritage of Glen Innes Severn LEP 2012.



- a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

**Aboriginal Cultural Heritage**

This Planning Proposal does not contain any provisions that compromise the requirements to undertake appropriate consultation with the Aboriginal community to identify any potential impacts upon Aboriginal Cultural Heritage.

It is expected that consultation with the Aboriginal community will be undertaken under the terms of the DPIE Gateway Determination.

**Direction 2.4 Recreation Vehicle Areas**

A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):

(4)

(a) *where the land is within an environmental protection zone,*

(b) *where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:*

(i) *the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and*

(ii) *the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of*

**CONSISTENT**

This Planning Proposal does not enable land to be developed for the purpose of a recreational vehicle area.



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<p><i>Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i></p>	
<p><b>Direction 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b></p>	<p><b>NOT APPLICABLE</b></p>
<p><b>Direction 2.6 Remediation of Contaminated Land</b></p>	
<p><i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</i></p> <p><i>This direction applies to:</i></p> <p>(a) ...</p> <p>(b) <i>land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.</i></p>	<p><b>CONSISTENT</b></p> <p>The lands proposed to be rezoned are fully developed for the purposes to which they are proposed to be rezoned, being established infrastructure (water treatment works, sewer treatment works, waste transfer facility, and developed industrial land).</p> <p>This Planning Proposal does not intend to zone land for residential, public recreation or any such purpose in which issues of contamination/remediation of land presents a risk of harm to human health.</p>
<p><b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b></p>	
<p><b>Direction 3.1 Residential Zones</b></p>	
<p><i>A PP must include provisions that encourage the provision of housing that will:</i></p> <p>a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p>d) <i>be of good design.</i></p> <p><i>A PP must, in relation to land to which this direction applies:</i></p> <p>a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p>	<p><b>CONSISTENT</b></p> <p>This Planning Proposal is consistent with this direction in relation to Item 5. The lands shown on the Urban Release Area Map (proposed to be deleted) comply with the direction in that:</p> <ul style="list-style-type: none"> <li>The subject lands are adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>This Planning Proposal does not contain provisions which will reduce the permissible residential density of those lands.</li> </ul>



- b) *not contain provisions which will reduce the permissible residential density of land.*

**Direction 3.2 Caravan Parks and Manufactured Home Estates**

*The objectives of this direction are:*

- *to provide for a variety of housing types, and*
- *to provide opportunities for caravan parks and manufactured home estates.*

**INCONSISTENT**

Justification of Inconsistency

Caravan Parks are permitted with development consent in lands zoned RU1 Primary Production. The lands proposed to be rezoned from RU1 to SP2 Infrastructure are Council owned and have no potential to be used as Caravan Parks. This Planning Proposal does not seek to facilitate the permissibility of either land use on land used for infrastructure.

**Note:** The Gateway Determination issued by the Department of Planning, Industry and Environment dated 13 October 2021 has determined that this inconsistency is justified. No further approval is required in relation to this Direction.

**Direction 3.3 Home Occupations**

*The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.*

- *PPs shall permit home occupations to be carried out in dwelling houses without the need for development consent.*

**CONSISTENT**

Home occupations are permitted without consent in the RU5 Village zone. This Planning Proposal does not seek to alter that provision.

**Direction 3.4 Integrating Land Use and Transport**

**NOT APPLICABLE**

**Direction 3.5 Development Near Regulated Airports and Defence Airfields**

**NOT APPLICABLE**

**Direction 3.6 Shooting Ranges**

**NOT APPLICABLE**

**Direction 3.7 Reduction in non-hosted short term rental accommodation period**

**NOT APPLICABLE**

**4. HAZARD AND RISK**

**Direction 4.1 Acid Sulfate Soils**

**NOT APPLICABLE**

**Direction 4.2 Mine Subsidence and Unstable Land**

*The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.*

**CONSISTENT**

The Planning Proposal is consistent with the Direction. There are no known areas of mine



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subsidence or unstable land on the land subject to this PP.

**Direction 4.3 Flood Prone Land**

*The objectives of this direction are:*

- a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

*This direction applies when a council prepares a draft LEP that creates, removes or alters a zone or a provision that affects flood prone land.*

**CONSISTENT**

The rezoning of any of the subject lands will have no effect on the 1% AEP flood level, or any identified flood prone land. The built infrastructure located on all Council facilities are not located in the 1% AEP flood extent, and any future infrastructure on those lands will not be located within the 1% AEP flood extent, so as to mitigate any potential future flooding impacts.

**Direction 4.4 Planning for Bushfire Protection**

*This direction applies when a council prepares a draft LEP that affects, or is in proximity to land mapped as bushfire prone land.*

*A draft LEP shall:*

- a) *have regard to Planning for Bushfire Protection 2019,*
- b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and ensure that bushfire hazard reduction is not prohibited within the APZ.*

**CONSISTENT**

Part of the land which accommodates the Glen Innes Sewage Treatment Works is **incorrectly** mapped by the NSW Planning Portal as buffer to Bush Fire Prone Land. A large treatment pond is located within the area mapped as bushfire prone land buffer. (see the relevant maps below).

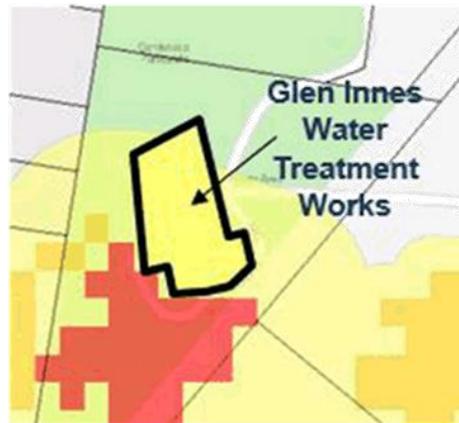




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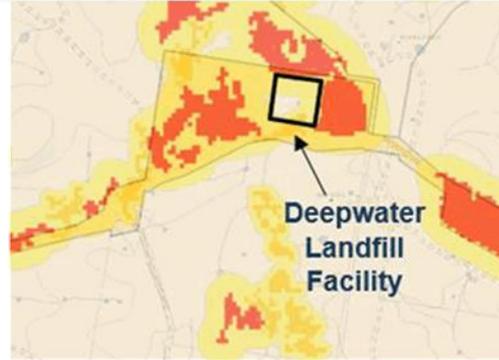
The land which accommodates the Glen Innes Water Treatment Works (proposed to be zoned as SP2 Infrastructure) is located within a 100m buffer to bush fire prone land, as shown on the map below:



The land (Lot 306 DP 753323) which accommodates the Deepwater Landfill facility (proposed to be zoned as SP2 Infrastructure) is located within a 100m buffer to bush fire prone land, as shown on the map below:



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Future development within bushfire prone land will be referred (if required) to the NSW Rural Fire Service as required under s100B of the *Rural Fires Act 1997* and s79BA of the *EP&A Act 1979*, and to ensure compliance with *Planning for Bushfire Protection 2019*.

Any specific Bushfire Protection criteria should be addressed appropriately in a Development Application if required under *Planning for Bushfire Protection 2019*.

**Note:** The NSW Rural Fire Service has been consulted under the terms of the Gateway Determination, and have raised no objection to the contents and intentions of this Planning Proposal with respect to this Direction.

**5. REGIONAL PLANNING**

**Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**

**NOT APPLICABLE**

**Direction 5.10 Implementation of Regional Plans**

*The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.*

**INCONSISTENT**

The provisions of the *North Coast Regional Plan 2036* have been addressed in Section 3.2 of this Planning Proposal.

*PPs must be consistent with a Regional Plan released by the Minister for Planning.*

The planning proposal is inconsistent with this Direction as it is rezoning RU1 Primary Production lots to SP2 Infrastructure.

Justification of Inconsistency

The inconsistency is considered to be of minor significance as the lots identified in the planning



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proposal for rezoning from RU1 are not currently viable agricultural land, nor do they have the potential to become agriculturally viable. The SP2 Infrastructure zone is more appropriate, in line with current and future land uses.

**Note:** The Gateway Determination issued by the Department of Planning, Industry and Environment dated 13 October 2021 has determined that any inconsistencies with the *North Coast Regional Plan 2036* have been are minor.

No further approval is required in relation to this Direction.

**Direction 5.11 Development of Aboriginal Land Council Land**      **NOT APPLICABLE**

**6. LOCAL PLAN MAKING**

**Direction 6.1 Approval and Referral Requirements**

*This direction aims to minimise concurrence and referral application to Ministers and public authorities and not classify designated development unless significant impact is likely.*

**CONSISTENT**

The Planning Proposal does not include any additional referral requirements.

**Direction 6.2 Reserving Land for Public Purposes**

*This direction requires land to be reserved for public purposes in accordance with the latest directions of the relevant authority.*

**INCONSISTENT**

Justification of Inconsistency

The Planning Proposal seeks to reduce part of land zoned RE1 Public Recreation, which incorporates the Glen Innes Water Treatment Works site. It is more appropriate to zone this site as SP2 Infrastructure as its current and future uses are not consistent with the aims and objectives of the RE1 Public Recreation zone, but are consistent with the aims and objectives of the SP2 Infrastructure zone.

**Note:** The Gateway Determination issued by the Department of Planning, Industry and Environment dated 13 October 2021 has determined that this inconsistency is justified.

No further approval is required in relation to this Direction.

**Direction 6.3 Site Specific Provisions**



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*This direction discourages unnecessarily restrictive site controls.*

**CONSISTENT**

The Planning Proposal does not recommend any changes to existing provisions of the LEP, that would lead to restrictive site controls outside of current LEP/DCP provisions.

**7. METROPOLITAN PLANNING**

**NO DIRECTIONS APPLICABLE**



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## NATURAL DISASTERS CLAUSE GUIDELINE

**Annexure A**  
**Item 7.23**