



New South Wales

Greater Taree Local Environmental Plan 2010 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**RICHARD PAMPLIN, SENIOR LEADER STRATEGIC PLANNING,
GREATER TAREE CITY COUNCIL**
As delegate for the Minister for Planning and Infrastructure

Greater Taree Local Environmental Plan 2010 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Greater Taree Local Environmental Plan 2010 (Amendment No 5)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Greater Taree Local Environmental Plan 2010* applies.

4 Maps

Each map adopted by *Greater Taree Local Environmental Plan 2010* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Greater Taree Local Environmental Plan 2010 Flood Planning Map (3350_COM_FLD_010_080_20100517)	Not replaced
Greater Taree Local Environmental Plan 2010 Flood Planning Map (3350_COM_FLD_011_080_20100517)	Not replaced
Greater Taree Local Environmental Plan 2010 Flood Planning Map (3350_COM_FLD_014_080_20100517)	Not replaced
Greater Taree Local Environmental Plan 2010 Flood Planning Map (3350_COM_FLD_015_080_20100517)	Not replaced
Greater Taree Local Environmental Plan 2010 Flood Planning Map (3350_COM_FLD_017_080_20100517)	Not replaced
Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_014B_040_20100517)	Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_014B_040_20130529)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_015A_040_20100518)	Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_015A_040_20131114)
Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_015E_020_20100927)	Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_015E_020_20131114)
Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_015G_010_20100517)	Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (3350_COM_FSR_015G_010_20131216)
Greater Taree Local Environmental Plan 2010 Height of Buildings Map (3350_COM_HOB_015A_040_20110310)	Greater Taree Local Environmental Plan 2010 Height of Buildings Map (3350_COM_HOB_015A_040_20131114)
Greater Taree Local Environmental Plan 2010 Height of Buildings Map (3350_COM_HOB_015G_010_20100525)	Greater Taree Local Environmental Plan 2010 Height of Buildings Map (3350_COM_HOB_015G_010_20131114)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_010_080_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_010_080_20140320)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_010C_010_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_010C_010_20131216)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_011_080_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_011_080_20131112)
	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_011C_010_20140320)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_014_080_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_014_080_20130529)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_014B_040_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_014B_040_20131112)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_014E_010_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_014E_010_20131216)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015A_040_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015A_040_20130529)
	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015B_040_20130529)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015D_040_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015D_040_20130529)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015E_020_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015E_020_20130529)
Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015G_010_20100517)	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_015G_010_20130529)
	Greater Taree Local Environmental Plan 2010 Heritage Map (3350_COM_HER_016A_040_20130529)
Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_011A_040_20100517)	Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_011A_040_20131216)
Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_014B_040_20100517)	Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_014B_040_20131216)
Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_015A_040_20110310)	Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_015A_040_20131216)
Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_015E_020_20101203)	Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_015E_020_20130529)
Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_015G_010_20100517)	Greater Taree Local Environmental Plan 2010 Lot Size Map (3350_COM_LSZ_015G_010_20131216)
Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_014_080_20100517)	Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_014_080_20131216)
Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_014B_040_20100517)	Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_014B_040_20140320)
Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_015A_040_20101102)	Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_015A_040_20131216)
Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_015E_020_20100927)	Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_015E_020_20131216)
Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_015G_010_20100517)	Greater Taree Local Environmental Plan 2010 Land Zoning Map (3350_COM_LZN_015G_010_20131216)

Schedule 1 Amendment of Greater Taree Local Environmental Plan 2010

[1] Land Use Table

Insert “Eco-tourist facilities;” in alphabetical order in item 3 of the matter relating to the following zones:

Zone RU1 Primary Production
Zone RU4 Primary Production Small Lots
Zone RU5 Village
Zone SP3 Tourist
Zone RE1 Public Recreation
Zone RE2 Private Recreation
Zone E2 Environmental Conservation
Zone E3 Environmental Management

[2] Land Use Table

Insert “Extensive agriculture;” in alphabetical order in item 2 of the matter relating to Zone RE1 Public Recreation.

[3] Land Use Table

Insert the following in alphabetical order in item 3 of the matter relating to Zone RE1 Public Recreation:

Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Car parks; Cemeteries; Crematoria; Depots; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Jetties; Markets; Passenger transport facilities; Public administration buildings; Research stations; Sewage treatment plants; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities

[4] Clause 5.13 Eco-tourist facilities

Omit the clause. Insert instead:

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

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

[5] 7.1 Acid sulfate soils

Omit clause 7.1 (6) (a). Insert instead:

- (a) the works involve the disturbance of less than 1 tonne of soil, and

[6] Clause 7.2 Flood planning

Omit clause 7.2 (2).

Insert instead:

- (2) This clause applies to land at or below the flood planning level.

[7] Clause 7.2 (5)

Omit the definition of "*Flood Planning Map*".

[8] Clauses 7.4 and 7.5

Omit clauses 7.4 and 7.5. Insert instead:

7.4 Airspace operations

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and ongoing operation of the Taree Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
 - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
 - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
 - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed.
- (5) In this clause:

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Taree Airport.

relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Taree Airport.

7.5 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
 - (a) to prevent certain noise sensitive developments from being located near the Taree Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
 - (a) is on land that:
 - (i) is near the Taree Airport, and
 - (ii) is in an ANEF contour of 20 or greater, and

- (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) Before determining a development application for development to which this clause applies, the consent authority:
 - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
 - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

- (4) In this clause:

ANEF contour means a noise exposure contour shown as an ANEF contour on the Noise Exposure Forecast Contour Map for the Taree Airport prepared by the Department of the Commonwealth responsible for airports.

AS 2021—2000 means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

[9] Schedule 1 Additional permitted uses

Omit “with consent” wherever occurring. Insert instead “with development consent”.

[10] Schedule 1, item 2

Omit “a residential flat building”. Insert instead “multi dwelling housing”.

[11] Schedule 5 Environmental heritage

Omit item numbers I35, I61 and I276 from Part 1.

[12] Schedule 5, Part 1

Omit the property descriptions of each item listed in Column 1 and insert instead the property descriptions shown opposite in Column 2.

Column 1	Column 2
I46	Lot 136, DP 1160943
I89	Lot 7300, DP 1162605
I96	Lot 7305, DP 1138290; Lots 4–6, DP 114696
I173	Lot 7310, DP 1150121 and land to the east
I232	Lot 7014, DP 1026954; Lot 1, DP 1155454; Lot 1, DP 1155457; Lot 1, DP 1155460; Lot 1, DP 1155461
I287	Lot 7015, DP 1001487; Lot 1, DP 1155343; Lot 1, DP 1155918; Lot 1, DP 1155351
I288	Lot 7015, DP 1001487; Lot 1, DP 1155343; Lot 1, DP 1155918; Lot 1, DP 1155351

[13] Schedule 5, Part 1

Insert in appropriate order under the headings “Suburb”, “Item name”, “Address”, “Property description”, “Significance” and “Item no”, respectively:

Bobin	Jimmy Governor Plaque	Bobin Creek Road Reserve	Adjoining Lot 9, DP 734339	Local	I296
Hallidays Point	Blackhead rock pool	Main Street	Part of Lot 7302, DP 114094	Local	I298
Harrington	Norfolk Island Pines (4)	50 High Street	Lot 50, DP 754415	Local	I297
Johns River	Community hall	16 Thomas Street	Lot 16, Section 5, DP 758546	Local	I299
Krambach	Krambach school house (B00B building—1890)	3838 The Bucketts Way	Lot 72, DP 753182	Local	I300
Mount George	Stone building	1440–1442 Nowendoc Road	Lots 4 and 5, DP 12946	Local	I301
Old Bar	Soldiers Memorial Hall	1–3 Hall Street	Lots 47 and 48, DP 21901	Local	I302
Taree	CBD Fig tree	Pulteney Street	Road reserve (adjoining Lot 7029, DP 1065156)	Local	I303
Taree South	Residence and pines (2)	173–175 River Road	Lots B and C, DP 420980	Local	I304

[14] Schedule 5, Part 3

Omit the property address for item A172.

Insert instead “Adjoining (north of) Lot 7311, DP 1150121”.

[15] Schedule 5, Part 3

Insert at the end of the property address for item A259:

; Lot 7300, DP 1120599