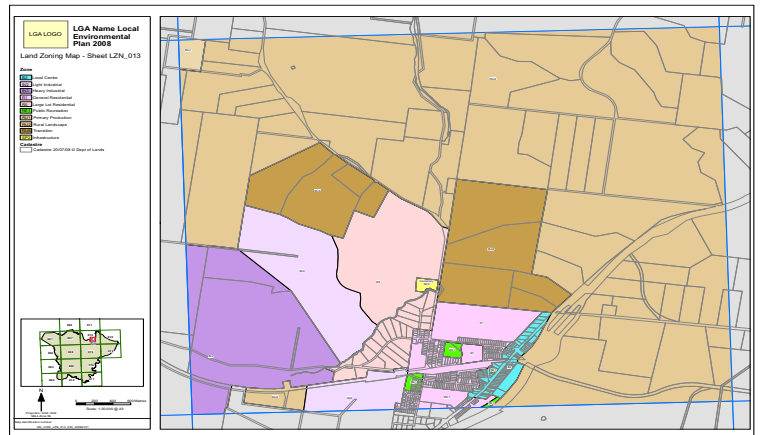


Local Environmental Plans

ISSUE

Members should be aware that all Local Governments in NSW are in the process of developing their Local Environmental Plans ('LEPs'). Members need to be alert to the potential for environmental zonings created under the new LEPs to restrict their current and future landuse. The new LEPs may also affect controls on subdivision. The Association encourages all Members to immediately contact their Local Council to establish the process by which they will be consulted about the development of the LEP for their area and, specifically, about any zoning changes that may affect their land.



Example image of an LEP zoning map from Planning NSW

BACKGROUND

Local environmental plans ('LEPs') are prepared by local councils to guide planning decisions for the Local Government area. Through zoning and development controls, LEPs enable Councils to regulate land use to achieve Government policy outcomes regarding new development and biodiversity and heritage conservation policy. Further information about the LEP development process can be found at:

<http://www.planning.nsw.gov.au/LocalEnvironmentalPlans/tabid/246/language/en-AU/Default.aspx>.

ACTIONS UNDERTAKEN BY THE ASSOCIATION

The Association has made numerous representations to the NSW Government regarding their planning policy on matters including right to farm, the Standard Instrument for LEPs, subdivision policy and the imposition of environmental zones on farm land.

The Association participated in the consultation process for the development of the State Environmental Plan (Rural Lands) 2008, which achieved some recognition of Members' concerns regarding planning policy. However this Plan only applies to areas west of the Great Dividing Range.

The Association has worked with Members in the Coffs Harbour shire in opposing the draft Coffs Shire LEP. Particular concerns regarding this draft LEP included:

- The intention to increase riparian zones from 20m to 50m; and

- New environmental categories imposed on farm land, including High Conservation Lands, and Environmental rehabilitation and restoration categories.

If implemented, these measures could significantly impact on future landuse practices and property values of Members. It is highly likely that other Shires are working on similar proposals. A list of LEPs to be completed by 2011 can be found at:

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=%2fGuZkdwsETY%3d&tabid=247>.

It is important to note that all of the LEPs are at different stages of completion. In many cases the consultation period on the draft LEPs has already expired and in some cases the plans are gazetted. However, it is still important that Members get an understanding of where their LEP process is up to.

RECOMMENDATIONS

1. All Members should immediately contact their Local Council to establish the process by which they will be consulted about the development of the new LEP for their area and, specifically, about any zoning changes that directly affect their land.
2. Members should closely review the draft LEP, using the following as a minimum checklist:
 - Are the maps at a scale where individual property boundaries are clearly identifiable? If so, check the map zoning at the property level, looking for any changes (eg a split zoning, which may negatively influence future building entitlements).
 - Have zone boundaries changed? If so, do the new zonings appear valid?
 - Have any new or additional areas been re-zoned for water catchments? This may affect future building entitlements.
 - Have any activities been deleted or created in the land use table?
 - Have any optional elements been introduced (eg tree preservation orders, heritage zones, wildlife corridors) that may negatively affect future landuse?
 - For members close to urban areas, what are the proposed buffer provisions, particularly in areas identified for future urban/industrial use?
3. Members should ask to view the detailed analysis of the social and economic impacts of the proposed changes on their own business and on the local economy and community. It is recommended that Members request the above information through a letter to the Mayor of their Local Council. Members may wish to include text along the following lines:
 - It is the duty of Local Government to explain and justify the implications of planning policy to rate payers.
 - The Government's circular regarding the SEPP (Rural Lands) 2008 states that "Agriculture is a significant industry worth approximately \$7.3 billion to the economy of NSW (2006–07) and contributes 79,000 jobs to the State's workforce. The ongoing orderly and economic development of the rural lands in NSW is vital to the State economy."

- It essential that the new LEPs are aligned to the aim of "ongoing orderly and economic development" of rural lands. Local Government should therefore be able to demonstrate to their farmer rate payers, how, in real terms, the new LEP will facilitate the development of farm business and the prosperity of the farming community.
- No LEP affecting the value and production potential of farm land should be put on exhibition without an accompanying regulatory impact statement that quantifies the economic impacts on landholders.

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- The introduction of LEPs represents a significant restriction on the development potential (and a consequential reduction in value) of land which previously benefitted from existing use rights. The protection of existing landuse rights is a fundamental property rights issue. Property rights are the foundation of society and it is impossible for citizens to enjoy the security offered by a Commonwealth in the absence of law protecting individual property.

