

Greater Taree Local Environmental Plan 2010 Amendment No.9- Administrative

Proposal Title : **Greater Taree Local Environmental Plan 2010 Amendment No.9- Administrative**

Proposal Summary : **Corrects minor inconsistencies in heritage listings, amends zones for consistency with current or surrounding land uses and provides incentives for owners of conservable land to achieve positive environmental and economic outcomes**

PP Number : **PP_2014_GTARE_003_00** Dop File No : **13/15150**

Proposal Details

Date Planning Proposal Received : **23-Sep-2014** LGA covered : **Greater Taree**

Region : **Hunter** RPA : **Greater Taree City Council**

State Electorate : **MYALL LAKES** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Various lots listed in Table 1, Page 8 of the Planning Proposal**

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**

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RPA Contact Details

Contact Name : **Lisa Proctor**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Council identifies the sources of the proposed amendments as:

- ☐ Council's register of amendments as raised by Council officers, community and State agencies
- ☐ Internal Council workshops with officers involved in plan implementation
- ☐ community-identified inconsistencies between Local Environmental Plan, 2010 and the intended uses of the land
- ☐ The Johns River Village Urban Design Report, 2008, and,
- ☐ The Big Swamp Feasibility Study, 2011

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The proposal aims to:

- 1) Correct real property and address details of three heritage items already listed in Schedule 5 of the Local Environmental Plan 2010
- 2) Change one heritage item from the buildings category to the archaeological sites category in Schedule 5 of the Local Environmental Plan 2010 to better reflect extant heritage fabric.
- 3) Amend site-specific zonings at four locations to reflect established village uses and envelope as well as land disposals and acquisitions by infrastructure agencies.
- 4) Introduce incentives for owners of acid-sulphate contaminated land to dedicate that land for remediation and conservation by identifying related development sites near 'The Big Swamp' acid sulphate soils hotspot.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

Provisions are clearly explained on Page 7 of the proposal as per the above aims and are well documented. However, Council should also remove redundant land acquisition map notations from infrastructure land that is being rezoned.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

☐ **28-day exhibition**

☐ **Advertisement in Manning River Times**

☐ **Posting on Council's website**

☐ **Letters to all affected and adjoining landowners**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Taree Local Environmental Plan was notified in 2010

Assessment Criteria

Need for planning
proposal :

Needs for heritage and site-specific amendments have arisen through Council's implementation of the Local Environmental Plan, 2010.

The Big Swamp land dedication incentive provisions are the culmination of a long-term collaborative program by Council with Commonwealth and State agencies to tackle the environmentally damaging sulphuric acid flushes into the Manning River estuary from one of the worst acid sulphate soils hotspots in NSW.

The current minimum lot size is 40 hectares.

The proposed minimum lot size is 5 hectares.

This land, cleared and 'drained' in the 1930's, is now mainly used for beef cattle grazing.

Site-Specific Amendments

1) Johns River Village:

Ten lots, currently 1000m² to 2000m² and with houses, in Johns River village, zoned RU1 Primary Production, are proposed to be rezoned to Village (RU5).

The current minimum lot size is 40 hectares.

The proposed minimum lot size is 1,000 square metres.

2) Lot adjoining Mid-Coast Water's Bootawa Dam- Lot 220, Alpine Drive, Tinonee:

This area, currently zoned Primary Production Small Lots (RU4) has been acquired by the water authority for inclusion in the area of its public water supply dam. Appropriately, it is proposed to be rezoned SP2 (Infrastructure- Water Supply System).

3) Lot 41 Pacific Highway at Moorland (87ha.): originally acquired by NSW Roads and Maritime Services as part of the Pacific Highway upgrade project, with completion of the road upgrade the road agency has transferred the land to NSW Forestry Corporation in compensation for State Forest acquired for the road line. The land has been appropriately assessed and is now accredited plantation under the Plantations and Reafforestation Act, 1999. The Forestry Corporation plans to establish the plantation in the 2014-2015 fiscal year and has requested the rezoning via Council.

4) 230 and 240 Jericho Road, Moorland (Lot 23 DP 812829 and Lot 3 DP 229405)

This land (3.4ha. with one dwelling) was acquired by NSW Roads and Maritime Services as part of the Pacific Highway upgrade project. Now that the project is complete, the land is not required by the road agency which seeks to have it back-zoned from SP2 (Infrastructure- Public Utility Undertaking) to RU1 Primary Production.

Where areas above have already been acquired, Council should also remove the associated land acquisition layer.

Consistency with strategic planning framework :

Mid-North Coast Regional Strategy

The strategy obliges Council and the Department to review both scope and quality of the information contained in statutory heritage lists.
Heritage amendments are consistent with the regional strategy.

Site Specific Amendments

The locations below have been included for rezoning based on Council's criteria:

- ☐ inconsistency of land use with surrounding areas
- ☐ a well-established use that is reflected in the proposed zone
- ☐ no requirement for technical studies to underpin the change of zone eg. economic, traffic reports.

The four site-specific amendments relate to:

- ☐ proposed changes from RU1 Primary Production to Village RU5 at Johns River village to reflect surrounding zoning, current use and urban design provisions in Council's Johns River Urban Design Report, 2008,
- ☐ two road agency sites, one being rezoned to forestry as an offset for land acquired elsewhere for Pacific Highway upgrade and the second reverting to primary production now that the Pacific Highway project is complete and the land surplus to need,
- ☐ the expansion area for Mid-Coast Water's Bootawa Dam, Lot 220 Alpine Drive, Tinonee which is being appropriately rezoned from Primary Production Small Lots (RU4) to Infrastructure (SP2).

The above changes are not inconsistent with the regional strategy.

The proposed Big Swamp land dedication incentive scheme, for the remediation of acid sulphate contamination and long-term conservation, introduces limited and specific development opportunities which are not of a scale that would conflict with the regional strategy.

Manning Valley Community Plan

Table 3 of the proposal summarises how the proposal is consistent with policies for:

- ☐ The development/ conservation balance
- ☐ Economic development-related minor changes which do not diminish economic potential.
- ☐ Diversifying house-types and locational opportunities, by including ten properties within the RU5 (Village) Zone.
- ☐ Ensuring heritage is valued, preserved, conserved and interpreted, by updating Schedule 5 details.
- ☐ Enhancing biodiversity, by inclusion of an environmental clause, by permitting subdivision of RU1 zoned lots to 5 hectares where land capability so indicates, and by identifying areas for inclusion in The Big Swamp remediation area via dedication.

Conservation Land Dedication Incentive Clause for The Big Swamp

To provide incentive for the owners of acid sulphate contaminated land to dedicate it to Council for remediation and long-term conservation purposes, Council has identified areas where development is possible with such a conservation land offset.

The developable areas are defined within a submitted Big Swamp land capability study which addresses the constraints and opportunities of:

- ☐ The 2m AHD (Australian Height Datum) contour which defines the flood prone land.

- ☐ The contiguous Cattai Wetland to the south-west of the swamp.
- ☐ Adjacent National Park estate to the east
- ☐ Waterways and channels through the area (1930's Public Works land reclamation scheme)
- ☐ State Forest
- ☐ Properties included in the Big Swamp Project Area
- ☐ Acid sulphate soils classification mapping
- ☐ Land tenure
- ☐ Bushfire risk mapping
- ☐ Ecological values
- ☐ Degree of accessibility to a public road (gazetted road corridors and hierarchy)
- ☐ On-site sewage management capability
- ☐ Degree of flood inundation, principally areas below the 1% event
- ☐ The presence of wetlands as defined in State Environmental Planning Policy 14
- ☐ Vegetation
- ☐ Existing lot sizes and dwelling entitlements

Lots down to 5ha were defined by sieve-mapping of the above factors.

Only lots identified on an associated Environmental Dedication Map will be eligible for the reduced minimum lot size, and only in exchange for the dedication of conservation land to Council for remediation and long-term biodiversity conservation management.

Minimum Lot Sizes and the Proposed Incentive Clause

The existing Clause 4.1 of the Greater Taree Local Environmental Plan 2010, by reference to the Lot Size Map, sets a 40ha minimum for land in the RU1 and E2 zones, which applies to Big Swamp properties.

The proposed incentive clause provides an exception to this minimum within the defined Big Swamp environmental dedication/ acquisition area, where a 5ha. minimum would apply.

This lot size has been assessed as minimising the cumulative impact on the remediation area and on the character of the locality. This lot size has also been determined after Council's study of the distribution of the R5 (Large Lot Residential) zone throughout the Local Government Area which has a 1.5ha. minimum lot size. As there is no evidence that more large lot residential is needed, and given the interest in small-scale farming, the 5ha. minimum lot size will facilitate alternative lifestyles involving small-scale agricultural and horticultural pursuits.

Attachment 3 (Big Swamp environmental clause land capability study) on page 15 of the submission shows mapping of the unconstrained areas which have land capable of supporting responsible development on 5ha. (minimum) lots.

Assessment of the Proposal Under State Environmental Planning Policies

State Environmental Planning Policy 14—Coastal Wetlands

Assessment against this policy is triggered as several properties within The Big Swamp fall within its defined areas of coastal wetland.

The aim of the proposal is the remediation of these acid sulphate soil contaminated areas, from which the environmental and planning outcomes are likely to be positive. It is noted that no defined wetland areas have been identified for development lots under the incentive scheme, Council has actively excluded designated wetlands.

The proposal is therefore consistent with this policy.

State Environmental Planning Policy (Rural Lands) 2008

The amendment to include specific development incentives on lots down to 5ha. for Big Swamp land to be dedicated is inconsistent with this policy, which aims to minimise the fragmentation of agricultural land. However, in this case, the agricultural land has

previously been fragmented by the incidence of acid sulphate contaminated soils and it is the unaffected residual parts of contaminated parcels that have been identified for limited development.

The degree of inconsistency of the proposal with this policy, in the context of a major pollution remediation project, is considered to be justifiable.

It is recommended that the Delegate accept the degree of inconsistency with State Environmental Planning Policy (Rural Lands) 2008 as justifiable in the circumstances of this proposal.

Directions Under Section 117 of the Environmental Planning and Assessment Act

Direction 1.2 Rural Zones

Properties proposed for rezoning from RU4 to SP2 (Mid-Coast Water Bootawa Dam, Lot 220 Alpine Drive, Tinonee) and RU1 to RU5 (Johns River village residential properties) are inconsistent with Clause 4 subclause (a) and subclause (b) of this Direction in that it rezones land from rural to residential. Having regard to the existing residential occupation of the ten suburban-sized lots within the village envelope, the degree of inconsistency is not considered to be significant in this case. It is recommended that the Delegate accept the inconsistency as being of minor significance.

Direction 1.5 Rural Lands

This Direction seeks to protect the agricultural productivity of rural lands and regulate their development for rural and related purposes.

The proposal enables development only on agricultural pockets of land already fragmented by either acid sulphate soil contamination or in existing residential village-fringe areas. Development is unlikely to reduce the productivity of adjoining land as the proposed increase in the residential-agricultural interface is minimal.

It is recommended that the Delegate accept the inconsistency of the proposal with Direction 1.5 Rural Lands as being justified by the Big Swamp Feasibility Study and subsequent work by council and other agencies' staff to identify the land for appropriate development incentives.

Direction 2.3 Heritage Conservation

This Direction requires that plans contain provisions to protect cultural heritage. The proposed changes to property descriptions/ addresses will ensure that heritage items are more effectively protected.

The reassignment of the Literary Institute from built heritage to archaeological site appears to better reflect extant physical fabric. The local historical or heritage society should be consulted on this change.

The proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

The Big Swamp-

In the case of the Big Swamp proposed development areas, access to public road was a criterion in the selection of lots fringing the acid sulphate soils hotspot. This aspect of the proposal is consistent with the Direction.

Johns River Village

The Johns River Village Urban Design Report, October, 2008 addresses traffic calming, parking, active transport and public transport. The proposed rezoning of ten lots is consistent with this direction.

Infrastructure Land

The rezoning and associated requirement to remove acquisition notations from the Bootawa Dam expansion area (Aline Drive, Tinonee) and Roads and Maritime Services divestment areas (Pacific Highway, Moorland and Jericho Road, Moorland) are consistent with this Direction as no intensification of land use or increased traffic generation will occur. These aspects of the proposal are consistent with this Direction.

Heritage Amendments

As administrative changes to correct addressing and property references, these changes do not trigger this Direction.

Direction 4.1 Acid Sulfate Soils

Land identified for limited development as a land dedication incentive has been selected based on the level of acid sulphate soils risk. Council has provided the Big Swamp Feasibility Study and more detailed local data underpinning the selection process for the land dedication incentive sites which together satisfy Direction 4.1 Clause (6).

Other amendments in the proposal do not trigger this Direction.

The proposal is consistent with this Direction.

4.3 Flood Prone Land

Rezoning is not proposed on any flood-prone land.

The proposal is consistent with this Direction.

4.4 Planning for Bushfire Protection

The proposal involves development on parts of bushfire prone holdings near the Big Swamp. Bush fire risk was a criterion used in determining the suitability for development of areas flanking the Big Swamp. Big Swamp aspects of the proposal are inconsistent with this Direction and so Council should refer the proposal to the NSW Rural Fire Service for expert assessment and advice.

Johns River Village properties were identified in the Urban Design Report as being village core. This area is isolated from the bush fire prone area of Johns River East as identified in the Greater Taree Bush Fire Risk Management Plan 2010. Only the eastern flanks of the village are exposed to bushfire from the forested area between the settlement and Crowdy Head and referenced in the plan as Human Settlement Asset 39 and in the 'very high' bush fire risk category. The group of properties proposed for rezoning is separated from this high risk area by some 400m of village residential development.

It is noted that the minimum lot size proposed is 1,000m² in an area where some properties are 2,000m² in area. As a total of ten properties is involved the potential for intensification of development and population is small. Any further subdivision of the land will involve Council assessing bush fire risk and protection at the development application stage.

Back-zoning and rezoning of Roads and Maritime Services land, rezoning of water authority land and the heritage Schedule 5 and mapping corrections all have no implications for levels of bushfire risk.

Following receipt of Rural Fire Service advice the consistency of the proposal with this Direction will be determined.

5.1 Implementation of Regional Strategies

The two areas where rezoning may imply intensification, Johns River Village and certain Big Swamp fringe areas, while not identified in the Mid-North Coast Regional Strategy are of such a small scale as to not be regionally significant.

Remediation of the Big Swamp acid sulphate contaminated areas do however have a positive regional significance.

It is recommended that the Delegate accept the inconsistency of the proposal with the Mid-North Coast Regional Strategy as being of minor significance.

6.1 Approval and Referral Requirements

The proposal does not introduce new referral provisions and so is consistent with this Direction.

6.2 Reserving Land for Public Purposes

The proposal does not reserve land for public purposes.

Where existing public purposes reservations have become obsolete Council should remove such acquisition notations when amending the proposal maps to rezone such land.

6.3 Site Specific Provisions

Environmental social
economic impacts :

Sites near the Big Swamp identified as sites suitable for development as incentives for owners to dedicate land to the acid sulphate soils remediation program are site-specific provisions. The proposal is therefore inconsistent with this Direction. The proposal seeks to allow residential development on holdings down to 5 hectares in a zone with a 40 hectare minimum lot size.

In the context of the Big Swamp land remediation project, the local land capability studies undertaken to target certain land for dedication, the introduction of a limited development incentive scheme, and, the small number of resultant developable lots, it is considered that the inconsistency of the proposal with this Direction is of minor significance.

It is recommended that the Delegate accept the inconsistency of the proposal with Direction 6.3 Site Specific Provisions as being of minor significance.

Other amendments in the proposal do not trigger this Direction.

Environmental Impacts

The Big Swamp Remediation: Land Dedication Incentive Scheme

'The Big Swamp' is one of the worst acid sulphate soils hotspots in the state.

Acid sulphate leachate entering the Manning estuary adversely affects many aquatic species some of which have commercial significance in this region (see Economic Impacts below). Reducing sulphuric acid in the Manning Estuary by Big Swamp remediation and conservation is likely to result in populations of commercial and non-commercial species becoming more resilient and plentiful.

Heritage Amendments

Environmental benefits from the proposed amendments relate to retaining the unique sense of place and tangible evidence of the history of places within Greater Taree.

Site-Specific Amendments

The updating of the status of lands associated with the now completed Pacific Highway upgrade through this area ensures that surplus land is made available for other appropriate land uses.

Council's pursuit of an urban design and revitalisation strategy for Johns River Village provides the framework within which zone changes and infrastructure improvements will enhance the resilience of the settlement after it has been by-passed as a result of Pacific Highway upgrading.

Social Impacts

The Big Swamp Remediation: Land Dedication Incentive Scheme

There has been significant consultation by Council with affected landowners and the wider community on The Big Swamp dedication and remediation scheme. Council's diligence in pre-Gateway consultations is likely to be reflected in the community response to the public exhibition.

Heritage Amendments

The social benefits of accurate property identification and categorisation relate to the effective protection and interpretation of the cultural heritage of Greater Taree.

There are clear cultural benefits in ensuring the accurate identification, categorisation and conservation of heritage items and sites as this proposal seeks to do.

Site-Specific Amendments

The updating of the status of lands associated with completion of the Pacific Highway upgrade allows communities to resume long-term appropriate uses of land of value to the roads agency either in use (road-widening/ re-alignment) or in exchange (State Forest land offsets). Bootawa Dam extension land rezoning contributes to long-term community resilience via a reliable public water supply and provides future certainty to the Mid-North Coast water authority.

Economic Impacts

The Big Swamp Remediation: Land Dedication Incentive Scheme

Reducing the volumes of sulphuric acid washing into Manning River is a key outcome of the conservation incentive scheme introduced here for The Big Swamp.

The oyster industry in the Manning River estuary was worth \$800,000 in 2011-12 (Research by the Australian Bureau of Agricultural and Resource Economics and Sciences, July 2014). This is but one of many species taken and exported from the Mid-North Coast fishery. Non-commercial species also play a role in the local estuarine ecosystem and thereby support the sector.

Amendments related to The Big Swamp reflect existing uses and value of the land and so, in Council's view, there is no change in community expectations under these changes.

Commonwealth Government grants exceeding \$3M to date are being applied to The Big Swamp remediation and conservation scheme which has also received Departmental Planning Reform Fund grant-aid, local Catchment Management Authority grants and inputs from Council and Office of Environment and Heritage.

Heritage Amendments

Improved conservation and interpretation of heritage across Greater Taree adds value to visitors' experience. This is especially so in the inland areas where Taree can diversify on its tourism strengths of coastal, lake and estuarine landscapes and experiences.

Site-Specific Amendments

Rezoning of land in Johns River Village in recognition of its residential use, provides a residential basis for valuing these properties and the an enhanced collateral against which owners can secure loans for maintenance or improvements.

Limited opportunities for subdivision or secondary dwellings will contribute to the village economy and perhaps to local housing affordability.

Rezoning public authorities' lands to align with their corporate planning improves their resource utilisation, security of tenure and certainty in the development of their land assets, by the authority or by others where land is surplus or used as an offset.

Generally, the level of intensification implied by the amendments does not suggest increases in demand for the funding of public infrastructure.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	DDG
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Public Authority Consultation - 56(2) (d) :	NSW Rural Fire Service
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
20140923_GTCC Minute_14 182 17 September 2014[1].pdf	Proposal Covering Letter	Yes
20140923_3350_COM_HER_010C_010_20140818[1].pdf	Map	Yes
20140923_3350_COM_HER_015A_040_20140818[1].pdf	Map	Yes
20140923_3350_COM_HOB_014_080_20140818[1].pdf	Map	Yes
20140923_3350_COM_LSZ_011A_040_20140818[1].pdf	Map	Yes
20140923_3350_COM_LSZ_014_080_20140818[1].pdf	Map	Yes
20140923_3350_COM_LSZ_014B_040_20140828[1].pdf	Map	Yes
20140923_3350_COM_LZN_011A_040_20140818[1].pdf	Map	Yes
20140923_3350_COM_LZN_014_080_20140818[1].pdf	Map	Yes
Amendment 9_Planning_Proposal.pdf	Proposal	Yes
Amendment_9_Attachment_1_Site -Specific Amendments.pdf	Proposal	Yes
Amendment_9_Attachment_2_1.pdf	Proposal	Yes
Amendment_9_Attachment_3_Big Swamp Study.pdf	Proposal	Yes
Environmental_Dedication_map.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

- 1) Council remove the now obsolete land acquisition layers on mapping associated with the rezoning of land previously acquired for the Pacific Highway upgrade and for the Bootawa Dam extension area.
- 2) The Delegate accept the inconsistency of the proposal with State Environmental Planning Policy (Rural Lands) 2008 as justifiable in the circumstances of this proposal and with Section 117 Direction 1.2 Rural Zones, Direction 1.5 Rural Lands, Direction 5.1 Implementation of Regional Strategies and Direction 6.3 Site Specific Provisions as being of minor significance.
- 3) Council co-exhibit the Big Swamp Feasibility Study, 30 November, 2010 alongside the proposal.
- 4) Council consult with the local historical society or heritage society regarding the reclassification of the Literary Institute from the 'built heritage' category to the

Supporting Reasons :

'archaeological site' category in Schedule 5 of the Local Environmental Plan.

An innovative amendment is the introduction of conservation land dedication incentives surrounding The Big Swamp. This is a priority acid sulphate soils hotspot requiring remediation and afteruse appropriate to its biodiversity potential and consistent with the actual and potential economic value of the Manning River estuary as a commercial shellfish farming area and fishery. A land capability report supports the inclusion of the incentive clause.

Amendments to land in the Pacific Highway corridor reflect NSW Roads and Maritime Services divestment of land that has proved surplus to the highway upgrade, releasing them from infrastructure zoning for other uses. Also, a compensation parcel transferred from the roads agency to NSW Forestry is appropriately rezoned for plantation use.

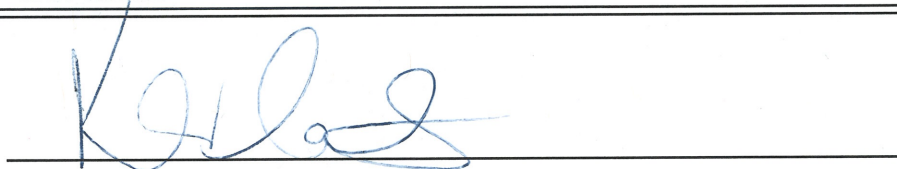
Council is implementing an urban design and revitalisation plan for Johns River Village, adopted in 2008 in anticipation of the village being by-passed by the Pacific Highway upgrade. The village has an anomalous zoning of ten current residential lots for primary production but which, at 1,000m² to 2,000m² are unviable as farming units.

Ensuring the accuracy and currency of the heritage listings/ descriptions in Schedule 5 of the Local Environmental Plan is consistent with the regional strategy and with maintaining public confidence in the authority of the heritage listings.

Delegation is not being sought by Council as the provisions in the proposal involve it receiving land dedications for remediation and conservation purposes in return for prescribed development incentives identified on nearby or adjoining land in the same ownership. The probity of plan finalisation remaining with the Department has been discussed and agreed between departmental and Council staff.

While Council's submitted timeline indicates a six month program for plan completion, the one month exhibition period, intervening Christment-New Year holiday period and the range of issues covered, suggest that a nine-month period for finalisation may be more suitable.

Signature:



Printed Name:

KOFLAHERTY

Date:

17/10/14