

ATTACHMENT 2 - GENERAL AMENDMENTS

The following amendments are to be made to the Greater Taree Local Environmental Plan 2010 (LEP 2010). Each table presents information on the proposed amendment and specifics on how the changes are to be made to LEP 2010.

Issue: General Residential (R1) zone change
Applicable zone: General Residential (R1) zone
Proposed Amendment: Development enquiries identified that a number of uses (eg storage premises) were permitted with consent in the General Residential zone, which had the potential to impact significantly on the amenity of the residential neighbourhoods. These uses were considered contrary to the objectives of the zone, in particular many of the facilities or services did not meet the day to day needs of the residents.
LEP Change: Include the following uses as “prohibited” in the General Residential (R1) zone: • Air transport facility • Airstrip • Amusement centre • Boat shed • Camping grounds • Canal estate development • Caravan parks • Correctional centre • Heavy industrial storage establishment • Mortuary • Storage premises • Vehicle body repairs • Vehicle repair station

Issue: Airstrips
Applicable zone: Primary Production (RU1) zone
Proposed Amendment: Development enquiries identified that airstrips are prohibited in the Primary Production (RU1) zone. The local government area has significant areas utilised as farms, a number of which have private aeroplanes to cater for their farming activities. An airstrip is seen as a compatible use to farming in this zone. The assessment process will ensure impacts are addressed and relevant federal requirements for airstrips are complied with.
LEP Change: Include “airstrip” as a “permitted with consent use” in the Primary Production (RU1) zone

Issue: Objectives of the Neighbourhood Centre (B1) zone
Applicable zone: Neighbourhood Centre (B1) zone
Proposed Amendment: An objective of the Neighbourhood Centre zone is “to allow residential and tourist and visitor accommodation above retail, business and office uses to bring a higher level of vibrancy to the centre”. However, “Tourist and visitor accommodation” is included as a “prohibited” use. To ensure the objectives are achievable it is proposed to include “Tourist and visitor accommodation” as a “permitted with consent” use.
LEP Change: Remove “Tourist and visitor accommodation” from the “prohibited” uses and include it as a “permitted with consent” use.

Issue: Subdivision of lots over two zones
Applicable Zones: All zones
Proposed Amendment: Subdivision over land that is included in two or more zones can cause uncertainty with regards to which minimum lot size will apply. To improve the clarity on this type of application it is proposed to include the following clause in Part 4 Principal development standards. This clause has been applied in other LEPs including Port Macquarie-Hastings Local Environmental Plan 2011
LEP Change: Amend Part 4 Principal development standards of the Greater Taree Local Environmental Plan 2010 to include this new sub-clause: “4.1B Minimum subdivision lot sizes for certain split zones (1) The objectives of this clause are as follows: (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development. (2) This clause applies to each lot (an original lot) that contains: (a) land in a residential, business, rural or industrial zone, and (b) land in an alternate zone being Primary Production (RU1) zone, Primary Production Small Lots (RU4), Environmental Conservation (E2) zone, or Environmental Management (E3) zone. (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if: (a) one of the resulting lots will contain: (i) land in a residential, business, rural or industrial zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and (ii) all the land in the alternate zone being Primary Production (RU1) zone, Primary Production Small Lots (RU4), Environmental Conservation (E2) zone, or Environmental Management (E3) zone, and (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.”
Issue: Floor space ratio for the Neighbourhood Centre (B1) zone
Applicable zone: Neighbourhood Centre (B1) zone
Proposed Amendment: The floor space ratio of land included in the Neighbourhod Centre zone is 0.5, whereas the floor space ratio of land included in the General Resdiential (R1) zone is 0.6. This effectively means that a commercial development must be less developed than a house on a lot, which is contrary to all urban planning principles (ie. commercial uses are typically denser than residential development). It is proposed to increase the floor space ratio in the Neighbourhood Centre zone to 0.85 to enable better utilisation of the site for commercial uses. This is consistent with the floor space ration applied in similar LEPs.
LEP Change: Increase the floor space ratio for land included in the Neighbourhood Centre zone to 0.85. Amend the floor space ratio maps accordingly.

Issue: Environmental clause
Applicable zone: All zones
Proposed Amendment: The Big Swamp Feasibility Study 2011 was undertaken for land identified as one of the worst acid sulphate 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 sulphate soils that has occurred over the past 100 years. In achieving this environmental outcome, it is often a requirement for Council to acquire part of a property to undertake remediation and due to limited resources available via Council funds and grants a better mechanism is required. The creation of a minor increase in development potential in exchange for dedication of land to Council is seen as a desirable outcome for the community, thereby allowing Council's limited funds to be spent on remediation post dedication. In circumstances such as this, where a subdivision is required to achieve a significant environmental outcome, it is proposed that the minimum lot size can be reduced. This provision will only apply to land identified on Council's Environmental Dedication Map. Initially this is proposed to only apply to land included in the Big Swamp Feasibility Study. 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 new Great Lakes Local Environmental Plan.
LEP Change: Include the following under section 4.1A of the Greater Taree Local Environmental Plan 2010: "4.1BB Exceptions to minimum lot sizes for ecological enhancement and protection (1) The objective of this clause is to facilitate subdivision that will result in the restoration of land that is significantly environmentally degraded land or for the improvement and protection of high value conservation land (2) This clause applies to each lot (an original lot) identified on Council's Environmental Dedication Map (3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the resulting lots) if the consent authority is satisfied that: (a) one of the resulting lots will contain all of the land referred to in subclause (2); and (b) all other resulting lots will contain land that has an area that is not less than: (i) 1 hectare where the land is serviced by a sewage and water reticulation system (ii) 1.5 hectares where the land is not serviced by a sewage and water reticulation system; and (c) the total number of lots resulting from the subdivision does not exceed 3 (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that suitable arrangements have been, or will be, made for the restoration/conservation and management of the land referred to in subclause (3)(a).