



Planning Proposal

Amendments to the Greater Taree Local Environmental Plan 2010
September 2012



If on reading this study you have any questions or require additional information, please contact Sue Calvin at Greater Taree City Council on (02) 6592 5380

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. Over the last two years there have been minor issues raised that need to be rectified to improve the application of LEP 2010. This planning proposal details the proposed amendments and justifies the proposed changes. All amendments are of a minor nature and are considered administrative amendments. 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 identify new heritage items, remove three items and make minor adjustments to the property description of listed heritage items
- general amendments to improve the application of LEP 2010. These have been identified either by Department of Planning and Infrastructure (DoPI) as amendments to the standard instrument (the template for all Local Environmental Plans in NSW), through development assessment and through stakeholder consultation
- site specific amendments involving zone changes to better reflect the use of the land.

The proposed amendments were developed from:

- a register of proposed amendments that has been added to as issues have been raised
- internal workshops with Council officers involved in the implementation of LEP 2010
- consultation with key stakeholders and affected landowners.

Each of these amendments will be addressed in detail in this planning proposal.

2.0 Objectives

The key objective is to improve the application of the LEP 2010 by undertaking administrative amendments. The aim being to:

- provide clear and succinct planning provisions
- ensure there is transparency with regard to the provisions that apply
- provide consistency of zones in terms of surrounding and existing land-uses
- ensure the provisions are up-to-date and relevant.

3.0 Explanation of provisions

This package of amendments includes both site specific amendments and changes to provisions that apply to the whole local government area. Details on each amendment group, being heritage, general and site specific amendments are provided below.

3.1 Heritage amendments

The following amendments are to be made to Part 1 of Schedule 5 in LEP 2010. Figure 1 shows the location of each of the sites listed below.

3.1.1 New listing of heritage items

There are nine new heritage items proposed being:

- the Jimmy Governor Plaque at Bobin (I291)
- School Norfolk Pines at Harrington Public School (I292)
- Blackhead Rock Pool at Hallidays Point (I293)
- Johns River Community Hall at Lot 16 Thomas Street (I294)
- the Krambach School House at 3846 The Bucketts Way, Krambach (I295)
- a stone building at 1440 Nowendoc Road, Mount George (I296)
- the Soldiers Memorial Hall at 1-3 Hall Street, Old Bar (I297)
- CBD fig tree at the end of Pulteney Street, Taree (I298)
- residence and pine trees (2) at 173-5 River Road, Taree South (I299).

Details of the heritage value of each of these items are contained in *Attachment 1 – Heritage Amendments*. These items have been identified through heritage studies undertaken over the last five years and are supported by Council's Strategic Heritage Advisory Committee. Two sites (CBD fig tree and School Norfolk pines) were identified by the community through submissions.

Consultation: all landowners were notified of their proposed listing and there were no objections to these proposed listings.

3.1.2 Removal of heritage items

There are three sites proposed for removal from Part 1 Heritage Items being:

- a dwelling (I35) at 11 West Street, Coopernook
- Bunya pines (4) near Dumaresq Island Bridge (I61) Cundletown
- Wingham Hotel and Stables (I276) at 33 Isabella Street, Wingham.

Details of the history of the items and the proposed changes are in *Attachment 1 – Heritage Amendments*. Each of these items is no longer on the site having burnt down or been cut down (trees at Cundletown). As such, the listing of the heritage item is no longer relevant. However, each site still has heritage value that needs to be recognised in the LEP 2010. The Coopernook and Wingham sites are to be included in their relevant Conservation Area (Coopernook/Wingham), while the third site remains listed as the Kendall Reserve heritage item (I62) which reflects the historical uses of the site.

Being placed in the relevant Conservation Area ensures that any redevelopment reflects the historical value of the location being Coopernook and Wingham respectively.

Consultation: Landowners were made aware of this proposed process when their building/trees were removed from the site. They will be given the opportunity through the community consultation stage to provide comments on this proposed process.

3.1.3 Minor property adjustments

There are eight listed heritage items where there have been minor changes to the property description that need to be updated in the Heritage Items list in LEP 2010, being:

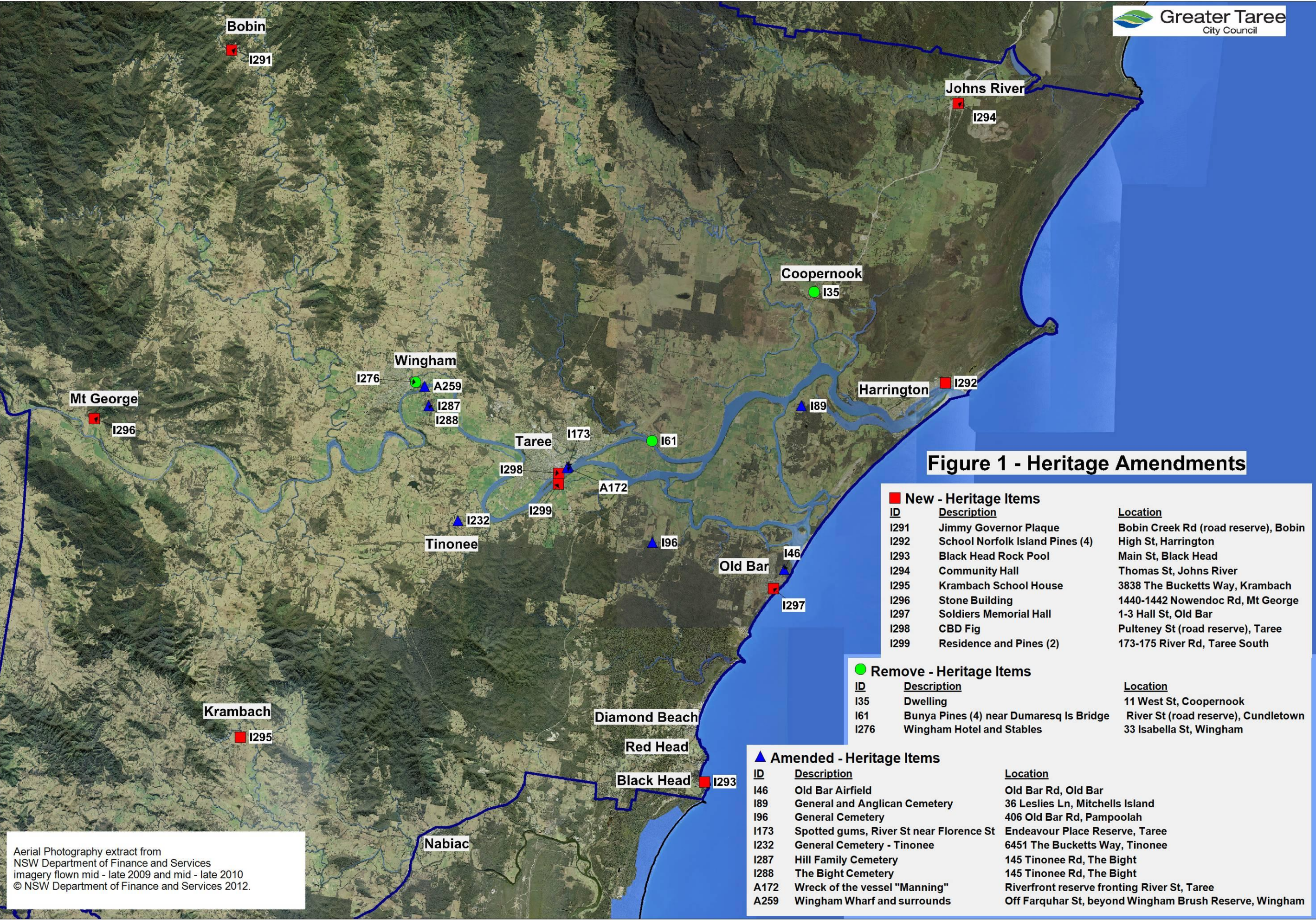
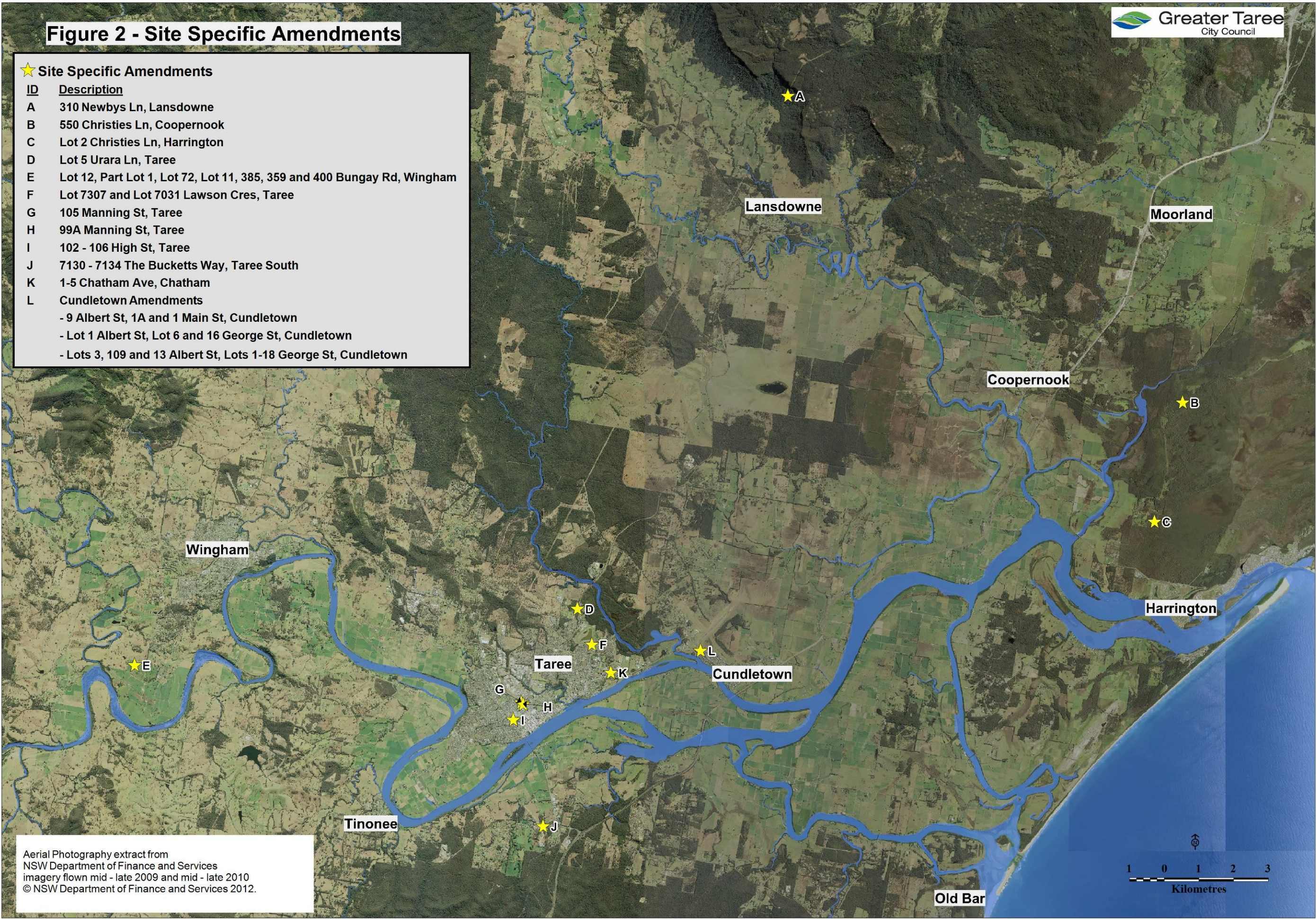


Figure 2 - Site Specific Amendments

★ Site Specific Amendments

ID	Description
A	310 Newbys Ln, Lansdowne
B	550 Christies Ln, Coopernook
C	Lot 2 Christies Ln, Harrington
D	Lot 5 Urara Ln, Taree
E	Lot 12, Part Lot 1, Lot 72, Lot 11, 385, 359 and 400 Bungay Rd, Wingham
F	Lot 7307 and Lot 7031 Lawson Cres, Taree
G	105 Manning St, Taree
H	99A Manning St, Taree
I	102 - 106 High St, Taree
J	7130 - 7134 The Bucketts Way, Taree South
K	1-5 Chatham Ave, Chatham
L	Cundletown Amendments - 9 Albert St, 1A and 1 Main St, Cundletown - Lot 1 Albert St, Lot 6 and 16 George St, Cundletown - Lots 3, 109 and 13 Albert St, Lots 1-18 George St, Cundletown



Aerial Photography extract from
NSW Department of Finance and Services
imagery flown mid - late 2009 and mid - late 2010
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- Old Bar Airfield (I46) at Lot 136 Old Bar Road, Old Bar
- General and Anglican Cemetery (I89) at 36 Leslies Lane, Mitchells Island
- General cemetery (I96) at 406 Old Bar Road, Redbank
- spotted gums in River Street near Florence Street (I173) at Endeavour Place Reserve, Taree
- General cemetery (I232) at 6451 The Bucketts Way, Tinonee
- Hill Family and The Bight Cemetery (I287 and I288) at 145 Tinonee Road, The Bight
- wreck of the vessel “Manning” (A172) at Riverfront Reserve fronting River Street, Taree
- Wingham Wharf and surrounds (A259) off Farquhar Street, beyond Wingham Brush Reserve, Wingham.

All of the properties are in public ownership and have come about from lot creations or amalgamations undertaken by the NSW Department of Primary Lands - Crown Lands Division. These amendments involve no change to the heritage significance of the site and are purely administrative. Details of the history of the items and the proposed changes are in *Attachment 1 – Heritage Amendments*.

Consultation: given the changes are administrative only no consultation has been undertaken. They will be available for comment during the community consultation stage.

3.1.4 Internal items

Recent legislative changes require councils to consider significant internal items in the heritage places (eg. fireplaces, finishes and other features). By referencing “(including significant internal items)” in the title of Part 1 of Schedule 5 of LEP 2010 ensures Council will consider such items in their assessment.

Consultation: this is a common approach being undertaken by councils to achieve the requirements of the legislative change. This change will be available for comment during the community consultation stage.

3.2 General amendments:

The changes proposed to LEP 2010 that are outlined below, will apply to the whole local government area. All of these changes are consistent with the standard instrument (the template for all Local Environmental Plans in NSW). The details and specific amendments are included in *Attachment 2 – General Amendments*.

Consultation: these changes were discussed with members of the Manning Valley Chamber of Commerce. A letter was sent to the local development industry, planners, surveyors and real estate agents seeking their feedback.

3.2.1 Business Development (B5) zone changes

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 of the industrial zones (light and general).

3.2.2 Flood mapping

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 show 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, as any LEP change requires a planning proposal.

Over the next two years we are expecting flood modelling to be undertaken for areas not previously modelled (eg upstream of Wingham) and some existing areas are to be re-modelled. Also, new LIDAR data is to be made available in the near future, which will improve the accuracy of the flood mapping. Council would like to provide this updated information to the community as soon as possible, rather than experiencing up to 18 month delays to update mapping in LEP 2010.

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).

The proposal is to remove the flood maps from LEP 2010 and amend section 7.2(5) to reference a map held by Council. The flood mapping would be made readily accessible to the community (provided on Council's online mapping). This will ensure the community has access to the most accurate flooding information available through both Section 149 Certificates and via Council's website.

3.2.3 Eco-tourist facility

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 LEP 2010 and identify the applicable zones and amend the land use tables accordingly.

The purpose of this amendment is to include the eco-tourist facility provisions (section 5.13 of LEP 2010) and the use as permitted with consent 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.

3.2.4 Public Recreation (RE1) zone changes

This zone applies to public parks and reserves in the local government area. Recent experience has shown the zone to be too restrictive (eg. markets are prohibited). A review of the zone was undertaken and it is proposed to permit a number of uses which are considered appropriate in the Public Recreation (RE1) zone. Many of the proposed uses currently operate effectively in Council's parks and reserves.

3.2.5 Bulky Goods Premises

An issue of the permissibility of bulky goods premises in industrial zones in LEP 2010 was raised by local property managers. Traditionally (in LEP 1995) bulky goods premises were permitted in all of the industrial zones. Given the larger lot sizes, lower set-up costs and proximity to Taree's CBD, bulky goods established on land in the industrial zones.

When Council converted LEP 1995 into the standard instrument, the Department of Planning and Infrastructure (DoPI) required Council to prohibit bulky goods premises from industrial zones. Instead the Business Development (B5) zone was proposed as the appropriate zone for bulky goods premises. A conglomeration of bulky goods premises around Mill Close, Taree were

included in this zone, however a number remained in the industrial zones as existing non conforming uses (with limited expansion opportunities).

As one of the first councils to prepare a template LEP there were little precedents for Council to rely on when dealing with DoPI on this issue. As a result, bulky goods premises were prohibited in the industrial zones.

With many other councils now having a template LEP in place it has come to Council's attention that other councils are not using the Business Development zone for this purpose and in fact the standard instrument LEP does not prohibit the use within industrial zones.

Council's planners undertook a land use survey to understand the issue based on traditional techniques used to support 'greenfield' expansion for development. This assessment concluded that based on current take-up rates that there is approximately 50 years supply of existing land where this type of development could occur given:

- the use is permitted in most business zones (including Local Centre (B2), Commercial Core (B3), Mixed Use (B4) Business Development (B5) and Enterprise Corridor (B6) zones)
- the recent rezoning of most of the Manning River Drive Business Park site into the Business Development zone to create a future conglomeration of bulky goods premises.

The study is provided in *Attachment 5 – Bulky Goods Study*. This type of assessment however does not take into consideration the current economic climate. The costs associated with installing new infrastructure (eg. new buildings, roads, parking) are quite prohibitive to all but the larger more profitable businesses. The smaller businesses that would like to utilise existing buildings within Greater Taree are finding these planning provisions prohibitive.

As a result, these provisions have led to some of the existing larger industrial buildings in industrial zones remaining vacant for longer periods, given the limited permitted uses. Due to the current economic climate it is important to utilise existing building stock as much as possible as a means to attract businesses, which may not be able to afford to purchase land and construct their own buildings.

Based on these findings Council proposes to amend LEP 2010 to again enable bulky goods premises as permitted with consent within industrial zones, in both the General (IN1) and Light (IN2) Industrial zones.

3.2.6 Acid Sulfate Soils

In June 2012, Council was advised by DoPI that amendments were required to the Acid Sulfate Soil provisions (section 7.1(6)) in LEP 2010. These amendments to the standard instrument provided clarification as to when an activity is not required to apply for consent. This amendment proposes to enable these new provisions.

3.3 Site specific amendments:

A number of sites were identified where there were anomalies with regard to:

- the ownership and use of the land not reflected in the zone intent. For example, some people have purchased railway land and it remains in the SP2 - Infrastructure zone or National Parks have acquired properties that need to be included in the National Parks and Nature Reserves (E1) zone. Another example was land at Cundletown included in SP2 – Infrastructure zone (Airport transport facilities) zone which is privately owned and not intended to be used for airport purposes
- obvious inconsistencies with the surrounding zones. For example a rural property that is surrounded by land included in an industrial zone and an industrial use has operated on the site for many years. Only clear anomalies such as these were considered where:

- the inconsistency with surrounding uses was obvious
- the use was well established on the site (eg. buildings, parking, driveways)
- no technical studies were required to justify the change to the zone (eg economic and traffic reports).
- an area in the Large Lot Residential (R5) zone at Bungay Estate, Wingham which was originally intended to be serviced by sewer (enabling 4,000m² lots) now requires on-site waste disposal and the lot size increased to 1ha to accommodate this.

Table 1 provides a summary of each site specific change, which is explained in detail in *Attachment 3 – Site Specific Amendments*. The location of each of these sites is shown in Figure 2 (page 8).

Consultation: many of the proposed amendments are landowner driven. A letter was sent to the local development industry, planners, surveyors and real estate agents seeking their feedback on any of the identified changes and any additional changes. This resulted in the inclusion of additional sites.

The NSW Office of Environment and Heritage confirmed the inclusion of land (sites B and C below) in Crowdy Bay National Park and support the proposed amendment.

Table 1 Summary of site specific amendments

Site	Site	Property Description	Existing LEP 2010 Provision	Proposed LEP change
A	310 Newbys Lane, Lansdowne	Lots 10-11 DP 594236	Primary Production (RU1) and Environmental Management (E3) zone	Include in Environmental Conservation (E2) zone
B	550 Christies Lane Coopernook	Lot 228 DP 754415	Environmental Conservation (E2) and Primary Production (RU1) zone	Include in National Parks and Nature Reserves (E1) zone. Remove lot size requirement
C	Lot 2 Christies Lane, Harrington	Lot 2 DP 1146410	Environmental Conservation (E2) and Primary Production (RU1) zone	Include in National Parks and Nature Reserves (E1) zone. Remove lot size requirement
D	Lot 5 Urara Lane, Taree	Lot 5, DP 828386	Infrastructure - Rail infrastructure facilities (SP2) zone	Include in Environmental Conservation (E2) zone. Amend the minimum lot size for the site to 1.5 ha
E	Lot 12, Part Lot 1, Lot 72, Lot 11, 385, 359 and 400 Bungay Rd, Wingham	Part of Lot 1, Lots 11, 12, 81 and 82 DP754454, Lot 72 DP801074 and Lot 1 DP716936	Large Lot Residential (R5), Environmental Conservation (E2) and Primary Production (RU1)	Amend the minimum lot size for land included in Large Lot Residential zone to 1 ha
F	Lot 7307 and Lot 7031 Lawson Crescent, Taree	Lot 7307 DP 1142909 and Lot 7031 DP 1115105	Private Recreation (RE2) zone	Include in Public Recreation (RE1) zone
G	105 Manning Street, Taree	Lot 1 DP 830450	Infrastructure - Rail Infrastructure Facilities (SP2) zone	Include in Light Industrial (IN2) zone
H	99A Manning Street, Taree	Lot 1 DP 866025	Infrastructure - Rail Infrastructure Facilities (SP2) zone	Include in Light Industrial (IN2) zone

ID	Site	Property Description	Existing LEP 2010 Provision	Proposed LEP change
I	102-106 High Street, Taree	Lot 311 DP 1158338	Neighbourhood Centre (B1) and General Residential (R1) zone	Include in Neighbourhood Centre (B1) zone. Remove the lot size requirement Amend the maximum floor space ratio to 0.5
J	7130-7134 The Bucketts Way, Taree South	Lot 50, DP 1105040	Primary Production (RU1) zone	Include in General Industrial (IN1) zone. Remove the lot size requirement
K	1-5 Chatham Ave, Chatham	Lots 8-9 DP 20756 and Lots 1-3 DP783981	General Residential (R1) zone	Include in Mixed Use (B4) zone. Remove the lot size requirement. Amend the maximum floor space ratio to 1
L	Cundletown amendments			
	9 Albert Street, 1A and 1 Main Street, Cundletown	Lot 1 DP1047928, Lot 2 DP633038, Lots 1-2 DP997028, Lot 4 DP743542 and Lot 1 DP986805	SP2 - Infrastructure (Airport transport facilities) and General Residential (R1) zone	Include in Enterprise Corridor (B6) zone. Amend the building height limit to 8.5m. Amend the maximum floor space ratio to 1
	Lot 1 Albert Street, Lot 6 and 16 George Street, Cundletown	Lot 16 DP1151595, Lot 6 DP1151597 and Lot 1 DP532926	SP2 - Infrastructure (Airport transport facilities) zone and General Residential (R1) zone	Include in General Residential (R1) zone. Amend the minimum lot size for the site to 450m ² . Amend the building height limit to 8.5m. Amend the maximum floor space ratio to 0.6
	Lots 3,109 and 13 Albert St, Lots 1,-18 George Street, Cundletown	Lots 3-4 DP787976, Lot 15 DP1151595, Lots 1-5, Lot 109 DP1151597, Lots 1-14 DP1151945 and Lots 11-18 DP1151944	SP2 - Infrastructure (Airport transport facilities) zone	Include in Primary Production (RU1) zone. Amend the minimum lot size for the site to 40 ha. Amend the building height limit to 8.5m

3.4 Summary

While the individual changes are minor, there are a significant number of changes required to LEP 2010. For ease of reference, a summary of all of the proposed amendments to LEP 2010 is provided in Attachment 4, along with the proposed LEP mapping changes.

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 proposed amendments that has been added to as issues have been raised. Issues have been raised by both the community and Council officers
- internal workshops with Council officers involved in the implementation of LEP 2010
- consultation with key stakeholders and affected landowners.

A Bulky Goods Study was undertaken in consideration of the amendments to enable bulky good premises in industrial zones and is contained in Attachment 5.

These amendments have been presented to and endorsed by Council at the Ordinary Meeting held on 16 May, 20 June and 15 August 2012.

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

Many of the amendments arose when implementing the new 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 sort out any minor implementation issues. As such, the planning proposal approach is the appropriate means to achieve the desired objectives.

4.1.3 Is there a net community benefit?

These amendments are driven by improving implementation of LEP 2010. The objectives of the planning proposal identify the benefits to the community as it aims to:

- provide clear and succinct planning provisions
- ensure there is transparency with regard to the provisions that apply
- provide consistency of zones in terms of surrounding and existing land-uses
- ensure the provisions are up-to-date and relevant.

Table 2 shows how each proposed amendment relates to the above objectives and the expected benefits.

Table 1: Net community benefit of planning proposal

Amendment	Clear/succinct provisions	Transparency	Consistency	Update and relevant	Benefits
Heritage Amendments					
New heritage items	✓			✓	Ensures the heritage of the area is maintained for future generations.
Removal of heritage items	✓	✓		✓	Recognises that the item is no longer on the site. However, with the inclusion of two sites in the relevant Conservation Area, it ensures that new development is cognisant of the areas' history

Amendment	Clear/succinct provisions	Transparency	Consistency	Update and relevant	Benefits
Minor property adjustment	✓	✓		✓	Ensures that the listing in LEP 2010 is consistent with the property description for the heritage item
Internal items	✓	✓		✓	Updating LEP 2010 to meet new heritage requirements
General Amendments					
Business Development (B5) zone changes	✓	✓			Removes the height limitation of 8.5m which has been restricting the intended use of land in this zone
Flood mapping	✓	✓		✓	Ensures accurate and up-to-date flood mapping is easily accessible to the community
Eco-tourist facility	✓	✓		✓	Enabling of DoPI changes to the standard instrument which will allow eco-tourist facilities as permitted with consent in appropriate zones
Public Recreation (RE1) zone changes	✓	✓	✓		Enables a range of uses (eg. markets, boat launching ramp, entertainment facility) as permitted with consent. These uses are already commonly found in this zone
Bulky goods premises	✓	✓		✓	Providing opportunity for bulky goods premises to be permitted with consent in existing Light and General Industrial zones. The proposed change is consistent with the standard instrument provisions
Acid Sulfate Soils	✓	✓		✓	Enabling of DoPI changes to the standard instrument which provides clarity on when development consent is not required
Site Specific Amendments					
310 Newbys Lane, Lansdowne	✓	✓	✓	✓	Proposed zone reflects the ecological values of the site and provides an increased level of protection of those values
550 Christies Lane Coopernook	✓	✓	✓	✓	Proposed zone reflects that the land is now owned by National Parks and Wildlife Service
Lot 2 Christies Lane, Harrington	✓	✓	✓	✓	Proposed zone reflects that the land is now owned by National Parks and Wildlife Service
Lot 5 Urara Lane, Taree	✓	✓	✓	✓	Proposed zone reflects the ecological values of the site and reflects that the land is now in private ownership
Part Lot 1, Lot 12, 72 and 11, 385, 359 and 400 Bungay Rd, Wingham	✓	✓	✓	✓	Proposed lot size change to be consistent with recommendations from MidCoast Water (service provider) and similar Large Lot Residential zone developments
Lot 7307 and Lot 7031 Lawson Crescent, Taree	✓	✓	✓	✓	Proposed zone reflects the public use of the land as parkland. Correcting a mapping error
105 Manning Street, Taree	✓	✓	✓	✓	Proposed zone reflects the current use of the site and reflects that the land is now in private ownership
99A Manning Street, Taree	✓	✓	✓	✓	Proposed zone reflects the current use of the site and reflects that the land is now in private ownership

Amendment	Clear/succinct provisions	Transparency	Consistency	Update and relevant	Benefits
102-106 High Street, Taree	✓	✓	✓	✓	Proposed zone reflects the current use of the site and is consistent with the zone of the adjoining land
7130-7134 The Bucketts Way, Taree South	✓	✓	✓	✓	Proposed zone reflects the current industrial use of the site and is consistent with the zone of the surrounding land
1-5 Chatham Ave, Chatham	✓	✓	✓	✓	Proposed zone reflects the current use of the site and is consistent with intent for this prominent gateway site
Cundletown amendments	✓	✓	✓	✓	Proposed zone reflects the current use of the site and removes the need for the land to be developed for airport activities

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 LEP 2010 amendments are of a minor nature there are generally no conflicts with the regional strategy. An exception is the enabling of the eco-tourist facility use – as this use was not envisaged at the time of the regional strategy. Given this use is proposed by DoPI as an amendment of the standard instrument, it is appropriate to proceed with this amendment.

Assessment against actions in the Mid North Coast Regional Strategy 2006-31 is provided in Table 3.

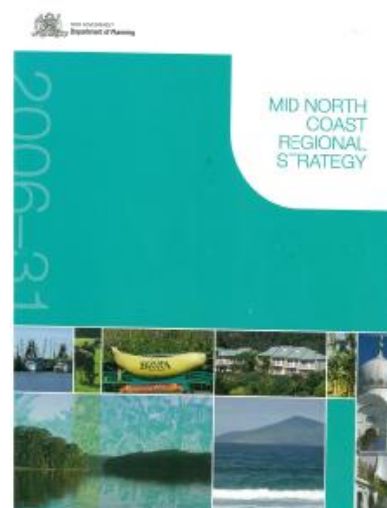


Table 3 - Assessment of planning proposal with regard to the Mid North Coast Regional Strategy (MNCRS) 2006-2031

Relevant MNCRS Action	Comments
Heritage amendments	
Cultural heritage - the Department of Planning and Infrastructure and councils 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	The heritage amendments are consistent with this action as they aim to: - include nine new heritage items - remove three heritage items that are no longer on the site - update the property details of eight sites - include consideration of internal items
General amendments	
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	The relevant amendments are: - the removal of height limitations in the Business Development (B5) zone - enabling bulky good premises as a 'permitted with consent' use within the General Industrial (IN1) and Light

Relevant MNCRS Action	Comments
appropriate home based employment opportunities	Industrial (IN2) zones. Both amendments aim to remove unnecessary restrictions on development to encourage employment growth in existing centres and are therefore consistent with the MNCRS
Natural hazards – in order to manage risk associated with climate change, councils will undertake flood investigations over lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised	The removal of the flood mapping from LEP 2010 aims to ensure people have access to the most accurate and relevant data at any point in time. Given Council's flood mapping is consistently being improved, it is preferred that Council provide flood mapping in a format that can be easily updated. This will ensure people are aware of flooding risks to public and private assets
Tourism development – councils will plan strategically for tourism development in an agreed local growth management strategy. Planning for tourist facilities and tourism development will adopt the following principles ... a range of tourism experiences and forms of tourist accommodation will be provided for in urban areas, including 'bed and breakfast'.	The enabling of the eco-tourist facility aims to allow tourist accommodation outside of urban areas which is contrary to this action. However it needs to be recognised: - this use was not envisaged at the time of developing the MNCRS in 2006. It was proposed in March 2011 as a change to the standard instrument - these facilities are of a low scale and will need to address ecological values of the site and adjoining lands. They would not be as intensive as the tourist facility proposed in this action. Given the above it is proposed to proceed with the enabling of the eco-tourist facility use in LEP 2010
Settlement character and design – new and changing settlement areas will incorporate open space that is accessible to the public and provides opportunities for recreation, nature conservation, social interaction, visual enhancement and amenity	The Public Recreation (RE1) zone changes aim to allow a range of uses that are consistent with how the parks currently operate. Allowing uses such as markets, boat launching ramp and entertainment facilities enables the parks to remain vibrant, active and accessible to the community
NB. The Acid Sulfate Soil amendment does not have an associated action in the MNCRS	
Site specific amendments	
Environment and natural resources - LEPs will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection	The following amendments are consistent with this action as they involve placing sites in environmental zones to protect their ecological values: 310 Newbys Lane, Lansdowne 550 Christies Lane, Coopernook - Lot 2 Christies Lane, Coopernook - Lot 5 Urara Lane, Taree
Environment and natural resources - LEPs will include provisions to protect the water quality in town water supply catchments, other waterways and significant groundwater reserves	The increasing of the lot size to 1 ha at the Bungay Estate, Wingham is consistent with this action. Given the lots cannot be connected to sewer, the larger lot size will ensure there is adequate land to cater for on-site waste disposal and not have an environmental impact (based on a geotechnical assessment)
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 following amendments are consistent with this action as the amendments include the sites in zones that reflect the current use of the sites as employment lands: 105 Manning Street, Taree 99A Manning Street, Taree 102-106 High Street, Taree 7130-7134 The Bucketts Way, Taree South 1-5 Chatham Ave, Chatham - Cundletown amendments in Main Street
NB. The following amendments do not have an associated action in the MNCRS as they are minor adjustments to zones to reflect the existing land use: - Lot 7307 and Lot 7031 Lawson Crescent, Taree - Cundletown amendments (residential and rural changes)	

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 4.

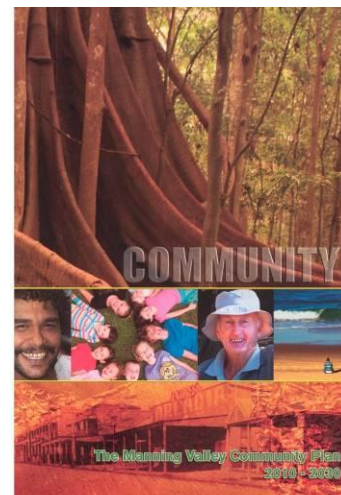


Table 4 Assessment of the planning proposal with the Manning Valley Community Plan

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	Given the amendments are of a minor nature and are 'fine tuning' the LEP they are consistent with this strategy. The heritage amendments aim to protect places of herititage significance. The general amendments aim to improve opportunities for employment and park activities, while providing clearer guidance on hazards such as flooding and acid sulfate soils. The site specific amendments aim to change the zone or requirements of a site based on their current use and having consideration of environmental values. Each of the amendments has balanced the relevant planning elements to achieve the appropriate changes to the LEP 2010
Maintain and enhance biodiversity, in accordance with the principles of ecologically sustainable development	The following site specific amendments are consistent with this strategy: • 310 Newbys Lane, Lansdowne • 550 Christies Lane Coopernook • Lot 2 Christies Lane Coopernook • Lot 5 Urara Lane, Taree Each amendment involves changing the zone of the land to be consistent with the environmental values of the land
Protect and preserve local water resources	The increasing of the lot size to 1 ha at the Bungay Estate, Wingham is consistent with this action. Given the lots cannot be connected to sewer, the larger lot size will ensure there is adequate land to cater for on-site waste disposal and not have environmental impact (based on a geotechnical assessment)
Ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community	The following site specific amendments are consistent with this strategy: • 105 Manning Street, Taree • 99A Manning Street, Taree • 102-106 High Street, Taree • 7130-7134 The Bucketts Way, Taree South • 1-5 Chatham Ave, Chatham • Cundletown amendments Each amendment involves changing the zone of the land to be consistent with its current use as employment lands
Leisure and recreation - establish broad opportunities for residents and visitors to enjoy public places and facilities	The Public Recreation (RE1) zone changes aim to allow for a range of uses that are consistent with how the parks currently operate. Allowing uses such as markets, boat launching ramp and entertainment facilities enables the parks to remain vibrant, active and accessible to the community
Heritage - ensure that our heritage is valued, preserved, conserved and interpreted	The heritage amendments are consistent with this action as they aim to: • include nine new heritage items • remove three heritage items that are no longer on the site • update the property details of eight sites • include consideration of internal items

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 5 – Assessment of state environmental planning policies

SEPP	Comment
SEPP 14 - Coastal Wetlands	Two sites contain coastal wetlands (Harrington and Coopernook). They are proposed to be included in the National Parks and Nature Reserves (E1) zone to reflect the recent purchase of the land by the National Parks and Wildlife Service. This change in zoning and ownership will further protect these coastal wetlands. The planning proposal is consistent with this SEPP
SEPP 44 - Koala Habitat Protection	The aim of this policy is to encourage the conservation and management of areas of koala habitat. There are a number of sites proposed to be included in environmental zones to protect the natural habitat. Some of these areas are potential koala habitats that will be further protected by these amendments. The planning proposal is consistent with the SEPP
SEPP (Infrastructure) 2007	The aim of this policy is to facilitate the effective delivery of infrastructure across the state. A number of the site specific amendments are proposed to reflect the sale of railways land and purchase of land by National Parks and wildlife Service. The changes are of a minor nature and will not have an impact on state infrastructure requirements. The planning proposal is consistent with the SEPP
SEPP (Rural Lands) 2008	The policy aims to facilitate the orderly and economic use of rural lands. There are a number of sites being removed from the Primary Production zone to: • protect the environmental features of the site, or • be consistent with the existing use. The changes are of a minor nature and are consistent with the intent of the SEPP

The following state environmental planning policies in Table 6 are not applicable.

Table 6 – State environmental planning policies that are not applicable

State environmental planning policies	
• 1. Development Standards • 4. Development without consent and Misc • 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	• 59. Central Western Sydney Regional Open Space and Residential • 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 (Kosciuszko National Park- Alpine Resorts) 2007

State environmental planning policies	
• 36. Manufactured Home Estates • 39. Spit Island Bird Habitat • 41. Casino/ Entertainment Complex • 47-Moore Park Showground • 50. Canal Estates • 52. Farm Dams and other works in Land and water Management plan areas • 55. Remediation of Land	• 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

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

Table 7 provides an assessment of the planning proposal against the Ministerial Directions.

Table 7 – Assessment of Ministerial Directions

Direction	Comment
Employment and Resources	
1.1 Business and Industrial zones	The following amendments are consistent with this direction as they involve including the sites in zones that reflect the current use of the sites as employment lands: • 105 Manning Street, Taree • 99A Manning Street, Taree • 102-106 High Street, Taree • 7130-7134 The Bucketts Way, Taree South • 1-5 Chatham Ave, Chatham • Cundletown amendments in Main Street. In addition, alterations to the building heights in the Business Development (B5) zone and changes to the bulky goods premises both propose to encourage employment uses in the business and industrial zones
1.2 Rural zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	The following site specific amendments involve changing of rural/environmental zones to higher order environmental zones to protect the environmental values: • 310 Newbys Lane, Lansdowne • 550 Christies Lane Coopernook • Lot 2 Christies Lane Coopernook. The Environmental Conservation zone is proposed to be applied to land at Lot 5 Urara Lane, Taree. The land was sold by Australian Rail Track Corporation and required rezoning to reflect the environmental values of the land. To enable the construction of a house on the lot, the lot size requirement is proposed to be reduced to 1.5 ha. Any development of a house will have to consider the environmental constraints of the site. The above are considered to be consistent with the intent of this direction

Direction	Comment
Environment and Heritage	
2.1 Environmental Protection zones	The following site specific amendments involve changing of rural/environmental zones to higher order environmental zones to protect the environmental values: • 310 Newbys Lane, Lansdowne • 550 Christies Lane Coopernook • Lot 2 Christies Lane Coopernook. The Environmental Conservation zone is proposed to be applied to land at Lot 5 Urara Lane, Taree. The land was sold by Australian Rail Track Corporation and required rezoning to reflect the environmental values of the land. The above are considered to be consistent with the intent of this direction
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	The heritage amendments are consistent with this direction as they aim to: • include nine new heritage items • remove three heritage items that are no longer on site • update the property details of eight sites • include consideration of internal items •
2.4 Recreation Vehicle Areas	Not applicable
Housing, Infrastructure and Urban Development	
3.1 Residential zones	Two site specific amendments involve the removal of sites from the General Residential zone and inclusion in business zones: • 1-5 Chatham Ave, Chatham • 102-106 High Street, Taree. Both cases reflect the existing use of the sites and are considered of a minor nature. The above are considered to be consistent with the intent of this direction
3.2 Caravan Parks/ Manufactured Home Parks	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	As mentioned in 1.1 and 3.1 the application of the business and industrial zones reflects the existing use of the site and surrounding lands. As such, there are no major changes from the existing situation and they are considered of a minor significance. The planning proposal is considered to be consistent with the intent of this direction
3.5 Development near licensed aerodromes	The Cundletown amendments involve changing the zone from SP2 - Infrastructure (Airport transport facilities) zone and including it in zones relevant to the current use of the land. Discussions were held with relevant Council officers that manage the airport who were satisfied with this approach, as the land is not required for airport purposes and the proposed changes do not impact on the current or future operation of the airport. The height of buildings on this land has been restricted to 8.5m to ensure there is no impact with regard to the operation of the airport. This is well below the nearest obstacle height limit of 10m. While some of the sites are affected by an ANEF of 25 and higher, the planning proposal does not intend any intensification of residential uses, only the placement of the sites in a zone that reflects the current use of the land. If the landowners applied for any intensification of use in the future, the requirements of Australian Standard 2021 regarding interior noise levels. The planning proposal is considered to be consistent with the intent of this direction
3.6 Shooting ranges	Not applicable

Direction	Comment
Hazard and Risk	
4.1 Acid Sulphate Soils	The proposed general amendment will clarify when a development is not required to apply for consent. This amendment will provide more certainty to the community. The site specific amendments that are acid sulphate soil sites, involve placing sites in zones to reflect their current use. If the landowner intended to intensify the use of their land, consideration would need to be undertaken with regard to addressing the acid sulphate soils through the development application process. The planning proposal is considered to be consistent with the intent of this direction
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	The planning proposal aims 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. The maps will be in accordance with the required principles and guidelines of DoPI. This change will enable regular updating of the maps to provide relevant flood mapping data to the community. Given the amendment aims to provide updated flood mapping to the community in an orderly and accessible manner, the planning proposal is considered to be consistent with the intent of this direction
4.4 Bushfire Protection	The proposed changes that would relate to bushfire sites, involve placing sites in zones to reflect their current use. If the landowner intended to intensify the use of their land, the bushfire constraint would be assessed through the development application process. The planning proposal is considered to be consistent with the intent of this direction
Regional Planning	
5.1 Implementation of Regional Strategies	As mentioned in Table 3 the planning proposal is consistent with the <i>Mid North Coast Regional Strategy 2006-2031</i> .
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial/Retail Development along Pacific Highway, North Coast.	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock)	Not applicable
5.6 Sydney to Canberra Corridor	Not applicable
5.7 Central Coast	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
Approval and Referral Requirements	
6.1 Approval and Referral Requirements	The planning proposal involves minor amendments to LEP 2010. The Department of Education and the Office of Environment and Heritage have been consulted with regard to changes to state owned land. Both Departments have supported these amendments. These changes are of minor significance and are considered to be consistent with the intent of this direction

Direction	Comment
6.2 Reserving Land for Public Purposes	The changes to the Public Recreation (RE1) zone aim to: - allow a range of uses that are consistent with how the parks currently operate. Allowing uses such as markets, boat launching ramp and entertainment facilities enables the parks to remain vibrant, active and accessible to the community - correct a minor mapping error that occurred through the development of LEP 2010. Lot 7307 and Lot 7031 Lawson Crescent, Taree was included in the same zone as the adjoining race course. The zone needs to be corrected to reflect the public use of the land as parkland. These changes are of minor significance and are considered to be consistent with the intent of this direction
6.3 Site Specific Provisions	Not applicable
Metropolitan Planning	
7.1 Implementation of Sydney 2036	Not applicable

5.0 Environmental, social and economic impacts

5.1 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?

A number of the sites in the site specific amendments have environmental values. The following amendments will improve the protection of the site's environmental values, by placing the sites in zones that offer greater environmental protection:

- 310 Newbys Lane, Lansdowne
- 550 Christies Lane Coopernook
- Lot 2 Christies Lane Coopernook.

One site that displayed a high level of environmental constraints is Lot 5 Urara Lane, Taree (aerial to the right). The site (2.368 ha) was owned by the Australian Rail Track Corporation and was recently privately purchased. The land still has SP2 - Infrastructure zone applying to the site, which greatly restricts its use. Given the site is now in private use, it is appropriate to change the zone of the land to reflect that it is in private ownership.

Investigations revealed that the site is well vegetated and forms part of a regional environmental corridor. The site appears to have Endangered Ecological Communities (EECs) present and the general area is also known as a koala habitat.

The site is also subject to flooding and contains Vegetation Class 1 under the RFS Bushfire Vegetation Categories.

As a result of the environmental constraints over the land it is proposed that the land be included in the Environmental Conservation zone. The lot size will be amended to a minimum of 1.5 ha which will enable a house to be established on the site, subject to addressing the site environmental constraints.



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

N/A

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

The planning proposal contains amendments that reflect the current use or values of the sites, as such there is no significant change to the expectations of both the landowners and the community. To ensure that the expectations were not impacted upon, consultation occurred with many of the landowners and key stakeholders in the development industry.

If the landowner proposes to intensify the use of the land and requires a development application, the assessment of these social/environmental impacts would have to be addressed at that time.

As such, it is considered that there are no significant social and economic effects relating to these provisions.

6.0 State and Commonwealth interests

6.1 Is there adequate public infrastructure for the planning proposal?

Given the planning proposal contains administrative amendments; there is no expected impact on public infrastructure.

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

(To be completed after gateway determination)

7.0 Community consultation

As outlined in section 3.0, community consultation has occurred with:

- the majority of the landowners. Consultation is still required with a number of the landowners involved in the Cundletown amendments, however those contacted to-date are favourable of the proposed changes
- key stakeholders including the development industry, planners, surveyors, real estate agents and the Manning Valley Chamber of Commerce.

Given the minor nature of the changes a consultation period of 14 days would normally be sufficient, however given Council's standard for exhibition of documents is 28 days, this timeframe is proposed. During this time landowners will again be notified of the intended changes.