



Planning Proposal

Amendments to the Greater Taree Local Environmental Plan 2010.

Package 3

September 2014. Version 1.



If on reading this study you have any questions or require additional information, please contact Lisa Proctor at Greater Taree City Council on (02) 6592 5399

Cover – aerial of Taree including the central business district and Martin Bridge

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1.0 Introduction

In June 2010 the Greater Taree Local Environmental Plan (LEP 2010) was enacted. This is the third package of administrative amendments being undertaken to improve the application of LEP 2010. This planning proposal details the amendments and provides justification for the changes.

The amendments cover a range of issues that have been grouped as outlined below:

- heritage amendments involving changes to Schedule 5 of LEP 2010 to make minor corrections to existing listed heritage items;
- site specific amendments involving zone changes to better reflect the current and established use of the land; and
- a general amendment to development provisions to provide a statutory conservation incentive.

The proposed amendments were developed from:

- a register of amendments that has been added to as issues have been raised;
- internal workshops with Council officers involved in the implementation of LEP 2010; and
- the community who have identified inconsistencies between the LEP provisions and the intended use of the land.

Each of these amendments are addressed in detail in this planning proposal and the attachments.

The planning proposal is a 'living' document that will change as the process progresses. For example submissions from the community or State departments can result in changes to the planning proposal. Also, as each step outlined below is completed the planning proposal is updated.

2.0 Objectives and outcomes

The objective of this planning proposal is to improve the application of the LEP 2010, by:

- correcting minor inconsistencies in heritage listings;
- ensuring consistency of zones in terms of surrounding and existing land-uses; and
- providing incentives for landowners to achieve positive environmental and economic outcomes.

The overall outcome of the proposed amendments will be a more robust and accurate LEP that reflects the best use of land in Greater Taree and improves environmental and economic outcomes for the Greater Taree community.

3.0 Explanation of provisions

The amendments outlined in this planning proposal include both site specific amendments and changes to provisions that apply to the whole local government area. Details on each amendment are provided below and have been broken up into three categories; heritage amendments, site specific amendments and general amendments.

3.1 Heritage amendments

The following amendments are to be made to Part 1 of Schedule 5 in LEP 2010. They involve minor corrections to the property description/status that need to be updated in LEP 2010, being:

- A. A change to the address of the War Memorial and Memorial Park in Coopernook (item I22 in LEP 2010) which was incorrectly listed as being at Section 2, Lot 1, DP 758285. Its correct address is Lots 1, 3 and 4 DP 758285.
Ownership: Council
- B. A change to the address of The Maitland Building address (item I243 in LEP 2010) and the definition. This has incorrectly been listed as Shopfront, WR Maitland Building 40-42 Bent Street, Wingham. Its' correct address is 28-38 Bent Street, Wingham, and its correct description is WR Maitland Building.
**LEP map change: Amend Map Identification Number
3350_COM_HER_010C_010_20131216**
Ownership: Wingham Memorial Services Club
- C. A change to the address of the Johns River Community Hall (item I294 in LEP 2010) which was incorrectly listed as being at Lot 16, Section 5, DP 758546. Its' correct address is Lot 7303 DP 1143888 & Lot 16 Sec 10 DP 758546.
Ownership: Crown Lands
- D. A change to the Part of the LEP under which the Literary Institute (item I282 in LEP 2010) is listed. There is very little visible fabric of this item remaining. Thus, it is more appropriate for it to be listed under Part 3 of Schedule 5, Archaeological Sites, as item A282.
**LEP map change: Amend Map Identification Number
3350_COM_HER_015A_040_20130529** to include Lot 176 DP 753149 as an *Item – Archaeological*.
Ownership: Private

The owners of the above items will be consulted, where required, during the exhibition of the planning proposal. Details of the proposed heritage amendments are in *Attachment 1*.

3.2 Site specific amendments

Four sites were identified which warranted amending to reflect surrounding and current uses where the use is well established on the site. Table 1 below provides a summary of the site specific changes, which are explained in detail in *Attachment 1 – Site Specific Amendments*.

Site specific Amendment A is supported by the *Johns River Urban Design Report (Andrews Neil 2008)*. That report is at *Attachment 2*.

Table 1 Summary of site specific amendments

ID	Site	Property Description	Existing LEP 2010 Provision	Proposed LEP change
A	Johns River Village	Lot 251, 252, 255, 256, 257, 258 and 259, DP 754448, Lot 1 DP 1050630, Lot 1 DP 772733 and Lot A DP 387437	Primary Production (RU1)	Change to Village (RU5) to reflect the surrounding zone, the current use and the urban design provisions recommended in the Johns River Urban Design Report.
B	Lot 220 Alpine Drive, Tinonee	Lot 220 DP1189486	Primary Production Small Lots (RU4)	Change to Infrastructure (SP2) zone to reflect the current use, being water supply system.
C	Lot 41 Pacific Highway Moorland NSW 2443	Lot 41 DP 1144505	Primary Production (RU1), SP2 (Infrastructure)	Change to RU3 (Forestry) to reflect the proposed future use, being Forestry.
D	230 Jericho Road, Moorland NSW 2443	Lot 23 DP 812829 and Lot 3 DP229405	SP2 (Infrastructure)	Change to RU1 (Primary Production) to rationalise lots with surrounding use.

3.3 General amendment

The change proposed to LEP 2010 that is outlined below will apply to the Big Swamp project area. This change is consistent with the standard instrument (the template for all Local Environmental Plans in NSW), in that it seeks to include a local clause in Part 4 of LEP 2010 to provide a statutory conservation incentive for dedication of land to Council for remediation. The details of the general amendment are included in *Attachment 3 – Environmental Clause*.

3.3.1 Inclusion of an environmental clause to provide a statutory conservation incentive mechanism for dedication of land requiring remediation

The *Big Swamp Feasibility Study 2011* was undertaken for land identified as one of the worst acid sulfate soil hotspots in NSW. In order to address this significant environmental issue it was recommended that land should be acquired and remediated to reduce the impact of the exposed acid sulfate soils that has occurred over the past 100 years.

To achieve this environmental outcome Council will be required to acquire parts of some properties to undertake remediation. Due to limited resources available via Council funds and grants a statutory conservation incentive mechanism is desirable to be included in LEP 2010 to allow landowners in the Big Swamp to dedicate land within the Big Swamp project area to Council in exchange for an increase in development potential where the land is capable of supporting such an increase. A land capability study (Attachment 3) has been undertaken to identify land within the Big Swamp project area that has potential for small scale agricultural pursuits and low impact development. The conservation incentive is being included in LEP 2010 as a result of suitable development land being identified on unconstrained land within the project area. This has positive social, economic and environmental impacts and allows Council's limited funds to be spent on remediation post dedication, rather than on acquisition.

In circumstances where a subdivision can be used to achieve a significant environmental outcome, it is proposed that the minimum lot size can be reduced for land identified as a "bonus development area" on an environmental dedication map. This provision will only apply to land identified on Council's Environmental Dedication Map. Satisfactory arrangements must be in place to permit the dedication of land to Council at the subdivision certificate stage further to the

development approval for reduced lot sizes in the bonus development area. The alternate scenario is that instead of dedicating the land to Council the land is permanently conserved via alternate mechanisms such as dedication to NPWS or entering into a Conservation Agreement which locks in the environmental outcomes permanently in exchange for bonus development.

Initially this is proposed to only apply to land included in the Big Swamp project area as the remediation outcomes are well supported by technical and strategic studies. In the future similar studies may warrant the inclusion of additional sites on the Environmental Dedication Map.

A similar clause has been included in the recently made Great Lakes Local Environmental Plan 2014. Council previously had a similar environmental clause in LEP 1995, which was repealed when our Standard Template LEP was made (LEP 2010). At that time, the (then) Department of Planning advised that an environmental clause could not be included in Council's transition standard template LEP, until further justification was provided via a planning proposal. The following clause was included in Greater Taree LEP 1995:

47 Conservation incentive

(1) In this clause, land of environmental conservation value includes:

- (a) a wetland or land within an environmental protection zone,*
- (b) land identified as containing aboriginal archaeological relics, or of aboriginal mythological significance, as identified by the National Parks and Wildlife Service, or*
- (c) land required for riverbank protection or public access to foreshores.*

(2) The Council may consent to the carrying out of development for any purpose which, but for this clause, would be prohibited, if the development will have the effect of:

- (a) achieving the dedication of land of environmental conservation value to public ownership if the Council determines it appropriate to accept the land for public purposes, or*
- (b) otherwise ensuring that land of environmental conservation value is protected, enhanced or otherwise permanently conserved.*

(3) The Council shall not grant consent under this clause unless it is satisfied that:

- (a) the development will not adversely affect that land or the amenity of land in the locality, and*
- (b) the protection of that land could not be reasonably achieved by other means.*

Council is now seeking to support the re-inclusion of an environmental clause in it's LEP; amended to focus on technically and strategically justified areas such as the Big Swamp (in the first instance). By focussing on technically and strategically justified areas, Council can more efficiently use its limited resources.

4.0 Justification

4.1 Need for the planning proposal

The following justifies the need for the planning proposal.

4.1.1 Is the planning proposal a result of any strategic study/report?

The proposed amendments were developed from:

- a register of amendments that has been added to as issues have been raised by both the community, State agencies and Council officers;
- internal workshops with Council officers involved in the implementation of LEP 2010;
- the community who have identified inconsistencies between LEP 2010 and the intended use of the land;
- *The Johns River Village Urban Design Report 2008*; and
- *The Big Swamp Feasibility Study 2011*.

4.1.2 Is the planning proposal the best means of achieving the objectives/outcomes?

Many of the amendments arose when implementing the standard instrument, LEP 2010. It is typical that minor implementation issues arise when a new planning instrument is adopted. They are often referred to as administrative amendments as they rectify any minor implementation issues.

Whilst it would be possible to implement the objectives of the Big Swamp land acquisition (general amendment 3.2.4) by rezoning the land, it is intended that the environmental clause would apply to other areas in the LGA as additional land is added to the environmental dedication map. Thus, an environmental clause is the most effective means of implementing land acquisition for environmental remediation, and the planning proposal is the appropriate means to achieve the desired objectives.

4.2 Relationship to strategic planning framework

The following demonstrates how the planning proposal is consistent with relevant planning legislation, policies and guidelines.

4.2.1 Is the planning proposal consistent with the applicable regional strategy?

Given the proposed heritage and site specific amendments are of a minor nature there are no conflicts with the regional strategy. Whilst the proposed environmental clause is not a minor amendment, it is consistent with the Mid North Coast Regional Strategy's (MNCRS) outcomes in relation to the maintenance and enhancement of the Region's biodiversity (p.30 of the MNCRS).

Assessment against actions in the MNCRS 2006-31 is provided in Table 2.

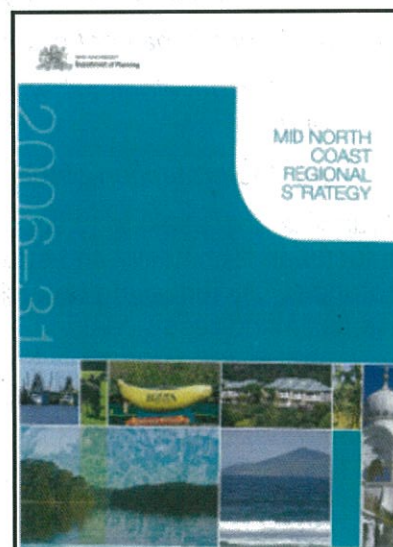


Table 2 - Assessment of planning proposal with regard to the Mid North Coast Regional Strategy (MNCRS) 2006-2031

Relevant MNCRS Action	Comments
Heritage amendments	
Cultural heritage - the Department of Planning and Infrastructure and councils	The heritage amendments are consistent with this action as they aim to update the property/status details of four sites.

Relevant MNCRS Action	Comments
will review the scope and quality of existing statutory lists of heritage items and ensure that all places of significance are included in the heritage schedules of LEPs	
Site specific amendments	
Settlement and housing – Councils will plan for a range of housing types of appropriate density, location and suitability that are capable of adapting and responding to the aging population	The zone change in Johns River village aims to ensure that the zone adequately reflects the established use of the land. The proposed change to the Primary Production (RU1) land in Johns River to Village (RU5) reflects the surrounding zone, the current use, and the urban design provisions recommended in the Johns River Urban Design Report (2008).
Economic development and employment growth – LEPs (and other planning provisions) will facilitate employment growth in the major regional centres and major towns, as well as facilitate appropriate local jobs in towns and villages and recognise appropriate home based employment opportunities	The zone changes to Lot 41 DP 1144505, from SP2 (Infrastructure) and RU1 (Primary Production) to RU3 (Forestry) reflect the recent acquisition of the land by the Forestry Corporation of NSW. The RU3 zone will allow forestry operations to proceed without consent being required from Council. The area acquired by the Forestry Corporation is adjoining the existing Coopernook State Forest. Similar to the above, the zone change to Lot 220 DP1189486 from RU4 (Primary Production Small Lots) to SP2 (Infrastructure) reflects the current use, being water supply system and a recent addition to the Bootawa Dam estate.
General amendment	
Settlement character and design – the neighbourhood planning principles require a range of land uses to provide the right mix of houses jobs, open space, recreational space and green space.	The reduction of lot sizes on unconstrained land within the Big Swamp project area will provide an alternative settlement character and design to the current rural character of the area. The proposed lot sizes will provide enough land for small scale agricultural activities to occur.
Environment and natural resources – local environmental plans will zone regionally significant farmland to protect agricultural values	The inclusion of an environmental clause in LEP 2010 will allow Council to acquire land for remediation. This will result in a positive environmental outcome and in the case of the Big Swamp improve the aquaculture conditions in the Manning River.
Settlement and housing – Local environmental plans will include minimum subdivision standards for rural and environmental protection zones	The inclusion of the environmental clause will reduce lot sizes identified on an LEP map to a minimum of 5ha (50,000m ²), depending upon the capability of the land to support such an increase in development density. The Lot Size Map for the Big Swamp shows a 40ha minimum lot size for the entire area. The environmental clause would provide an exception to that minimum lot size.

4.2.2 Is the planning proposal consistent with Council's Community Strategic Plan?

The planning proposal was assessed against the Manning Valley Community Plan 2010-2030 and was considered consistent with a number of strategies as shown in Table 3. While most of the proposed amendments are addressed in the first strategy (in the table below), other specific strategies have also been identified for some of the proposed amendments.

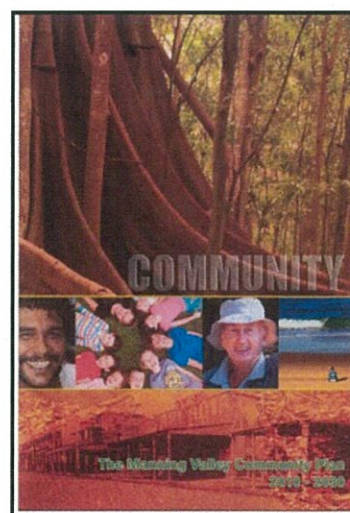


Table 3 - Assessment of the planning proposal with the Manning Valley Community Plan

Community Plan Strategy	Amendments
Maintain a strategic land-use planning framework that will establish a clear balance between development and conservation, and accommodate economic investment and lifestyle change demands	The heritage amendments aim to protect places of heritage significance. The general amendment aims to improve the natural environment and provide opportunities for rural landholders. The site specific amendments aim to change the zone of sites based on their current or proposed future use, giving consideration to environmental, economic and social values.
Ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community	The zone changes are only minor and are consistent with this strategy by ensuring the land can be appropriately used or developed.
Housing – ensure a wide choice of housing style and locations, with consideration of accessibility, adaptability and affordability	The inclusion of a number of properties into the RU5 (Village) zone is consistent with this strategy by ensuring development is consistent with the surrounding rural village character and enhances the village amenity. The general amendment provides a rural housing opportunity that would provide for small scale agriculture.
Heritage - ensure that our heritage is valued, preserved, conserved and interpreted	The heritage amendments are consistent with this action as they aim to update the property details of four sites.
Maintain and enhance biodiversity, in accordance with the principles of ecologically sustainable development	The inclusion of an environmental clause (the general amendment) is consistent with this strategy in terms of: • providing an opportunity to subdivide RU1 zoned lots to 5ha where it can be demonstrated that the land is capable of supporting such a reduction; • identifying areas to be included in the Big Swamp project area by way of dedication, to achieve a positive environmental outcome.

4.2.3 Is the planning proposal consistent with State Environmental Planning Policies?

The following table identifies the relevant State Environmental Planning Policies (SEPPs) that apply to this planning proposal.

Table 4 – Assessment of SEPPs

SEPP	Comment
SEPP 14 - Coastal Wetlands	There are a number of properties within the Big Swamp site that fall within SEPP 14 wetlands. No SEPP 14 areas have been identified as suitable for development; however some SEPP 14 areas have been identified as being suitable for remediation. Inclusion of SEPP 14 wetlands into the remediation area would result in a positive environmental outcome.
SEPP (Rural Lands) 2008	The policy aims to minimise rural land fragmentation and rural land use conflicts and facilitate the orderly and economic use of rural lands. None of the amendments are inconsistent with the Policy, which seeks to recognise the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.

The SEPPs in Table 5 below are not applicable.

Table 5 – State environmental planning policies that are not applicable

State environmental planning policies	
1. Development Standards 4. Development without Consent and Miscellaneous Complying Development 6. Number of storeys in a building 10. Retention of Low Cost Rental Accommodation 15. Rural Land-Sharing Communities 19. Bushland in Urban Areas 21. Caravan Parks 22. Shops and Commercial Premises 26. Littoral Rainforests 29. Western Sydney Recreation Area 30. Intensive Agriculture 32. Urban Consolidation (Redevelopment of Urban land) 33. Hazardous/Offensive Development Complex 36. Manufactured Home Estates 39. Spit Island Bird Habitat 41. Casino/ Entertainment Complex 44. Koala Habitat Protection 47. Moore Park Showground 50. Canal Estates 52. Farm Dams and other works in Land and	60. Exempt and Complying Development 62. Sustainable Aquaculture 64. Advertising and Signage 65. Design Quality of Residential Flat Buildings 70. Affordable Housing (Revised Schemes) 71. Coastal Protection - SEPP (Building Sustainability Index: BASIX 2004) - SEPP (Housing for Seniors or People with a Disability) 2004 - SEPP (Major Development) 2005 - SEPP (Sydney Region Growth Centres) 2006 - SEPP (Infrastructure) 2007 - SEPP (Kosciuszko National Park- Alpine Resorts) 2007 - SEPP (Mining, Petroleum Production and Extractive Industries) 2007 - SEPP (Temporary Structures and Places of Public Entertainment) 2007 - SEPP (Exempt and Complying Development Codes) 2008 - SEPP (Western Sydney Parklands) - SEPP (Affordable Rental Housing) 2009 - SEPP (State and Regional Development) 2011

State environmental planning policies	
Water Management plan areas • 55. Remediation of Land • 59. Central Western Sydney Regional Open Space and Residential • SEPP (Housing for Seniors or People with a Disability) 2004 • 59. Central Western Sydney Regional Open Space and Residential	• SEPP (Sydney Drinking Water Catchment) 2011 • SEPP (Urban Renewal) 2010 • SEPP (Western Sydney Employment Area) 2009 • SEPP (Development on Kurnell Peninsula) 2005 • SEPP (Penrith Lakes Scheme) 1989

4.2.4 Is the planning proposal consistent with Ministerial Directions (s.117 directions)?

Table 6 provides an assessment of the planning proposal against the Ministerial Directions.

Table 6 – Assessment of Ministerial Directions

Direction	Comment
Employment and Resources	
1.1 Business and Industrial zones	Not applicable. This planning proposal does not address Business or Industrial zones.
1.2 Rural zones	There are a number of properties that are proposed for rezoning from RU4 to SP2 (Lot 220 Alpine Drive, Tinonee), and RU1 to RU5 (Johns River village residential properties). These are inconsistent with the s.117 directions, however they are of minor significance as the parcels are small and are not being used for primary production. The proposed zone changes reflect the current uses of the site for water infrastructure and village life, respectively.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable. This planning proposal does not address mining, petroleum production or extractive industries.
1.4 Oyster Aquaculture	Not applicable. This planning does not address any issues that directly affect Oyster Aquaculture. It should be noted however that remediation of the Big Swamp will have an indirect positive impact on Oyster aquaculture in the Manning River.
1.5 Rural Lands	This direction is relevant to the site specific and general amendments as they apply to RU1 zoned land. The amendments are consistent with the SEPP's Rural Planning Principles as they seek to: - Recognise the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, by setting a minimum lot size in the Big Swamp project area capable of supporting small scale agricultural pursuits and providing additional rural housing options. - Balance the social, economic and environmental interests of the community by offering an economic incentive for rural landholders on marginal agricultural land in exchange for an environmental outcome which benefits the wider community. - Identify and protect natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land. - Provide opportunities for rural lifestyle, settlement and housing choices that contribute to the social and economic welfare of rural communities.

Direction	Comment
	The amendments are consistent with the SEPP's Rural Subdivision Principles as follows: a) The environmental clause results in some rural land fragmentation. However the agricultural quality of the land is marginal over most of the Big Swamp project area. b) The general amendment considers the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural land as it sets a minimum lot size that would allow small scale agricultural pursuits to occur, thereby maintaining the rural character of the area. c) The natural and physical constraints and opportunities of the land have been considered in the general amendment by ensuring that land capable of development intensification takes account of those constraints. It is not proposed to reduce the lot size of any constrained land. Although site specific amendments A, B and C also affect RU1 zoned land, none of the properties are currently used for agriculture or are capable of supporting viable agricultural pursuits.
Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable. There are no areas of land within an environmental protection zone included in this planning proposal.
2.2 Coastal Protection	Not applicable. There are no areas within the coastal zone included in this planning proposal.
2.3 Heritage Conservation	The heritage amendments are consistent with this direction as they aim to update the property details of four heritage sites.
2.4 Recreation Vehicle Areas	Not applicable. This planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.
Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable. This planning proposal does not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable. This planning proposal does not affect land that identifies suitable zones for caravan parks or manufactured home estates.
3.3 Home Occupations	Not applicable. This planning proposal does not change the existing provisions relating to home occupations.
3.4 Integrating Land Use and Transport	The application of Village (RU5) zone at Johns River reflects the existing use of the site and surrounding lands, as well as the urban design provisions recommended in the adopted <i>Johns River Urban Design Report</i> . As such, there are no land use changes from the existing situation. The planning proposal is considered to be consistent with the intent of this direction.
3.5 Development near licensed aerodromes	Not applicable. There are no aerodromes within the vicinity of any of the areas subject to this planning proposal.
3.6 Shooting ranges	Not applicable. This planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
Hazard and Risk	
4.1 Acid Sulfate Soils (ASS)	Although there are large areas of ASS within the Big Swamp site, none of the potential development areas are located within potential ASS areas.

Direction	Comment
	The proposed zone changes reflect the current use of the site. Any future development of these sites would require a development approval which would address any acid sulfate soil constraints. The amendments are minor and consistent with the intent of this direction.
4.2 Mine Subsidence and Unstable Land	Not applicable. None of the amendments are located in a mine subsidence area or on unstable land.
4.3 Flood Prone Land	Although there are large areas of flood prone land within the Big Swamp project area, none of the potential development areas are located within the 1%AEP. Generally the proposed zone changes are to reflect the current use of the site. Any future development of these sites would require a development approval which would address any flood constraints. The amendments are minor and consistent with the intent of this direction.
4.4 Bushfire Protection	This direction applies to the environmental clause as the planning proposal affects land mapped as bushfire prone within the Big Swamp. Areas identified for development potential are in cleared areas, but in close proximity to bushfire vegetation category 1. The NSW Rural Fire Service will be consulted following receipt of a gateway determination and take into account any comments so made. Generally the proposed zone changes reflect the current use of the site. If there was any future redevelopment, bushfire protection would need to be assessed as part of each development application and a referral would be made to the RFS for a Bushfire Safety Authority. Therefore this planning proposal is considered to be consistent with the intent of this direction.
Regional Planning	
5.1 Implementation of Regional Strategies	As detailed in Table 2 the planning proposal is consistent with the <i>Mid North Coast Regional Strategy 2006-2031</i> .
5.2 Sydney Drinking Water Catchments	Not applicable. The planning proposal is not within the Sydney drinking water catchment.
5.3 Farmland of State/Reg. Significance on the NSW Far North Coast	Not applicable. The planning proposal is not within the NSW Far North Coast.
5.4 Commercial/Retail Development along Pacific Hwy, North Coast.	Not applicable. The planning proposal does not affect commercial or retail development along the Pacific Highway.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable. The planning proposal is not within the vicinity of Badgerys Creek.
5.9 North West Rail Link Corridor Strategy	Not applicable. The planning proposal is not within the north west rail link corridor.
Approval and Referral Requirements	
6.1 Approval and Referral Requirements	The planning proposal involves minor amendments to LEP 2010. These changes are of minor significance and are consistent with the intent of this direction.
6.2 Reserving Land for Public Purposes	There are no changes to any Public Recreation (RE1) zone. Although the intent of the environmental clause is for Council to acquire land for remediation, this would not involve a rezoning to RE1 for any acquired land. The planning proposal is consistent with the intent of this direction.

Direction	Comment
6.3 Site Specific Provisions	The planning proposal is consistent with the terms of this direction.
Metropolitan Planning	
7.1 Implementation of Sydney 2036	Not applicable as the planning proposal is not within Sydney.

4.3 Environmental, social and economic impacts

4.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The proposed amendments are unlikely to negatively impact on the natural environment. The dedication of land to Council via a statutory conservation incentive mechanism will ensure an improved environmental outcome. This provision will only apply to land identified on an LEP map layer, which initially will only apply to land included in the Big Swamp Feasibility Study. This study was undertaken for land identified as one of the worst acid sulfate soil hotspots in NSW. In order to address this significant environmental issue it was recommended that land should be acquired and remediated to reduce the impact of the exposed acid sulfate soils that has been occurring since the land was drained for agriculture over 100 years ago. There was significant consultation with affected landowners and the wider community in the preparation of the Big Swamp Feasibility Study.

The remediation of the acquired land will have a long term positive impact on the natural environment, including the threatened species and endangered ecological communities that occur on site and in adjacent and receiving environments.

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

The environmental effects of the planning proposal are either neutral or positive.

4.3.3 *How has the planning proposal adequately addressed any social/economic effects?*

The planning proposal contains site specific amendments that reflect the current use or values of the sites. Therefore there is no significant change to the expectations of either the landowners or the community and there are no significant social and economic effects relating to these provisions.

The social and economic impacts of the environmental clause are likely to be positive as it provides an improved social and economic outcome for rural landholders by providing a means of sensitively increasing housing availability and choice in rural areas. Indirectly, the economic impacts of the environmental clause on the aquaculture industry will be positive as water quality in the Manning River is significantly improved through remediation of the Big Swamp.

4.4 State and Commonwealth interests

4.4.1 *Is there adequate public infrastructure for the planning proposal?*

Given the planning proposal will not result in significant development intensification, there is no expected impact on public infrastructure.

4.4.2 *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

MidCoast Water and Roads and Maritime Services (RMS) were consulted during the preparation of the planning proposal to confirm that Lot 220 Alpine Drive, Tinonee (MidCoast Water) and Lots 41 and 23 Pacific Highway, Moorland (RMS) were required to be rezoned.

The Rural Fire Service will be consulted after the gateway determination is received, in relation to the environmental clause. NSW Trade and Investment (Crown Lands) will be contacted in relation to the correction of the Johns River Hall heritage listing.

5.0 Mapping

Attachment 4 provides all of the changes required to the LEP 2010 maps. The changes have been made in accordance with the Department of Planning and Environment's *Standard Technical Requirements for LEP Maps*.

6.0 Community Consultation

The initial consultation for this version of the planning proposal has included:

- Discussions with the Roads and Maritime Services' Property, Strategy and Planning Team to confirm the amendments are required for the two SP2 sites at Moorland (site specific amendments C and D).
- Discussions with MidCoast Water's Property Team to confirm the site specific amendment is required for the addition to the Bootawa Dam estate (site specific amendment B).
- Discussions with the owners of The Maitland Building to confirm the location of the item.
- Discussions with the owners of Lot 3 at Moorland (site specific amendment D) to inform them of the administrative change.

Community consultation will be undertaken in accordance with the Gateway determination. It is proposed that a community consultation period of 28 days will occur. It is intended to:

- Advertise the Planning Proposal in the Manning River Times;
- Provide details on Council's website and at Council's administration building; and
- Undertake formal community consultation in the form of letters, with all affected and adjoining landowners once the Gateway determination is received.

7.0 Project Timeline

The expected project timeline is shown below.

Identify proposed amendments (Jul-Aug 2014) ✓	Report to Council (Sep 2013) ✓	Gateway determination by State government (Nov 2014)	Community consultation (Nov-Dec 2014)	Report to Council (Feb 2015)	Request sent to State to make the Plan (Feb 2015)	Plan is made (Apr 2015)
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