

PLANNING & NATURAL SYSTEMS

ATTACHMENT A

**CONSOLIDATED LOCAL ENVIRONMENTAL
PLAN - MIDCOAST COUNCIL**

STRATEGIC MEETING

14 MARCH 2018

Spreadsheet illustrating 'scope of influence' for Council in preparing a consolidated MidCoast LEP - clauses and map layers

The scope of influence analysis for a consolidated MidCoast LEP is based on the following Principles:

Principle 1 – Consistency with State

To prepare the local environmental plan in a manner consistent with State legislation and guidelines.

Principle 2 – Regional Policies and Plans

To apply the goals and actions for the MidCoast local government area contained in regional policies and plans.

Principle 3 – Council Strategies

To reflect the actions, goals and recommendations of Council strategies.

Principle 4 - Acknowledge diversity and local character

To identify and protect our diverse and valuable natural landscapes and to recognise the desired roles and character of our different urban settlements.

Council has no scope of influence over red items	No - standard or model clause
Council has limited scope of influence orange items	No - Administrative changes only
Council has some scope of influence over yellow items	Yes - Councillor input into provisions required
Council has significant scope of influence over green items	Yes - MCC policy position to be determined

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 1 Preliminary	
1.1 Name of Plan [compulsory]	No - LEP name & date only
1.1AA Commencement [compulsory]	No - standard clause
1.2 Aims of Plan [compulsory]	Yes - combine 3 LEP aims
1.3 Land to which Plan applies [compulsory]	No - standard clause
1.4 Definitions [compulsory]	No - standard clause
1.5 Notes [compulsory]	No - standard clause
1.6 Consent authority [compulsory]	No - standard clause
1.7 Maps [compulsory]	No - standard clause
1.8 Repeal of planning instruments applying to land [compulsory]	No - existing LEPs only
1.8A Savings provision relating to development applications [local]	No - model clause
1.9 Application of SEPPs [compulsory]	No - standard clause
1.9A Suspension of covenants, agreements and instruments [local]	No - standard clause

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 2 Permitted or prohibited development	
2.1 Land use zones [compulsory]	No - list of used zones only
2.2 Zoning of land to which Plan applies [compulsory]	No - standard clause
2.3 Zone objectives and Land Use Table [compulsory]	No - standard clause
2.4 Unzoned land [compulsory]	No - standard clause
2.5 Additional permitted uses for particular land [compulsory]	No - standard clause
2.6 Subdivision—consent requirements [compulsory]	No - standard clause
2.7 Demolition requires development consent [compulsory]	No - standard clause
2.8 Temporary use of land [optional]	No - 3 x LEP allow 52 days

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Land Use Table	
Zone RU1 Primary Production	Yes - ROLUS, endorse use and content
Zone RU2 Rural Landscape	Yes - ROLUS, endorse use and content
Zone RU3 Forestry	Yes - ROLUS, Forestry
Zone RU4 Primary Production Small Lots	Yes - ROLUS, endorse use and content
Zone RU5 Village	Yes - ROLUS, HDAS, endorse use and content
Zone RU6 Transition	No - 3 X LEP don't use zone
Zone R1 General Residential	Yes - HDAS, endorse use and content
Zone R2 Low Density Residential	Yes - HDAS, endorse use and content
Zone R3 Medium Density Residential	Yes - HDAS, endorse use and content
Zone R4 High Density Residential	Yes - HDAS, endorse use and content
Zone R5 Large Lot Residential	Yes - HDAS, endorse use and content
Zone B1 Neighbourhood Centre	Yes - endorse use and content
Zone B2 Local Centre	Yes - endorse use and content
Zone B3 Commercial Core	Yes - endorse use and content
Zone B4 Mixed Use	Yes - endorse use and content
Zone B5 Business Development	Yes - endorse use and content
Zone B6 Enterprise Corridor	Yes - endorse use and content
Zone B7 Business Park	Yes - light industrial in town centres
Zone B8 Metropolitan Centre - City of Sydney & North Sydney only	No - not applicable
Zone IN1 General Industrial	Yes - endorse use and content
Zone IN2 Light Industrial	Yes - endorse use and content
Zone IN3 Heavy Industrial	Yes - endorse use and content
Zone IN4 Working Waterfront	Yes - endorse use and content
Zone SP1 Special Activities	Yes - ROLUS, endorse use and content
Zone SP2 Infrastructure	Yes - ROLUS, endorse use and content
Zone SP3 Tourist	Yes - HDAS, review use and content
Zone RE1 Public Recreation	Yes - endorse use and content
Zone RE2 Private Recreation	Yes - endorse use and content
Zone E1 National Parks and Nature Reserves	No - National Parks
Zone E2 Environmental Conservation	Yes - ROLUS, endorse use and content
Zone E3 Environmental Management	Yes - ROLUS, endorse use and content
Zone E4 Environmental Living	Yes - ROLUS, endorse use and content
Zone W1 Natural Waterways	Yes - remove and change to W2
Zone W2 Recreational Waterways	Yes - ROLUS, endorse use and content
Zone W3 Working Waterways	Yes - ROLUS, endorse use and content

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 3 Exempt and complying development	
3.1 Exempt development [compulsory]	No - standard clause
3.2 Complying development [compulsory]	No - standard clause
3.3 Environmentally sensitive areas excluded [compulsory]	Yes - Coastal Management SEPP, GL extra subclause

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 4 Principal development standards	
4.1 Minimum subdivision lot size [optional]	Yes - objectives
4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]	Yes - objectives and zones
4.1B Minimum lot sizes for dual occ, multi dwellings and res. flat buildings	No - 3 X LEP don't use model clause
4.1C Exceptions to minimum lot sizes for certain residential development	Yes - model clause, HDAS, court determination, GL Cl.4.1A
4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]	No - standard clause, Primary Production SEPP
4.2A Erection of dwelling houses in rural and environmental zones	No - model clause, GSC, GL, GT - dates vary
4.3 Height of buildings [optional]	Yes - objectives and GL extras
4.4 Floor space ratio [optional]	Yes - objectives and GL extras
4.5 Calculation of floor space ratio and site area [optional]	No - standard clause
4.6 Exceptions to development standards [compulsory]	Yes - GT & GL extra subclauses
Subdivision of certain residential lots	Yes - HDAS, GT Cl.4.1A
Boundary adjustments in certain zones	Yes - ROLUS/HDAS, GSC Cl.4.1A; GL Cl.4.1C
Subdivision for split zone allotments	Yes - ROLUS/HDAS, GL Cl.4.1D; GT 4.1B
Strata subdivisions in certain rural or environmental protection zones	Yes - ROLUS, GSC Cl.4.2B
Exceptions to minimum lot sizes for ecological protection	Yes - ROLUS, GL Cl.4.1B; GT 4.1C
Dual occupancies and secondary dwellings in Zone RU2	Yes - ROLUS - GL Cl.4.2B
Minimum subdivision lot size for strata subdivision of residential or tourist in some zones	Yes - HDAS, GT 4.2B

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority [compulsory]	No - amalgamation and consistency
5.2 Classification and reclassification of public land [compulsory]	No - standard clause
5.3 Development near zone boundaries [optional]	Yes - zones and distances
5.4 Controls relating to miscellaneous permissible uses [compulsory]	Yes - variations between 3 LEPs
5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]	No - Coastal Management SEPP, standard clause (N/A GSC)
5.6 <i>Architectural roof features [optional]</i>	3 X LEP don't use standard clause
5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]	No - Coastal Management SEPP, standard clause (N/A GSC)
5.8 Conversion of fire alarms [compulsory]	No - standard clause
5.9, 5.9AA (<i>Repealed</i>)	repealed
5.10 Heritage conservation [compulsory]	No - LGA name only
5.11 Bush fire hazard reduction [compulsory]	No - standard clause
5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]	No - standard clause
5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]	No - standard clause
5.14 <i>Siding Spring Observatory—maintaining dark sky [optional] - Not Applicable</i>	3 x not applicable
5.15 <i>Defence communications facility [optional] - Not applicable</i>	3 x not applicable

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure [local]	No - model clause (new to GSC)
6.2 Public utility infrastructure [local]	No - model clause (new to GSC)
6.3 Development control plan [local]	No - model clause (new to GSC)
6.4 Relationship between Part and remainder of Plan [local]	No - model clause (new to GSC)

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Part 7 Local Clauses	
6.4 Development on the foreshore must ensure access [local]	TBC - Coastal Management SEPP, model clause GL Cl.7.11
6.5 Foreshore building line [local]	No - model clause, discrete map, GL Cl.7.10
6.6 Restriction on consent for particular sex services premises [local]	Yes - model clause, expand, GL Cl.7.22
7.1 Acid sulfate soils [local]	Yes - model clause, variations GL CL.7.1, GL Cl.7.1, GT Cl.7.1
7.3 Flood planning	Yes - definitions, maps in LEP or DCP- GSC Cl.6.1, GL Cl.7.3, GT Cl.7.2
7.4 Airspace operations	No - model clause, discrete map GT Cl.7.4
7.X Active Street Frontages	No - model clause, discrete map GL Cl.7.13
7.6 Development in areas subject to aircraft noise	No - model clause, discrete map GSC Cl.6.2, GT Cl.7.5
Earthworks	Yes - variations GSC Cl.64, GL Cl.7.2, GT Cl.7.3
Coastal risk planning	TBC - Coastal Management SEPP, GL Cl.7.4 and GT DCP
Stormwater management	Yes - expand, GL Cl.7.5
Industrial release area - State and regional roads	Yes - discrete, GSC Cl.6.3 into Part 6?
Events permitted without development consent	Yes - variations, GSC Cl.6.5; GL Cl.7.20
Restrictions on certain development in some rural and environmental zones	Yes - ROLUS, variations GSC Cl.6.7, GL Cl.7.24, GT Cl.7.7
Drinking water catchments	Yes - ROLUS, extent for MCC, GL Cl.7.6
Riparian land and watercourses	Yes - ROLUS, extent for MCC, GL Cl.7.7
Wetlands	Yes - Coastal Management SEPP, biodiversity strategy, extent for MCC - GL Cl.7.8
Protection of wildlife corridors	No - discrete map GL Cl.7.9
Converting serviced apartments to residential flat buildings	Yes - HDAS, GL 7.12
Significant extractive resources	Yes - ROLUS, extent for MCC, GL Cl.7.14
Development at Seven Mile Beach, The Lakes Way, Forster	No - discrete map GL Cl.7.15
Neighbourhood shops	Yes - ROLUS, GL Cl.7.16
Residential accommodation in Zone R4, Zone B1 or Zone B2	Yes - HDAS, GL Cl.7.17
Residential accommodation at Winda Woppa	No - discrete map GL 7.18
Development at Carmona Drive, South Forster	No - discrete map GL 7.19
Essential services	Yes - ROLUS, extent for MCC, GL Cl.7.21
Minimum dwelling density	Yes - HDAS, GL Cl.7.23
Development on land proposed to be acquired by the Council	Yes - expand, GT Cl.7.6
Subdivision of land at Brimbin in Zone RU4	No - discrete map GT Cl.7.8
Subdivision of land at Brimbin in Zone E4	No - discrete map GT Cl.7.9
Use of land at 10, 34 and 44 Emerton Close, Cundletown	No - discrete GT Cl.7.10; map required

Standard Instrument—Principal Local Environmental Plan	Scope of Influence
Schedule 1 Additional permitted uses	Yes - discrete sites, HDAS, confirm relevance
Schedule 2 Exempt development	No - determine if still relevant, Advertising; Primary Production & CODE SEPP
Schedule 3 Complying development	No - determine if still relevant, Code SEPP
Schedule 4 Classification and reclassification of public land	No - one only - determine if still relevant
Schedule 5 Environmental heritage	No - consolidation only
Dictionary	No - standard clause, Primary Production SEPP