

ATTACHMENT 2 - GENERAL AMENDMENTS

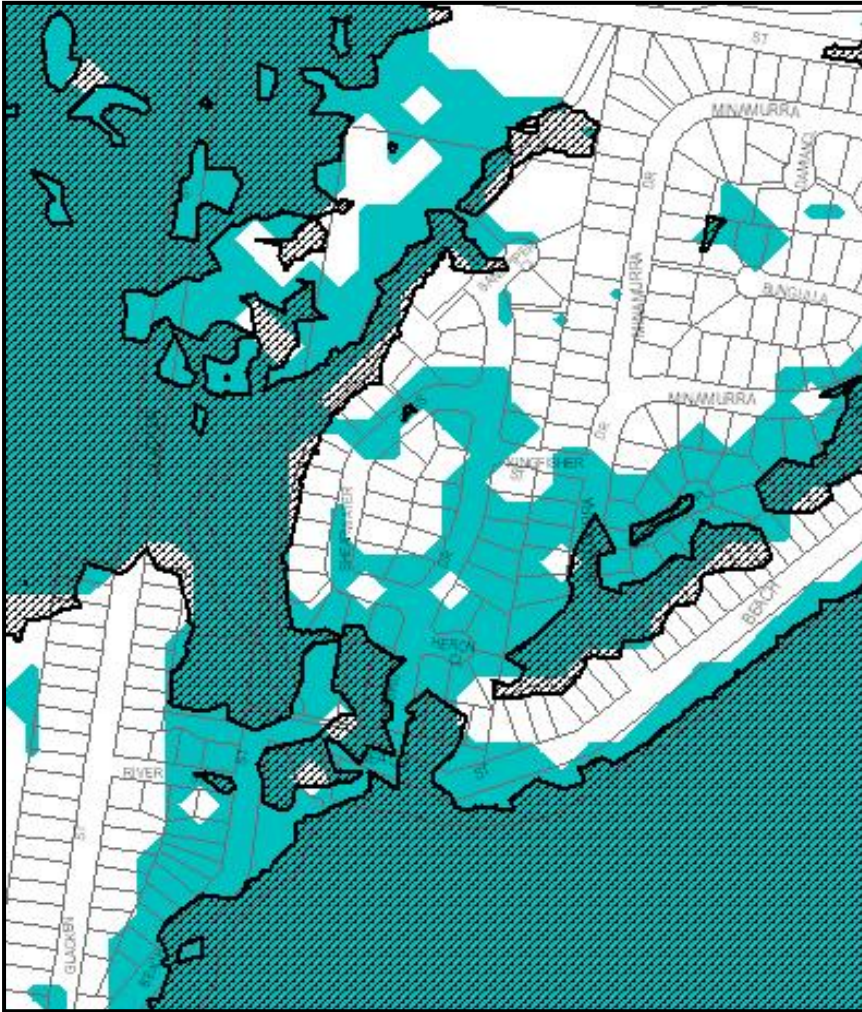
The following amendments are to be made to LEP 2010. Each table presents information on the proposed amendment and specifics on how the changes are to be made to LEP 2010.

The proposed changes have been developed in consultation with Council's Regulatory Services Department, the Manning Valley Chamber of Commerce and key stakeholders.

Issue: Business Development (B5) zone changes		
Location:		
		
Mill Close	Manning River Drive Business Park	Bunnings
Applicable zones: Business Development (B5) zone		
Proposed Amendment:		
LEP 2010 currently has a height limit of 8.5m for land included in the Business Development (B5) zone. The zone is intended for uses such as bulky goods that are industrial style buildings of heights generally greater than 8.5m. This has caused problems with the approval of buildings in this zone. It is proposed to remove the height limitation of the Business Development zone, which is consistent with the requirements for the industrial zones (both light and general).		
LEP Change:		
Amend the following Map Identification Numbers to remove the maximum building height from land included in the Business Development zone: • 3350_COM_HOB_015A_040_20110310 • 3350_COM_HOB_015G_010_20100525		

Issue: Flood mapping

Example:



Harrington:

The light blue represents the current LEP 2010 mapping. The black shaded area represents recent flood mapping.

Applicable zone: All zones

Proposed Amendment:

When LEP 2010 was enacted the flood mapping was produced at a scale of 1:80,000. Given the large scale, errors have occurred when the maps have been used to depict specific sites. This is a result of the coarseness of the mapping used to depict the flood extent. Council has also continued to upgrade its software, increase the capability of the computers to produce a better mapping product and utilised more accurate base data. What has resulted is that the maps have quickly become outdated and are not easily amended being in the LEP.

Given the above mapping limitations, sites are incorrectly being shown as flood affected on the Section 149 Certificates. This can have flow on financial impacts for landowners (insurance, extensions, and valuations).

Above is an example showing the current LEP 2010 mapping (light blue shading) and the more refined mapping (black line and hatching). As can be seen the LEP 2010 maps are identifying flood constraints over properties that are not within the 1% AEP (typically referred to as being flood prone).

A comparison between the LEP 2010 mapping and current flood mapping estimates that around 1,000 records will be removed from being flood prone. However, over 150 new records have been identified through the improved accuracy.

The proposed amendment is to remove the flood mapping from LEP 2010 given the accuracy issues currently experienced. Council will provide publicly available flood maps (on Council's website and at the Customer Service Centre counter) to enable the community to determine whether a site is subject to flooding. This would enable site specific discrepancies to be dealt with immediately, rather than waiting for an amendment to LEP 2010 which could take 18 months. This approach has been undertaken for a number of councils in NSW.

LEP Change:

Amend section 7.2(5) to change the Flood Planning Map definition as follows:

"Flood Planning Map" means the Greater Taree Flood Planning Map held by Council

Delete Map Identification Numbers:

- 3350_COM_FLD_010_080_20100517
- 3350_COM_FLD_011_080_20100517
- 3350_COM_FLD_014_080_20100517
- 3350_COM_FLD_015_080_20100517
- 3350_COM_FLD_017_080_20100517

Issue: Application of Eco-tourist facility

Examples:

Properties adjoining:

- Crowdy Bay National Park
- Cattai Wetlands
- Tapin Tops National Park
- Coorabakh National Park

Applicable zones: Environmental Conservation (E2), Environmental Management (E3), Primary Production (RU1), Rural Small Holdings (RU4), Village (RU5), Special Purpose – Tourist (SP3), Public Recreation (RE1) and Private Recreation (RE2)

Proposed Amendment:

In March 2011 the standard instrument definitions were amended to include an "eco-tourist facility" use in the LEP. While this definition was included in LEP 2010, it is the responsibility of each council to include the provisions for assessing such uses under section 5.13 of the LEP 2010 and identify the applicable zones and amend the land use tables accordingly.

The purpose of this amendment is to include the section 5.13 provisions and the eco-tourist facility use as a permitted with consent use in the Land Use Table for Environmental Conservation (E2), Environmental Management (E3), Primary Production (RU1), Rural small Holdings (RU4), Village (RU5), Special Purpose – Tourist (SP3), Public Recreation (RE1) and Private Recreation (RE2) zones.

LEP Change:

Include the "eco-tourist facility" use as a "permitted with consent" use in the following zones:

- Environmental Conservation (E2)
- Environmental Management (E3)
- Primary Production (RU1)
- Rural Small Holdings (RU4)
- Village (RU5)
- Special Purpose – Tourist (SP3)
- Public Recreation (RE1)
- Private Recreation (RE2)

Insert the following text from the standard instrument under section 5.13 of the LEP 2010

“(1) The objectives of this clause are as follows:

- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
- (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.

(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:

- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.”

Issue: Public Recreation (RE1) zone changes

Examples:



Queen Elizabeth Park/Fotheringham Park



Recreation Grounds

Applicable zone: Public Recreation (RE1)

Proposed Amendment:

This zone applies to public parks and reserves in the local government area. Recent experience has shown the zone to be too restrictive (for example, markets are prohibited). It is proposed to permit a number of uses which are considered appropriate in the Public Recreation (RE1) zone. The list of uses is included below.

LEP Change:

Include the following uses as “permitted without consent use” in the Public Recreation (RE1) zone:

- bush fire hazard reduction work
- extensive agriculture

Include the following uses as “permitted with consent use” in the Public Recreation (RE1) zone:

- boat building and repair facility
- boat launching ramp
- car park
- cemetery
- coastal protection works
- crematorium
- depot
- drainage
- earthworks
- educational establishment
- electricity generating works
- emergency services facility
- entertainment facility
- environmental protection works
- excavation
- extractive industry
- filming
- jetty
- markets
- passenger transport facility
- port facilities
- public administration building
- public utility infrastructure

- public utility undertaking
- research station
- sewerage system
- telecommunications facility
- waste or resource management facility
- water supply system
- waterbody (artificial)
- wharf or boating facilities.

Issue: Bulky Goods Premises

Applicable zones: General Industrial (IN1) and Light Industrial (IN2)

Proposed Amendment:

In LEP 2010 'bulky goods premises' are separately defined but the use is a sub-set of 'retail premises', which itself is a sub-set of 'commercial premises'. These uses are prohibited in industrial zones.

Under LEP 2010 bulky goods premises are permitted in the Local Centre (B2), Commercial Core (B3), Mixed Use (B4), Business Development (B5) and Enterprise Corridor (B6) zones.

Prior to LEP 2010 (under LEP 1995) this use was permitted with consent in any zone as the LEP was a merit based document. This type of land use has traditionally occurred in regional areas like Greater Taree in the industrial zones rather than on commercial zoned land due to the large lot size required and as this land is often less expensive to purchase than commercially zoned land.

This has led to some clustering of businesses such as which has occurred in Mill Close, Taree. During the development of LEP 2010 this area was included in the Business Development zone given the clustering of bulky goods premises. The Bunnings development site along Wingham Road was also included in the Business Development zone.

Despite the clustering mentioned above, the use has also occurred in isolation on industrial zoned land which as a result of LEP 2010 has had the effect that these businesses are now operating under 'existing use rights'. Whilst business with existing approvals can still operate within these buildings, the use can no longer occur in adjoining buildings hence limiting the ability of such uses to cluster for economic benefit.

In the tough economic times which we are currently experiencing this has led to the exclusion of this type of use from buildings which could easily cater for this use. This use, particularly in the Business Development zone, needs to actually construct a building in which to operate, which creates a greater expense initially establishing the business. Whilst larger developments may be able to sustain such a cost, it potentially makes it unviable for smaller businesses to establish in our area. Apart from the loss of business (to other areas), it also has the effect of buildings being left vacant for longer periods.

Permitting bulky goods premises in industrial zones will have the effect of maximising the use of existing floor space of buildings, something which is particularly important to achieve in harsh economic times. There is also a sustainability angle in the use of existing resources (buildings) rather than having to construct new buildings for such businesses to locate.

LEP Change:

To permit the use of 'bulky goods premises' as a 'permitted with consent' use within the General Industrial (IN1) and Light Industrial (IN2) zones.

Issue: Acid Sulfate Soils
Examples: Acid sulphate soils are found around locations such as: • Coopernook • Mitchells Island • Harrington
Applicable Zones: All zones
Proposed Amendment: In June 2012 Council was advised of changes to the standard instrument section on acid sulfate soils (section 7.1(6)). Amendments were proposed to more clearly explain when a development is not required to apply for consent. This amendment will provide more certainty to the community.
LEP Change: Amend section 7.1 (6) of the Greater Taree Local Environmental Plan 2010 as follows: “Despite subclause (2), development consent is not required under this clause to carry out any works where both of the following criteria are met: (a) the works involve the disturbance of less than 1 tonne of soil, and (b) the works are not likely to lower the watertable.”