

**EXTRACT FROM MINUTES OF ORDINARY MEETING – 17 SEPTEMBER 2014**  
**STAFF REPORTS**

**C2 DRAFT AMENDMENTS (PACKAGE 3) TO THE GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010 (S671/02)**

**Report Author:** Lisa Proctor      **Senior Strategic Planner**  
**Authorised:** Richard Pamplin      **Senior Leader Strategic Planning**

**SUMMARY**

This package of amendments to Greater Taree Local Environmental Plan (LEP) 2010 aims to improve the efficiency of the plan. It is the third package of general amendments being made to LEP 2010. This amendment package includes corrections to four listed heritage items located throughout the Local Government Area (LGA), changes to the zone of 10 properties in Johns River and an amendment to the LEP written instrument to include an environmental clause.

These amendments were identified from enquiries by the community and discussions with Council officers and the Department of Planning and Environment (DP&E). The amendments are in the initial stages. After a Gateway determination from the NSW Department of Planning and Environment, the amendments will be available for community consultation.

**RECOMMENDATION**

- (i) That draft amendment package 3 to LEP 2010 be sent to the Department of Planning and Environment for a Gateway determination to proceed to community consultation.
- (ii) That community consultation and exhibition of draft amendment package 3 to LEP 2010 be undertaken in accordance with the Gateway determination.

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**BACKGROUND**

This is the third package of administrative amendments to LEP 2010. The second package was completed in August 2014. Administrative amendments are generally minor in nature. They aim to improve the efficiency of LEP 2010 as they remove any inconsistencies in the plan and provide greater clarity.

These amendments have been identified through development assessment enquiries, landowner enquiries, discussions with the DP&E and meetings with relevant Council officers. As an issue arose it was added to a register for consideration in this package of amendments.

## DISCUSSION

The amendments are grouped into three categories:

1. ***Heritage amendments*** – it is proposed to amend the listing of four heritage items in Part 1 of Schedule 5 - Environmental Heritage, of LEP 2010, to correct minor errors. Details of the proposed heritage amendments are provided in Part 3.1 of the Planning Proposal.
2. ***Site specific amendments*** – four sites have been identified for minor zone changes to reflect the current and surrounding land uses. Details of the proposed site specific amendments are provided in Part 3.2 of the Planning Proposal.
3. ***General amendments*** – one general amendment to the provisions of LEP 2010 is proposed. The amendment is the inclusion of an environmental clause to provide the opportunity for an improved economic outcome for rural landholders by offering a development bonus for dedication of land to Council for remediation. This clause will only apply to land in the Big Swamp project area following the feasibility study determining that the significant environmental improvement sought was best achieved by the land being in Council ownership.

These amendments have been included in a planning proposal that will be forwarded to the DP&E for a Gateway determination to proceed to community consultation. It is not intended that we seek delegated authority to make this amendment to LEP 2010, as the environmental clause (the general amendment) poses a risk to the perception of Council's probity, in allowing for the dedication of land to Council.

## CONSULTATION

Where the landowners are a public authority, consultation has already been undertaken to confirm that the proposed zone changes are required. Landowners of the properties proposed for rezoning at Johns River will be notified by letter at the community consultation stage and any objections will be reported back to Council.

The Gateway determination will provide information on which State agencies need to be further consulted any outstanding issues that need to be addressed prior to exhibition and the consultation timeframe. Community consultation will commence following the Gateway determination.

## COMMUNITY IMPACTS

The heritage and site specific amendments aim to improve the efficiency of LEP 2010 and as such are likely to provide a positive community impact. The general amendment provides the opportunity for an improved economic outcome for some rural landholders, and an improved environmental outcome for the wider community.

In the case of the proposed environmental clause, the improved environmental outcomes on the Big Swamp site will have a positive impact for aquaculture industries (for example, the oyster industry) and the wider community as the natural environment (water quality and biodiversity) is improved in the LGA. Any impacts identified by the community through community consultation will be reported back to Council after exhibition.

## TIMEFRAME

This project is in the initial stages as shown in the following process chart.

|                                                                                                                                    |                                        |                                            |                                                           |                                                   |                                               |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------------------|-----------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|
| <b>Prepare amendments</b><br><br>(Jul -Sept 2014) | <b>Report to Council</b><br>(Sep 2013) | <b>Gateway determination</b><br>(Nov 2014) | <b>Consultation (agency/ community)</b><br>(Nov-Dec 2014) | <b>Council consider submissions</b><br>(Feb 2015) | <b>Finalise amendments</b><br>(May -Jun 2015) |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------------------|-----------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|

## BUDGET IMPLICATIONS

Given this project is core business, any costs associated with staff time, document production and consultation are addressed in existing budgets for the Strategic Planning Department.

Remediation works required on areas dedicated to Council as part of the environmental clause will be funded by the environmental levy and from external grants.

## STATUTORY OR LEGISLATIVE REQUIREMENTS

The Greater Taree Local Environmental Plan 2010 and any amendments need to be developed and amended in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the associated *Environmental Planning and Assessment Regulation 2000*.

## ATTACHMENTS

[Planning Proposal - Amendments to the Greater Taree Local Environmental Plan 2010. Package 3. September 2014. Version 1](#)

(Due to the size of this document it is only available electronically)

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**C2 - DRAFT AMENDMENTS (PACKAGE 3) TO THE GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010 (S671/02)**

***MOVED*** Cr West/Jenkins (*as per recommendation*)

- (i) That draft amendment package 3 to LEP 2010 be sent to the Department of Planning and Environment for a Gateway determination to proceed to community consultation.

- (ii) That community consultation and exhibition of draft amendment package 3 to LEP 2010 be undertaken in accordance with the Gateway determination.

**CARRIED**

For: Bell, Christensen, Jenkins, West, Tickle, Epov, Keegan, Jennison & Hogan.