

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

Proposal Title :	Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)		
Proposal Summary :	The planning proposal aims to amend the Greater Taree Local Environmental Plan 2010 as follows:- General amendments * new local clauses dealing with essential services, temporary events, subdivision of undersized rural and environmental allotments, subdivision of split zones and dual occupancies, * new zone objectives and updating the land use tables, and * adjusting the floor space ratio of 0.45:1 in heritage conservation areas to be consistent with the existing zoning under LEP 2010. Site-specific amendments as outlined in the planning proposal (version 5 and dated 20 June 2017) located at Cooplacurripa, Harrington, Johns River, Coopernook Village, Kundle Kundle, Taree, Wingham, Tallwoods Village, Red Head, Black Head, Cundletown. Council agreed to remove site-specific amendment (L) Diamond Beach from the planning proposal on 11 July 2017. Council has not formally resolved to rezone part of the site E3 Environmental Management and to permit permanent residential for this site.		
PP Number :	PP_2017_MCOAS_008_00	Dop File No :	15/18252

Proposal Details

Date Planning Proposal Received :	24-Jul-2017	LGA covered :	Mid-Coast
Region :	Hunter	RPA :	Mid-Coast Council
State Electorate :	MYALL LAKES PORT MACQUARIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	A. Lot 98 DP 753690		
Suburb :	Cooplacurripa	City :	Cooplacurripa Postcode : 2424
Land Parcel :	Lot 98, DP 753690 - Rezone RU3 Forestry to E1 National Parks and Reserves		
Street :	E. 74 Longworths Rd		
Suburb :	Harrington	City :	Harrington Postcode : 2427
Land Parcel :	Lot 2, DP 1198908 - Amend cadastral boundary E2 Environmental Conservation, RU1 Primary Production, W2 Recreational Waterways		
Street :	B. Johns River Rd		
Suburb :	Johns River	City :	Johns River Postcode : 2443
Land Parcel :	Lot 284 DP 879623; Lot 1 DP 308795; Part of Lot 85 DP 1109105, Part of Lot 283 DP 879623 - Rezone RU1 Primary Production to RU5 Village		

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

Street :	C. Coopernook Village		
Suburb :	Coopernook	City :	Coopernook Postcode : 2426
Land Parcel :	Lot 119 DP 260733, Lot 127 DP 812015, Lots 24 & 25 DP 829139, Lot 36 DP 4865 - RU1 Primary Production and RU5 Village		
Street :	D. 586 Lansdowne Rd		
Suburb :	Kundle Kundle	City :	Kundle Kundle Postcode : 2430
Land Parcel :	Lot 21, DP 168022 - Rezone RU1 Primary Production to IN1 General Industrial and E2 Environmental Conservation		
Street :	H. 202 Bushland Dr		
Suburb :	Taree	City :	Taree Postcode : 2430
Land Parcel :	Lot 1, DP 1228883 - Rezone SP2 Infrastructure and R1 General Residential to IN2 Light Industrial and E2 Environmental Conservation		
Street :	L. 394 Diamond Beach Rd		
Suburb :	Diamond Beach	City :	Diamond Beach Postcode : 2430
Land Parcel :	Lot 14, DP 576414 - Rezone RU1 Primary Production to SP3 Tourist and E2 Environmental Conservation		
Street :	K. 16 Hayes Ln		
Suburb :	Taree	City :	Taree Postcode : 2430
Land Parcel :	Lot 140, DP 611673 - Amend heritage property description in Schedule 5		
Street :	P. 2 Bungay Rd		
Suburb :	Wingham	City :	Wingham Postcode : 2429
Land Parcel :	Lot 1, DP 780647 - Amend heritage property description in Schedule 5		
Street :	Q. Johns River Community Hall		
Suburb :	Johns River	City :	Johns River Postcode : 2443
Land Parcel :	Lot 7303 DP 1143888, Lot 16 Section 10, DP 758546 - Amend heritage property description in Schedule 5		
Street :	G. 2 Pilot St		
Suburb :	Harrington	City :	Harrington Postcode : 2427
Land Parcel :	Lot 22, DP 758502 - Rezone RE1 Public Recreation to B1 Neighbourhood Centre		
Street :	J. 11-29 Beeton Pde		
Suburb :	Taree	City :	Taree Postcode : 2430
Land Parcel :	Lot 100, DP 1195087 - IN2 Light Industrial, RE2 Private Recreation, RE1 Public Recreation to IN2 Light Industrial, RE2 Private Recreation		
Street :	M. The Knoll		
Suburb :	Tallwoods Village	City :	Tallwoods Village Postcode : 2430
Land Parcel :	Lots 33-36, DP 879612 - Rezone R1 General Residential, RE2 Private Recreation to R1 General Residential		
Street :	N. 25 Myalup Ct		
Suburb :	Red Head	City :	Red Head Postcode : 2430
Land Parcel :	Lot 706 DP 1169554 - Realign the RE 1 Public Recreation and R1 General Residential zone boundaries		
Street :	O. High St		
Suburb :	Black Head	City :	Black Head Postcode : 2430
Land Parcel :	Lot 213, DP 1098493 - Rezone RE1 Public Recreation, R1 General Residential, RU1 Primary Production to R1 General Residential and RU1 Primary Production		

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

Street :	F. 102 Industrial Rd & Lot 193 Glacken St		
Suburb :	Harrington	City :	Harrington Postcode : 2427
Land Parcel :	Lot 218 DP 754415, Lot 193 DP 754415 and Lot 2 DP 510738 - E1 National Parks and Nature Reserves, E2 Environmental Conservation, RU1 Primary Production to E2 Environmental Conservation, RU1 Primary Production		
Street :	I. River St		
Suburb :	Cundletown	City :	Cundletown Postcode : 2430
Land Parcel :	Lot 1, DP 1136052 Include additional land on the land reservation acquisition map		
Street :	G11. Albert Street Taree Heritage Conservation Area		
Suburb :	Taree	City :	Taree Postcode : 2430
Land Parcel :	Heritage Conservation Area - Amend FSR		
Street :	G11. Coopernook Heritage Conservation Area		
Suburb :	Coopernook	City :	Coopernook Postcode : 2426
Land Parcel :	Heritage Conservation Area - Amend FSR		
Street :	G.11 Taree Park Heritage Conservation Area		
Suburb :	Taree	City :	Taree Postcode : 2430
Land Parcel :	Heritage Conservation Area - Amend FSR		
Street :	G.11 Tinonee Heritage Conservation Area		
Suburb :	Tinonee	City :	Tinonee Postcode : 2430
Land Parcel :	Heritage Conservation Area - Amend FSR		
Street :	G.11 Taree West Heritage Conservation Area		
Suburb :	Taree	City :	Taree Postcode : 2430
Land Parcel :	Heritage Conservation Area - Amend FSR		
Street :	G.11 Wingham Conservation Area		
Suburb :	Wingham	City :	Wingham Postcode : 2429
Land Parcel :	Heritage Conservation Area - Amend FSR		
Street :	G1 -G10 General housekeeping amendments		
Suburb :	various	City :	sites Postcode : 0
Land Parcel :	General amendments apply to all land covered by the Greater Taree LEP 2010		

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

DoP Planning Officer Contact Details

Contact Name : Trent Wink
Contact Number : 0249042716
Contact Email : trent.wink@planning.nsw.gov.au

RPA Contact Details

Contact Name : Sue Calvin
Contact Number : 0265925384
Contact Email : sue.calvin@midcoast.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Hunter Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	50
Gross Floor Area :	0	No of Jobs Created :	40

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 advises that the planning proposal was presented to the former Greater Taree City Council Ordinary Meeting in December 2015. In May 2016, the MidCoast Council was proclaimed. In consultation with the Department of Planning and Environment, and to address consistency in provisions across the MidCoast Council and priorities of the new Council, changes were made to the planning proposal. These changes were endorsed at the MidCoast Council Ordinary Meeting in December 2016.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives explains the purpose of the planning proposal is to provide a more robust LEP to guide future land uses in the Manning region (former Greater Taree LGA) of the MidCoast Council Local Government Area.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal aims to make the following housekeeping amendments:

General amendments G1-G12

G1. New clause requiring that essential services are provided for all development to ensure adequate arrangements are made for water, electricity, disposal of sewage, drainage and road access.

G2. New clause permitting temporary events 'without development consent' on public reserves and public roads.

G3. New clause providing subdivision flexibility with development consent, where one or more resultant lots do not meet the minimum lot size, in all rural, large lot residential, and environmental zones. This clause is similar to the exempt development provision in the Codes SEPP but it permits variations greater than 10% with development consent subject to complying with certain requirements.

G4. New zone objectives:

- i. New RU1 Primary Production zone objective – To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.
- ii. New RU5 Village zone objective – To minimise conflict between land uses within the zone and land uses within adjoining zones.
- iii. New B2 Local Centres zone objective – To ensure quality of design of buildings and public spaces to achieve a locality that is safe and accessible.

The new zone objectives should assist the development assessment process by more accurately describing the desired planning outcomes.

G5. Permit (attached and detached) dual occupancies in the RU1 Primary Production zone and introduce a new clause to address visual amenity and potential land use conflict issues. It is also proposed to prohibit rural worker's dwellings.

G6. RU1 Primary Production land use table changes

- i. Prohibit funeral homes in the RU1 Primary Production zone; and
- ii. Permit "boat launching ramps, boat sheds, camping grounds, charter and tourism boating facilities, community facilities, depots, educational establishments, function centres, industrial training facilities, information and education facilities, intensive plant agriculture, jetties, marinas, markets, mooring pens, moorings, plant nurseries, public administration buildings, recreation areas, recreation facilities (major), recreation facilities (outdoor), registered clubs, restaurants or cafes, sewerage systems, timber yards, veterinary hospitals, waste or resource management facilities, water recreation structures, water supply systems, wharf or boating facilities." with development consent

Council advises that expanding the permissible land uses will provide consistency across the MidCoast LGA. Intensive plant agriculture was previously "permitted without consent" but it should require approval to ensure the development is properly assessed. The

Department initially raised concern about permitting registered clubs and restaurant or cafes in the RU1 Primary Production zone. Council advises that it is satisfied that its development assessment process will determine whether the development is consistent with the zone objectives and acceptable.

G7. Permit kiosks and takeaway food and drink premises with development consent in the B6 Enterprise Corridor zone.

Council advises that most if its existing B6 Enterprise Corridors are located away from existing centres and there is a demand for kiosks and take away food outlets.

G8. Permit bulky goods premises with development consent in the IN2 Light Industry zone.

Council provides justification why bulky goods premises should be permitted with consent in the IN2 Light Industry Zone, such as being consistent with the Great Lakes and Gloucester LEPs.

G9. Permit rural industries with development consent in the IN2 Light Industry zone.

Currently, rural industries are listed in the land use table as as being 'permitted with consent' and 'prohibited'. This amendment clarifies that this land use is permissible with consent.

G10. Permit function centres with development consent in the RE1 Public Recreation and RE2 Private Recreation zones.

Council has identified that function centres are commonly located within recreational zones associated with sporting clubs, and the land use is considered consistent with the zone objectives.

G11. Adjusting the floor space ratio of 0.45:1 in six Heritage Conservation Area of Taree – Albert Street, Taree Park, Taree West; Tinonee; Wingham; and Coopernook to be consistent with existing zoning under LEP 2010. The following FSRs will be applied based on the existing zonings in the conservation areas:-

R1 General Residential 0.6:1

B2 Local Centre 0.85:1

B3 Commercial Core 2:1,

B6 Enterprise Corridor 1:1

No FSR for the land zoned RU5 Village, RE1 Public Recreation, E1 National Parks and Reserves and E2 Environmental Conservation

The proposed amendments ensure that people living within the heritage conservation areas are not disadvantaged in terms of FSR, compared with other properties. The development assessment process will continue to assess the potential heritage impacts.

G12. Permit the group term water system systems with development consent in the RU3 Forestry, RU4 Primary Production Small Lots, RU5 Village and R5 Large Lot Residential zones.

Currently, only dams covered by the exempt development provisions in rural zones and the R5 Large Lot Residential zone are permitted. This amendment will make larger dams permissible with development consent.

New G13. The Gateway determination has been conditioned to include the proposed amendment to clause 4.1B Exceptions to minimum subdivision lots sizes for certain split zones to include land zoned RU5 Village as a general amendment. This is necessary

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

because it will apply to all land zoned RU5 covered by the Greater Taree Local Environmental Plan 2010.

Site Specific Amendments A-Q

A. Rezone land from RU3 Forestry to E1 National Parks and Reserves at Lot 98 DP 753690, Cooplacurripa. National Parks and Wildlife Service has requested the rezoning to reflect its ownership and use of the land.

B. Rezone land from RU1 Primary Production to part RU1 Primary Production and part RU5 Village at No.24-30 Johns River Rd, Johns River.

1. Amend the zoning map (LZN) to part RU5 Village and part RU1 Primary Production.

ii. Amend the Height of Building (HOB) map from no requirement to 8.5m within the RU5 zone. There is no requirement for HOB in the RU1 zone.

iii. Amend the lot size map (LSZ) from 40ha to 1000sqm within the RU5 zone. The RU1 land will retain a 40ha minimum lot size.

iv. Amend clause 4.1B to facilitate the subdivision of the RU5 Village zoned land from the rural residue. (The Gateway Determination has been conditioned to include this part as a general amendment).

Council supports this amendment as a logical extension of the Johns River village. To determine whether the rezoning is suitable, the Gateway determination has been conditioned to prepare a traffic and acoustic impact assessment to determine potential impacts to and from the Pacific Highway.

C. Amend the lot size map for land zoned RU5 Village located at Cooperbrook.

i. Amend the LSZ map for various lots by applying a 1000sqm minimum lot size for land zoned RU5 Village.

iv. Amend clause 4.1B to facilitate the subdivision of the RU5 Village zoned land from the rural residue. (The Gateway Determination has been conditioned to include this part as a general amendment)

The current RU5 village zone boundary follows the previous flood prone land boundary, which has changed slightly based on the latest Manning River Flood Study 2016. Council advises that it intends to review the existing RU5 Village zoning as part of a future housekeeping amendment. The flood study has identified some of the land zoned RU5 Village (and to be subject to the minimum lot size of 1000sqm) as being flood affected. To ensure consistency with the Minister's S117 Direction 4.3 Flood Prone Land, the Gateway determination has been conditioned to realign the RU1 Primary Production and RU5 Village zone boundary so that only flood free land (FPL3 2100 + 1% + 0.5m) as identified by the Manning River Flood Study 2016 is zoned RU5 Village and has a minimum lot size of 1000sqm in the subject area.

D. Rezone land from RU1 Primary Production to part IN1 General Industry and part E2 Environmental Conservation at No. 586 Landsdowne Rd, Kundle Kundle.

i. Amend the LZN Map to part IN1 General Industry and part E2 Environmental Conservation.

ii. Amend the LSZ map from no minimum lot size to 40ha for land zoned E2. Land zoned IN2 will not have a minimum lot size.

In the 1980s an engineering business was established on the site to fabricate railway products, and has remained a site for industrial activities (which are prohibited in the present RU1 zone). The footprint of the existing industrial use will be rezoned to IN1 (9.54ha) to permit industrial uses on the site. Whilst, the remainder of the land will be zoned to E2 (45.12ha) to reflect the environmental values of the land which link to National Parks and Nature Reserves to the west and north-east of the site.

E. Correcting a cadastre boundary anomaly at No.74 Longworths Rd, Harrington.
i. Amend the LZN map, and LSZ map, to align the current RU1 Primary Production, E2 Environmental Conservation and W2 Recreational Waterways zones to the correct cadastre boundaries.

F. Rezone land from part RU1 Primary Production and part E1 National Parks and Nature Reserves zones to part RU1 Primary Production and E2 Environmental Conservation zones at No.102 Industrial Rd and No.193 Glacken St, Harrington. Note: All land currently zoned RU1 Primary Production will remain unchanged.

- i. Amend the LZN map to part RU1 Primary Production and part E2 Environmental Conservation zones.
- ii. Amend the LSZ map in the E2 zone from no minimum lot size required to 40ha.
- iii. Amend clause 5.1(2) to include the land zoned E2 and marked "National Parks" so it can be acquired by the Minister administering the National Parks and Wildlife Act 1974.

The landowner requested the zone change for E1 to E2, to reflect that the land is privately owned. Council states that National Parks and Wildlife Service intends to purchase this land as part of the future expansion of Crowdy Bay National Park, and the land is currently identified in Council's Land Reservation Acquisition (LRA) Map. The LRA map remains unchanged, but the clause needs to be amended to reflect the change in zone from E1 to E2.

G. Rezone land from RE1 Public Recreation to B1 Neighbourhood Centre at No.2 Pilot Street, Harrington.

- i. Amend the LZN map from RE1 Public Recreation to B1 Neighbourhood Centre
- ii. Amend the HOB map from no requirement to 8.5m
- iii. Amend the FSR map from no requirement to 0.85:1

The Harrington Memorial Hall owned by Crown Land is located on the subject land. The Greater Taree LEP 1995 identified part of the site as "Arterial Road", and LEP 2010 applied the adjoining land zone (the roads were zoned RE1 as they adjoined Pilot Hill and Harrington Foreshore Parks). Council advises that it does not want to purchase the land.

H. Rezone land from part SP2 Infrastructure Public Utility Undertaking and part R1 General Residential to part IN2 Light Industrial and part E2 Environmental Conservation zones at No.202 Bushland Drive, Taree.

- i. Amend the LZN map to part IN2 Light Industrial and part E2 Environmental Conservation zones. The small portion of land currently zoned R1 General Residential located along Bushland Drive will be included in the IN2 Light Industrial zone.
- ii. Amend the LSZ map from no requirement to 40 hectares over the E2 zoned land. Land zoned IN2 will not have a minimum lot size.

The site has operated as a rail facility for 30 years and is currently for sale. Rail Corp has requested the zone be amended, and Council considers the IN2 zone will reflect the likely continued use of the site. The vegetation along the eastern portion of the site contributes to an important ecological/environmental corridor and it is proposed to zone part of it E2 Environmental Conservation. The Gateway determination has been conditioned to consult with the Office of Environment and Heritage about this amendment.

I. Future Land Acquisition, Cundletown (Bypass)

- i. Amend the LRA map to identify land as 'local road' to be acquired by Council.

Council advises that the inclusion of this land in the LRA map for the Cundletown Bypass was missed in error. Council advises that the land is required for the future construction of a roundabout as part of the Cundletown Bypass for the new town of Brimbin.

J. Rezone land from part RE2 Private Recreation, part RE1 Public Recreation and part IN2 Light Industrial to Part RE2 Private Recreation and part IN2 Light Industrial at No.11-29 Beeton Parade, Taree. All land currently zoned IN2 Light Industrial will remain unchanged.

i. Amend the LZN map to rezone the portion RE1 Public Recreation to RE2 Private Recreation. The LSZ, HOB and FSR maps remain unchanged.

The site was previously zoned as 6(a) Open Space under Taree LEP 1995. The site is privately owned, and previously used as a bowling club and restaurant. Council advises that it incorrectly zoned the land RE1 zone and has no intention to purchase the land.

K. Heritage Property Description correction at No.16 Hayes Lane, Taree

i. Amend the property description of Heritage Item I190 (Two Norfolk Island pine trees) in Part 1 of Schedule 5 – Environmental heritage to Lot 140 DP 611673.

L. Rezone land from RU1 Primary Production to part SP3 Tourist, part E2 Environmental Conservation and part E3 Environmental Management zones at 394 Diamond Beach Road, Diamond Beach.

i. Amend the LZN map to part SP3 Tourist, part E2 Environmental Conservation and part E3 Environmental Management zones.

ii. Amend the LSZ map from 40ha to 10,000sqm on land within the SP3 Tourist zone. The land zoned E2 and E3 will retain the 40ha minimum lot size.

iii. Amend the HOB from no requirement to 8.5m within the SP3 zone. The land zoned E2 and E3 will have no HOB requirement.

iv. Amend the FSR from no requirement to 0.6:1 within the SP3 zone. The land zoned E2 and E3 will have no FSR requirement.

v. Amend the Schedule 1 Additional permitted uses and accompanying Map to permit 30% of the development to be permanent residential.

This site specific amendment has changed significantly from early versions of the planning proposal. Council agreed to remove this amendment from the planning proposal on 11 July 2017 because it hasn't formally resolved to rezone part of the site E3 Environmental Management and to permit permanent residential. The Gateway determination has been conditioned accordingly. No further assessment of this site specific amendment will be undertaken.

M. Rezone land from part R1 Residential and part RE2 Private Recreation zones to R1 General Residential at No.23-26 The Knoll, Tallwoods Village

i. Amend the LZN map to R1 General Residential.

ii. Amend the LSZ map to apply a minimum lot size of 450sqm.

iii. Amend the HOB map to apply a maximum height of 8.5m

iv. Amend the FSR map to apply a FSR of 0.6:1

The proposed amendment will correct the zoning anomaly.

N. Reduction in the amount of land zoned RE1 Public Recreation at No.25 Myalup Court, Red Head

i. Amend the LSZ map to part RE1 Public Recreation and part R1 General Residential zones.

ii. Amend the LSZ map to apply a minimum lot size 450sqm for the residential lands.

iii. Amend the HOB map to apply a maximum height of 8.5m for the residential lands.

Council advises that a larger area was initially zoned RE1 Public Recreation zone to provide access to a proposed public carpark. Council has assessed its open space needs in this location, and determined that a carpark is not required as there is adequate on-road

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

parking available. Council has resolved to reduce the width of the land zoned RE1 Public Recreation to 6m, which should be sufficient to provide access for NPWS and Landcare to the adjoining land. Council advises that a planning agreement will be put in place, once this plan is made, to transfer the RE1 Public Recreational land to Council.

O. Rezone land from part R1 General Residential, part RE1 Public Recreation and part RU1 Primary Production to part R1 General Residential and part RU1 Primary Production at No.213 High Street, Black Head.

i. Amend the LZN map to rezone the portion RE1 Public Recreation to R1 General Residential.

ii. Amend the LSZ map to a minimum lot size of 450sqm for the residential land. The 40ha minimum lot size within the RU1 zoned land will remain unchanged.

iii. Amend the HOB map from no requirement to 8.5m for the residential land. The RU1 zoned land retains no requirement.

iv. Amend the FSR map from no requirement to 0.6:1 for the residential land. The RU1 zoned land retains no requirement.

The land zoned RE1 Public Recreation is privately owned, and contains the detention basins for the Halliday Shores development. Council advises that it has no intention of purchasing the land for open space.

P. Heritage Property Description correction at 2 Bungay Road, Wingham
Amend the property description of Heritage Item I249 (Dwelling) in Part 1 of Schedule 5 – Environmental heritage to Lot 1 DP 780647.

Q. Heritage Property Description correction at No.16 Thomas Street, Community Hall, Johns River
Amend the property description of Heritage Item I299 (Community Hall) in Part 1 of Schedule 5 – Environmental heritage to Lot 7303 DP 1143888 and Lot 16 Section 10 DP 758546.

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

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 5.10 Implementation of Regional Plans

Is the Director General's agreement required? Yes

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

d) Which SEPPs have the RPA identified?

- SEPP No 14—Coastal Wetlands
- SEPP No 26—Littoral Rainforests
- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 71—Coastal Protection
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
- SEPP (Rural Lands) 2008

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

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 :

State Environmental Planning Policies

The planning proposal dated 20 June 2017 provides a detailed assessment against the relevant State Environmental Planning Policies. It demonstrates that the proposed general and site-specific amendments are consistent with the State Environmental Planning Policies.

SEPP No 55—Remediation of Land

Site Specific Amendment D – The site is identified as contaminated lands on Council's mapping system (and on Section 149 Property Certificates). The General Industry zone is proposed over the footprint of the existing operations, with the remainder of the site included in the Environmental Conservation zone.

The General Industrial zone permits a range of land uses, including the establishment of educational and child care facilities. The proposed industrial zone is suitable for this site given it better reflects the use of the land and the potential level of contamination. Council is satisfied that the development assessment process will adequately address the requirements of SEPP 55 in terms of remediation requirements.

Site Specific Amendment H – this site was used by Railcorp NSW for the making and storage of rail sleepers. The contamination report prepared by GHD concludes that there is low potential for contamination to exist in the soils and that the site is suitable for either ongoing commercial or industrial land use. This assessment demonstrates consistency with the SEPP.

Council has adequately considered the requirements of SEPP 55 and is satisfied that the proposed rezonings are acceptable in their contaminated state.

SEPP (Exempt and Complying Development Codes) 2008

General Amendment G3 is similar to the exempt development provision dealing with the subdivision of undersized allotments contained in the Codes SEPP. Council's proposed clause permits variations greater than 10% with development consent subject to complying with certain requirements and this is considered acceptable.

Minister's S117 Directions

The planning proposal dated 20 June 2017 provides a detailed assessment of the Minister's S117 Directions. Council has adequately justified the inconsistencies as outlined below:-

1.1 Business and Industrial Zones

Site specific amendment D rezones land to IN1 General Industrial not in accordance with an endorsed strategy. This inconsistency is considered of minor significance and supports and adjoins the major employment lands proposed at Brimbin.

Site specific amendment G rezones land previously identified as a arterial road to B1 Neighbourhood Centre. The land forms part of the existing Harrington centre and is not considered inconsistent with this S117 Direction.

Site specific amendment H rezones land to IN2 Light Industrial not in accordance with an endorsed strategy. This inconsistency is considered of minor significance and allows the continued use of the site for industrial purposes.

1.2 Rural Zones

Site specific amendment A rezones rural land to E1 National Parks and Reserves to reflect ownership by NPWS. This is not inconsistent with this S117 Direction.

Site specific amendment B rezones rural land to part RU5 Village. This inconsistency is considered of minor significance and supports the growth of Johns River.

Site specific amendment D rezones rural land to IN1 General Industrial not in accordance with an endorsed strategy. This inconsistency is considered of minor significance and supports and adjoins the major employment lands proposed at Brimbin.

Site specific amendment E aligns the current rural and environmental zones to the correct cadastre boundaries. This is not inconsistent with this S117 Direction.

Site specific amendment L The Gateway determination has been conditioned to discontinue this component.

1.3 Mining, Petroleum Production and Extractive Industries

The Gateway determination has been conditioned to consult with the Department of Primary Industries to determine consistency with this direction.

1.5 Rural Lands

Council provides a detailed assessment of the site specific amendments A, B, D and E against the rural planning and rural subdivision principles. The planning proposal is considered consistent with this direction.

2.2 Coastal Protection

The planning proposal is considered consistent with the direction. Any future development application in the coastal zone will be assessed against the criteria contained in the Greater Taree LEP 2010 (clause 5.5) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development.

3.1 Residential Zones

The planning proposal is considered consistent with the direction by continuing to provide housing diversity and making more efficient use of existing infrastructure and services.

3.4 Integrating Land Use and Transport

The planning proposal is considered consistent with this direction by either reinforcing the urban footprint, permitting the continuance of an existing employment activity, reflecting ownership arrangements or correcting zoning anomalies.

4.1 Acid Sulfate Soils

A number of these site specific amendments are subject to acid sulfate soil. Council has not prepared an acid sulfate soils study to assess the appropriateness of the change of land use. This inconsistency is considered of minor significance and any potential acid sulfate issue can be resolved at the development application stage.

4.3 Flood Prone Land

Site specific amendment C applies a minimum lot size of 1000sm for all land zoned RU5 village at Coopernook. The current RU5 village zone boundary follows the previous flood prone land boundary, which has changed slightly based on the latest Manning River Flood Study 2016 (FPL3 2100 + 1% + 0.5m). The flood study has identified some of the land zoned RU5 Village (and to be subject to the minimum lot size of 1000sqm) as being flood affected. Applying a minimum lot size of 1000sm on flood prone land is not supported. To ensure consistency with this direction, the Gateway determination has been conditioned to realign the RU1 Primary Production and RU5 Village zone

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

boundary so that only flood free land (FPL3 2100 + 1% + 0.5m) as identified by the Manning River Flood Study 2016 is zoned RU5 Village and has a minimum lot size of 1000sqm in the subject area.

Site specific amendment J rezones land from "public" to "private" recreation, thereby slightly increasing the permissible land uses in a flood prone area. The inconsistency with this direction is considered of minor significance.

Site specific amendment F rezones land from National Parks and Nature Reserves (E1) to the Environmental Conservation (E2) zone, thereby increasing the permissible land uses in a flood prone area. The inconsistency with this direction is considered of minor significance.

4.4 Planning for Bushfire Protection

The Gateway determination has been conditioned to consult with the NSW Rural Fire Service to determine consistency with this direction.

6.2 Reserving Land for Public Purposes

Site specific amendments F, G, J and O rezone privately owned land zoned RE1 Public Recreation or E1 National Parks and Natural Reserves to an appropriate zoning. In these instances, it is a zoning anomaly because the public authority has no intention to acquire the land. It is recommended that the Secretary's delegate approve this reduction of land for public purposes.

Site specific amendment N reduces the amount of privately owned land zoned RE1 Public Recreation to a 6m wide strip to maintain access. Council has assessed its open space needs in this location, and determined that a carpark is not required as there is adequate on-road parking available. Council advises that a planning agreement will be put in place, once this plan is made, to transfer the RE1 Public Recreational zoned land to Council. It is recommended that the Secretary's delegate approve this reduction of land for public purposes.

Site specific amendment I reserves additional land currently owned by RMS for the construction of a roundabout as part of the Cundletown Bypass. RMS agreed to this reservation and Council's future acquisition on 23 November 2015. It is recommended that the Secretary's delegate approve this reservation of land for public purposes.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : The planning proposal provides adequate mapping for public exhibition. This includes:- aerial photographs, existing and proposed zoning maps, lot size, height of building, floor space ratio, heritage conservation area, and land reservation acquisition maps (where applicable).

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The Department supports Council's recommended minimum exhibition period of 28 days, due to the number of proposed amendments.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

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 : Greater Taree LEP adopted in 2010

Assessment Criteria

Need for planning proposal :	Yes. The preparation of a Planning Proposal is the most appropriate mechanism to undertake the proposed amendments to the Greater Taree LEP 2010.
Consistency with strategic planning framework :	The Planning Proposal is not the result of a strategic study or report. The housekeeping amendment is based on Council's review of other standard instrument local environmental plans and permissible land uses, internal workshops and community feedback about zoning anomalies and other inconsistencies. The planning proposal is considered consistent with the strategic directions of the Hunter Regional Plan 2036 and the Manning Valley Community Plan 2010-2030.
Environmental social economic impacts :	The planning proposal should have a net community benefit. The housekeeping amendments are considered unlikely to result in any adverse environmental, social or economic impacts.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Department of Primary Industries - Minerals and Petroleum Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) : No			
If Yes, reasons :			
Identify any additional studies, if required. :			
Other - provide details below			

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

If Other, provide reasons :

A traffic and acoustic impact assessment needs to be prepared for site-specific amendment B Johns River to determine potential impacts to and from the Pacific Highway.

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
Updated Planning Proposal (Package 4) 20170620.pdf	Proposal	Yes
Greater Taree City Council_20-06-2017_request for GD - Gretaer Taree LEP Package 4 Amendments_.pdf	Proposal Covering Letter	Yes
RMS letter approval of reservation for Site I.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 5.10 Implementation of Regional Plans

Additional Information :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, amend the planning proposal as follows:-
 - a) include the proposed amendment to clause 4.1B Exceptions to minimum subdivision lots sizes for certain split zones as a general amendment because it will apply to all land zoned RU5 covered by the Greater Taree Local Environmental Plan 2010.
 - b) Update site specific amendment(C) Coopernook to realign the RU1 Primary Production and RU5 Village zone boundary so that only flood free land (FPL3 2100 + 1% + 0.5m) as identified by the Manning River Flood Study 2016 is zoned RU5 Village and has a minimum lot size of 1000sqm in the subject area.
 - c) Delete the site specific amendment(L) Diamond Beach because Council hasn't resolved to rezone part of the site E3 Environmental Management and to permit permanent residential accommodation. Retain the existing site specific amendment labeling (a-q) to avoid confusion when consulting public agencies.
 - d) Update Council's assessment of the Minister's S117 Direction 2.2 Coastal Protection to explain that the planning proposal is consistent because any future development application in the coastal zone will be assessed against the criteria contained in the Greater Taree LEP 2010 (clause 5.5) to provide for the protection of the coastal environment.
 - e) Update Council's assessment of the Minister's S117 Direction 3.1 Residential Zones to explain that the planning proposal is consistent because it continues to provide housing diversity and making efficient use of existing infrastructure and services.

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

f) Update Council's assessment of the Minister's S117 Direction 3.4 Integrating Land Use and Transport to explain that the planning proposal is consistent because it either reinforces the urban footprint, permits the continuance of an existing employment activity, reflects ownership arrangements or corrects zoning anomalies.

2. A traffic and acoustic impact assessment needs to be prepared for site-specific amendment B Johns River to determine potential impacts to and from the Pacific Highway. The planning proposal is to be updated to include the traffic and acoustic impact assessment prior to exhibition and consulting agencies.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days, and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Rural Fire Service regarding S117 Direction 4.4 Planning for Bushfire Protection.
- Office of Environment and Heritage regarding site-specific amendments B Johns River and H Taree.
- National Parks and Wildlife Services regarding site-specific amendment F Harrington.
- Roads and Maritime Services regarding site-specific amendments B Johns River and I Cundletown.
- NSW Department of Primary Industries (Agriculture) regarding the general amendments G3, G4, G5, G6 and G12.
- NSW Department of Primary Industries (Minerals and Petroleum) regarding S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. The Secretary's delegate approves the minor inconsistencies with the Minister's S117 Direction 1.1 Business and Industrial Zones, 1.2 Rural Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land because it is justified by being consistent with the underlying strategic directions of the Hunter Regional Plan 2036 and being of minor significance

6. The Secretary's delegate approve the reduction of land under the Minister's direction 6.2 Reserving Land for Public Purposes for site specific amendments F, G, J, N and O.

7. The Secretary's delegate approve the reservation of land for site specific amendment I (Future Cundletown Bypass) under the Minister's direction 6.2 Reserving Land for Public Purposes.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Housekeeping Amendment to Greater Taree Local Environmental Plan 2010 (50 dwellings and 40 Jobs)

10. Council be given the Minister's plan making delegations under s59 of the Environmental Planning and Assessment Act 1979.

Supporting Reasons :

Council did not request the Minister's plan making delegations. It is recommended that Council be given the Minister's delegation because the proposed amendments to the Greater Taree Local Environmental Plan 2010 are considered consistent with Hunter Regional Plan and the inconsistencies with the relevant S117 Directions have been adequately justified.

A 12 month time frame should be sufficient to finalise this planning proposal.

Signature:



Printed Name:

Robert Hodgkins

Date:

11/08/17

