

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Byron
<b>RPA</b>	Byron Shire Council
<b>NAME</b>	Additional Land Uses at 'The Farm', Ewingsdale Road, Ewingsdale (0 homes, 0 new jobs)
<b>NUMBER</b>	PP_2018_BYRON_003_00
<b>LEP TO BE AMENDED</b>	Byron LEP 2014
<b>ADDRESS</b>	The Farm, corner of Ewingsdale Road and Woodford Lane, Ewingsdale
<b>DESCRIPTION</b>	Lot 1 DP 780234 and Lot 5 DP 848222
<b>RECEIVED</b>	2 July 2018 and additional information received 9 July 2018
<b>FILE NO.</b>	EF18/528, IRF18/3719
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

#### INTRODUCTION

##### Description of Planning Proposal

The planning proposal seeks to enable additional land uses with consent at The Farm, Ewingsdale. The proposed land uses include a shop (wholesale bakery), industrial training facility, office premises and an information and education facility which are to be directly associated with the agricultural activities on the land. The subject land uses are currently being undertaken outside of the terms of existing consents and are associated with the farming activities at the site.

The proposed amendment to the LEP will enable the subject land uses to be approved on the subject land as well as requiring them to satisfy certain requirements.

##### Site Description and Existing Planning Controls

The Farm is a property located on the corner of Ewingsdale Road and Woodford Lane, Ewingsdale. The whole of the land is zoned RU1 Primary Production under the Byron LEP 2014.

The property contains a working farm and a cluster of buildings in the south-west of the site housing a number of individual businesses, generally associated with the primary production activities. The businesses include a café/restaurant (Three Blue Ducks), a bakery (the Bread Social) and retail outlet (Flowers at The Farm).

The Farm also provides interaction, education and passive recreation opportunities for visitors to the site.

Farming at the site is being undertaken by individual 'share farmers', who each lease plots within the site, averaging 0.5-1.0ha. The approved and proposed uses within the building cluster are designed to provide an on-site market for the produce grown on the land.

An aerial photo showing the location of the subject land outlined in yellow and the surrounding locality is at Figure 1



Figure 1

### Surrounding Area

The Farm is bounded to the north and east by rural land being used for agricultural purposes, and to the west is the Pacific Motorway corridor. Ewingsdale road forms the southern boundary of The Farm and south of Ewingsdale Road is the Byron District Hospital, the Byron Ambulance Station, a concrete batching plant, the Essential Energy Depot and rural land.

### Summary of Recommendation

It is recommended that the planning proposal proceed subject to conditions for the following reasons:

- 'The Farm' provides a demonstrated mechanism to bridge the gap between farmers and the metropolitan community, enabling education on sustainable farming practices, and promotion of food provenance;
- the proposed amendment to the Byron LEP 2014 will enable resolution of the issues relating to land uses which have exceeded the terms of the development consents for the site, and prevent unlawful uses spreading further across the site;
- the impacts of the proposed uses are known and the proposed LEP amendments will enable consideration of a development application which can require mitigation of adverse impacts from the site; and
- in support of the proposed amendments to the LEP the proponents have agreed to enter into negotiations for a planning agreement to contribute to the resolution of traffic impacts in the vicinity of the site.

## **PROPOSAL**

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### **Objectives or Intended Outcomes**

The planning proposal contains an objective and intended outcome which adequately explains the intent of the planning proposal. The objective of the proposal is to enable certain land uses, which are currently being undertaken outside of the terms of the existing consents, and which are associated with farming activities on the site to be approved at The Farm. It also seeks to limit the uses being undertaken within the identified 'Farming Precinct', and seeks to introduce matters for consideration for all land uses on the site.

### **Explanation of Provisions**

The proposal contains an explanation of provisions which describes how the intent of the proposal will be achieved. The explanation of provisions provides a plain English explanation of the proposed LEP provisions and an example of a draft clause is provided in Appendix A of the planning proposal.

The proposed provisions will:

1. Identify a 'Rural Activity Precinct' and a 'Farming Precinct' over the subject site which will be identified on a map;
2. Describe the purpose and extent of the Rural Activity Precinct which is to provide commercial outlets for farming products grown on site and opportunities for the community to learn about and appreciate farming.
3. Permit the following land uses with consent in the Rural Activity Precinct;
  - a. a shop being solely for a wholesale bakery;
  - b. industrial training facility;
  - c. office premises; and
  - d. information and training facility.
4. Include a requirement that a minimum of 70% of the bread and bakery goods produced by the wholesale bakery contain ingredients sourced directly from the subject land;
5. Clarify the scope and extent of the above land uses as follows;
  - a. the shop being solely for a wholesale bakery;
  - b. the industrial training facility is to be limited to within one existing building on the site and that training is provided to small groups and is to be related to agriculture or rural industry but not to marketing or administration of agriculture;
  - c. the office premise is to be located within an existing building and be solely for the management of agricultural businesses conducted on the subject land; and
  - d. the information and training facility is the use of an existing building for the display of information relating to the subject land or as a gathering point for groups undertaking training, education or recreational activities on the subject land.
6. Include the following requirements that must be addressed to the satisfaction of the consent authority before the above land uses are permitted with consent in the Rural Activity Precinct;
  - a. a requirement that the use must have an essential association with existing agricultural / primary production activities undertaken in the Farming Precinct at the site or enables or enhances agricultural production on the site;
  - b. a requirement that the use will not limit the operation and/ or expansion of adjoining and nearby agricultural uses;

- c. a requirement that wastewater generated by the proposed use will be within the treatment and disposal capacity of the approved on-site wastewater management system;
  - d. a requirement that the use will not require any new or additional buildings to be erected on the site;
  - e. a requirement that traffic generated by the proposed use will not result in total peak hour trips (i.e. from the site as a whole), exceeding 200 trips outside of school holiday periods or 350 trips during holiday periods;
  - f. a requirement that individual events undertaken within agricultural training/ education facilities involve a maximum of 30 people, with the exception of school groups, which can have a maximum of 50 students; and
  - g. a requirement that there will be no more than 1 training / education event per week within the agricultural training / education facilities.
7. Describe the purpose and extent of the Farming Precinct which will be to preserve the bulk of the property for primary production and facilitate innovative community farming models, and provide opportunities for agricultural education/appreciation and low scale recreational activities that are directly related to the primary production on the site;
  8. Define the extent of the Farming precinct which will be all areas of the site outside of the Rural Activity Precinct except for a continuous 5m wide vegetated buffer along all boundaries that adjoin privately owned farmland;
  9. Permit the following additional land uses with consent in the Farming Precinct;
    - a. farm field days and exhibitions; and
    - b. farm tours for educational purposes, including individuals, school groups and other groups (limited to 30 people or 50 students in the case of a school group at a time);
  10. Define the land uses permitted in item 9, above, being 'farm field days and exhibitions', and 'farm tours for educational purposes';
  11. Include the following requirements that must be addressed to the satisfaction of the consent authority before the above land uses are permitted with consent in the Farming Precinct;
    - a. a requirement that there be a maximum of 4 such events in any calendar year;
    - b. a requirement that there are no more than 100 people attending any individual event;
    - c. a requirement that events are scheduled such that event traffic avoids morning and afternoon peak hour periods;
    - d. a requirement that events will not occur concurrently with any use of the agricultural training / education facilities within the Rural Activities Precinct;
    - e. a requirement that a Noise Management and Monitoring Plan has been prepared for each event which includes:
      - i. details to ensure adequate measures, roles and responsibilities are in place to ensure that event noise remains inaudible above background levels at nearby dwellings;
      - ii. assessment of expected noise impacts;
      - iii. detailed examination of all feasible and reasonable management practices that will be implemented to minimise noise impacts
      - iv. strategies to promptly deal with and address noise complaints. This should include any records that should be kept in receiving and responding to any noise complaints;
      - v. details of performance evaluating procedures (for example, sound checks on amplified public address systems);

- vi. procedures for notifying nearby residents living within 1 kilometre of the property of forthcoming events, times that they are likely to notice noise emanating from the site and the contact details for the onsite manager for complaints and queries to be made, and responded to;
  - vii. operational details about the use of any noise monitoring equipment to record sound pressure levels around the property;
  - viii. name and qualifications of person who prepared the report; and
  - ix. protocols for the monitoring of the event, including a requirement that a report be provided to Council following the event.
12. Confirm that the provisions of clause 6.8 of the Byron LEP 2014 will not apply to the site.
13. Permit the following uses in the Farming Precinct without consent:
- a. family picnics; and
  - b. individual / small group (up to 10 people) unaccompanied meanders.

### **Mapping**

The proposed amendment will require a map to be prepared for the final LEP amendment which relates to the proposed provisions. The planning proposal contains maps which show the site and the proposed 'rural activity precinct' and 'farming precinct'. These maps are considered to be suitable for community consultation purposes.

### **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal has arisen as a means of regulating the land uses on the subject property. As detailed in the planning proposal, development applications for multiple land uses were approved in 2014 and 2015. Some of the land uses being undertaken on the site have extended beyond the parameters of the existing approvals.

Council undertook a compliance audit of the site in 2016 and the proponents were invited to submit a planning proposal to enable certain land uses on the site to be authorised. The bakery currently has no development approval.

After negotiation with Council on the scale of uses to be addressed by the planning proposal a final planning proposal was prepared in 2017 to address a wholesale bakery; agricultural training/education facilities; administration offices; and small-scale information centre.

Submissions to the proposal from neighbouring land owners have raised concerns that the proposal will authorise the currently un-authorised land uses on the site and that this is rewarding the proponent for establishing these land uses without consent. The issue of enforcement of unauthorised uses is a matter for Council.

### **Clause 6.8**

The provisions of clause 6.8 *Rural and nature-based tourism development* of the Byron LEP 2014 restrict rural tourism development to a scale which can be managed by the owner of the land alone. The scale of the existing uses at The Farm already exceed that threshold, preventing further development from being approved. It is therefore Council's intention that the provisions of clause 6.8 will not apply to future development at The Farm.

The issue of whether the provisions of clause 6.8 should apply to The Farm is a local matter. Council's proposal to turn off clause 6.8 for future development at the Farm is considered to be acceptable given the social and economic benefits The Farm provides to the community.

The planning proposal includes social and economic studies which conclude that beneficial social impacts of the proposal outweigh the adverse social impacts, which are already known and can be further mitigated through this proposal and any subsequent development consent. The expected economic impacts of the proposal are considered to be neutral.

### **Submissions from Neighbouring Land Owners**

The Department has received submissions from neighbouring land owners objecting to the proposal. Opponents to the planning proposal have argued that The Farm should not have exceeded the thresholds for rural tourism and the provisions of clause 6.8 should apply to The Farm. A number of development consents were issued under former planning instruments and are in force on the site, these consents authorise activities which are inconsistent with clause 6.8. The issue of The Farm's compliance with its development consent conditions is a matter for the consent authority being Byron Shire Council.

The planning proposal proposes a vegetated buffer area along the boundary of the subject land with neighbouring farms to mitigate potential land use conflicts. It is acknowledged that these buffers are well below those recommended in the NSW DPI. It is considered that a visitor management plan and a farm biosecurity management plan that addresses biosecurity risks between The Farm and neighbouring agricultural land should be prepared, though this could be addressed at DA stage as it would deal with how the proposed developments are to be managed rather than whether they should be permissible.

## **STRATEGIC ASSESSMENT**

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### **State**

The proposal is not inconsistent with the Premier's priorities for the state.

### **Standard Instrument LEP Template**

The proposal is not inconsistent with the Standard Instrument LEP Template. It is considered that the majority of the proposed provisions can be accommodated into the Standard Instrument format, definitions or other mechanisms such as the exempt development schedule or the additional permitted uses schedule.

The planning proposal identifies Standard Instrument land uses for the proposed uses in the Rural Activity Precinct (being shop, industrial training facility, office premises and information and training facility).

No Standard Instrument definitions are suggested for 'farm field days and exhibitions' or 'farm tours for educational purposes' however these may fit the definition of information and education facility which is defined as:

***information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.*

This matter can be addressed at legal drafting stage. Additional land uses which are not included in the dictionary are able to be included and defined in separate local provisions in the LEP.

LEP Practice Note PN11-003 Preparing LEPs Using the Standard Instrument: definitions PN11-001 states that:

*Depending on the circumstances, it may be considered appropriate to define a term within the locally prepared clause. However, in most instances it will usually be*

*possible to draft a local provision using common language terms. Terms in the Dictionary are not affected by local provision definitions.*

The terminology used in the planning proposal is sufficient to clearly explain the intention of the proposal to the community.

#### Northern Rivers Farmland Protection Project 2005

The Northern Rivers Farmland Protection Project 2005 (NRFPP) identifies the land, shown outlined in yellow in Figure 2, as regionally significant farmland. The proposal is not inconsistent with the NRFPP as it does not intend to rezone the subject land and will require that additional land uses approved on the site are associated with the primary production activities on the land and located on the existing developed portion of the land.

The NSW Department of Primary Industries – Agriculture (DPI) and neighbouring land owners have identified farm biosecurity as an issue with the proposed permissible land uses. The proposal to allow large numbers of the public to access the Farming Precinct unsupervised (via ‘family picnics’ and ‘unaccompanied meanders’) has the potential to compromise farm biosecurity both on the subject land and on neighbouring farms. It is recommended that a biosecurity management plan be prepared to address the concerns of DPI and the neighbouring properties, though this could be done at development application stage as previously discussed.

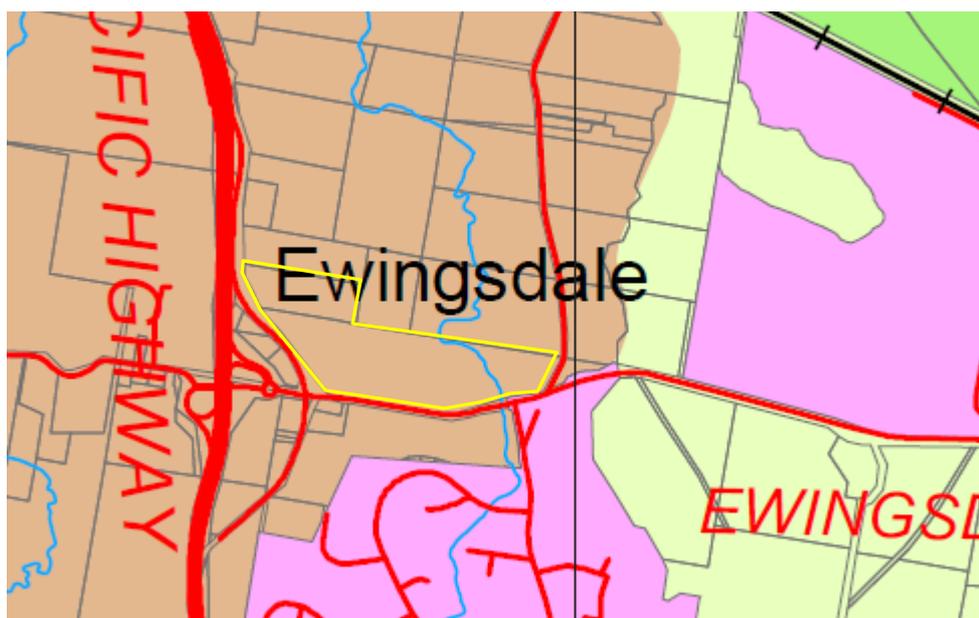


Figure 2

#### **Regional / District**

The proposal is not inconsistent with the North Coast Regional Plan 2036 (NCRP). The proposal seeks to permit additional land uses on the site which are directly associated with the primary production land uses conducted on the site. The proposal includes an assessment against the Urban Growth Area Variation Principles however this is not relevant given that urban land uses are not being proposed and the proposal will require the permitted land uses to be directly associated with the primary production undertaken on the site.

The proposal is therefore consistent with action 11.4 of the NCRP as it encourages niche commercial / tourist activities that complement the agricultural sector.

The proposal to introduce specific controls into the Byron LEP 2014 to enable the requested land uses on the site is also consistent with action 12.1 to promote agriculture through flexible planning provisions.

### **Local**

The proposal is consistent with the Byron Rural Land Use Strategy 2017 (RLUS). The RLUS advocates the policy provision that rural tourist development will build on and complement the agricultural industry and reinforce the predominant use of the land for agricultural production. The proposal seeks to achieve this by requiring that the additional permitted land uses on the site are directly associated with the primary production activities on the site.

### **Section 9.1 Ministerial Directions**

The following Ministerial directions are relevant to the planning proposal, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 5.3 Farmland of State and Regional Significance on the NSW Far North Coast, 5.10 Implementation of Regional Plans, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

The proposal is inconsistent with direction 6.3 Site Specific Provisions. Direction 6.3 provides that a planning proposal which allows a particular development must allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principle LEP.

The proposal seeks to introduce heads of considerations and requirements which limit the scale and extent of the permissible land uses on the site, and is therefore inconsistent with the direction.

The inconsistency is considered to be justified as being of minor significance as the proposal seeks to authorise some of the existing land uses on the site and restrict further use to ensure they are associated with the primary production activities on the site. This is considered to be appropriate as the site is a unique rural tourist attraction which promotes agricultural activities in the locality. The land is mapped as regionally significant farmland and it is appropriate that the tourism and commercial uses permitted on the site do not detract from the agricultural use of the land. It is considered that the inconsistency is justified in accordance with the terms of the direction.

The proposal is otherwise consistent with the relevant Ministerial directions.

The proposal does not propose to rezone the subject land and no additional residential land uses are proposed. Any additional land uses will only be permitted where they are associated with the primary production use of the land. The proposal is consistent with the Rural Planning Principles in SEPP (Rural Lands 2008).

The land is already developed for primary production purposes and no environmentally sensitive areas are located on the site. The land is not flood prone, bushfire prone and is not mapped as being subject to acid sulfate soils.

The regionally significant farmland on the site will be retained for agricultural purposes and any additional land uses on the site will be required to be associated with the primary production use of the land.

## **State Environmental Planning Policies**

The SEPP (Rural Lands) 2008 is relevant to the planning proposal. The SEPP contains Rural Planning Principles which must be considered when assessing rural development.

The proposal is consistent with the rural planning principles for the following reasons:

- a. the proposal protects regionally significant farmland for primary production purposes. The proposal does not seek to rezone the land and intends to restrict rural activity land uses to the existing developed portion of the land enabling the remainder of the site to continue to be used for primary production purposes;
- b. the proposal recognises the importance of rural land and the trend towards smaller farming enterprises and education of farming practices. The proposal intends to permit additional land uses only where they are associated with the primary production activities on the land;
- c. the proposal balances the social and economic interests of the community in enabling the success of The Farm to continue while enabling limited further development which takes into consideration infrastructure constraints and the employment opportunities it provides; and
- d. the proposal is consistent with the North Coast Regional Plan 2036.

## **SITE SPECIFIC ASSESSMENT**

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### **Social**

The planning proposal is supported by a Social Impact Assessment (SIA). The SIA has assessed the experienced and perceived impacts of the current and proposed activities on The Farm. The SIA has also examined the mitigation measures that may be undertaken to address any adverse impacts. The SIA notes that The Farm has been in existence for two years and so actual positive and negative impacts are already known. The SIA found that the limited commercial activity on the site enhances the agricultural activities undertaken on the land. These commercial land uses bring positive social impacts in the form of employment, promotion of farming and food production, the ability for the farming operations on the site to be sustainable, and the provision of a 'neighbourhood shop' type development for the Ewingsdale community.

The SIA notes that on-site management arrangements are the greatest mitigating measure that can ameliorate perceived and real negative impacts from the development on the site. The negative impacts include land use conflict with neighbouring farming activities, traffic impacts, effluent management, impact on agriculture, and impact on the amenity of the area and the public realm.

To this end, the current proposal affords the opportunity for Council to require the proponent to address traffic and parking issues and enables the introduction of further restriction of activities which may result in land use conflict through the preparation of visitor management plans.

It is considered that the proposal has the potential to mitigate some of the adverse social impacts of The Farm. Traffic issues may be addressed through a planning agreement to make a contribution of land towards the upgrade of Ewingsdale Road.

Similarly land use conflict issues with neighbouring farming properties can be addressed through this planning proposal. The proposal will make certain development permissible with consent in specified areas of the site and proposes a 5m wide vegetated buffer area along the boundary of the farming precinct and neighbouring farming properties. This buffer area was identified in the Land Use Conflict Risk Analysis which makes recommendations on the width and the extent and type of vegetation to be established in the buffer area. Any

development approval could then impose appropriate conditions to this effect and require a visitor management plan to mitigate land use conflict issues.

It is considered that the beneficial social impacts of the proposal outweigh the adverse social impacts of the proposal, which are already known and can be further mitigated through this proposal and any subsequent development consent.

### **Environmental**

The proposal will not have any impact on critical habitat, or threatened species, populations or ecological communities or their habitats. The land is already development and used for agricultural purposes. The land uses which will be permitted on the site will be required to be located on that area of the site which already contains the established rural tourism uses. This area of the site does not contain ecologically sensitive environments that have not already been significantly disturbed.

### **Economic**

An economic assessment (EA) has been prepared to support the planning proposal. The EA identifies that visitors to The Farm have an annual direct expenditure of \$11.9m of which 65% (\$7.74m) is retained by Byron Shire based businesses. This local retention rate is high and reflects The Farm's 'buy local' policy.

The EA also notes that The Farm employs 87 full time equivalent employees, 80% of which live in the Byron LGA.

The EA does not examine the off-site expenditure of visitors to The Farm, nor does it analyse the economic outcome of retaining the existing commercial operations on the site against the approved commercial operations. The wholesale bakery that operates on the site currently has no development approval and is occupying the building originally approved for cheese production. The EA also does not compare the economic impacts of the proposed changes to the permissible land uses on the site.

It is however demonstrated by the EA that The Farm is a major employer and driver of economic activity on the Byron LGA. The proposal seeks to authorise the bakery on the site and limit further development to that related to the agricultural activity on the site.

It is considered that the proposal to regularise the bakery land use and permit other land uses associated with the primary production activities on the site will not have a significant negative or positive economic impact. The current land uses at The Farm will not be reduced, nor will they be significantly expanded. The proposal seeks to include requirements which will ensure that further land uses at The Farm are associated with the primary production activities on the site and are conducted in a manner which does not increase land use conflict with neighbouring properties. It is therefore not expected that there will be a significant increase or decrease in economic impact by the proposal.

### **Infrastructure**

The NSW Roads and Maritime Services (RMS) has raised concerns with the functionality of Ewingsdale Road and the operation of the roundabout at the interchange of the Pacific Highway in the vicinity of The Farm.

The original approval for The Farm envisaged approximately 200 vehicle movements a day for the proposed development which could have been accommodated by the existing road infrastructure. However, the success of The Farm has resulted in closer to 2000 vehicle

movements a day and as a result the functionality of Ewingsdale Road and the Pacific Highway interchange in this location has been reduced.

RMS and Council have met with the managers of The Farm and discussed their concerns and possible solutions to the traffic issues at the site. The proponents have agreed in principle to negotiating a planning agreement to facilitate the dedication of land as a contribution toward the future upgrade of Ewingsdale Road.

The proponent has prepared a traffic impact analysis to support the planning proposal to demonstrate the traffic impact of approved and proposed uses on the site.

Therefore, while further negotiation is required to address issues relating to the road infrastructure for the site, it is considered that this can be further addressed after a Gateway determination is issued and prior to community consultation.

Other infrastructure that services the site is considered to be adequate for the extent of development proposed for the site.

## **CONSULTATION**

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### **Community**

The planning proposal indicates a 30 day community consultation period will be undertaken. The Department has also received representations from the neighbouring land owner objecting to any further expansion of the rural tourism land uses at The Farm.

It is considered that given the prominence of the site and The Farm and the issues that have already arisen, the proposal is not considered to be a low impact proposal and a community consultation period of 28 days is recommended. This does not prevent Council from conducting a longer period of community consultation.

### **Agencies**

As discussed previously in this report, RMS has already had discussions with the proponent and Council concerning the road infrastructure in the vicinity of the site. It is considered that RMS should be formally consulted now a traffic impact assessment has been undertaken and the proponents have agreed to enter into negotiations for the preparation of a planning agreement.

The NSW Department of Primary Industries – Agriculture (DPI) has also raised concerns with the proposal. DPI has questioned whether it is appropriate that the site which is zoned RU1 Primary Production and contains regionally significant farmland is allowed to intensify its rural tourism uses.

DPI advocates for a visitor management plan to address land use conflict with neighbouring farming operations and address farm biosecurity. DPI has also suggested a vegetative buffer along the northern boundary of the subject site. A vegetated buffer of 5m in width is recommended by the LUCRA and reflected in the mapping of the farming precinct.

It is considered that the following agencies and organisations be consulted:

- NSW Roads and Maritime Services
- NSW Department of Primary Industries – Agriculture

## **TIMEFRAME**

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The planning proposal indicates the planning proposal will be finalised in November 2018. Given that a planning agreement will need to be negotiated and prepared it is recommended that a 12 month time frame for completion of the LEP amendment be granted.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority for this planning proposal. As the proposal seeks only to resolve issues with permissibility of particular land uses on a single property, the proposal is considered to be of local significance and it is recommended that Council should be the local plan-making authority to make this plan.

## **CONCLUSION**

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It is recommended at the planning proposal proceed subject to conditions for the following reasons:

- 'The Farm' provides a demonstrated mechanism to bridge the gap between farmers and the metropolitan community, enabling education on sustainable farming practices, and promotion of food provenance;
- the proposed amendment to the Byron LEP 2014 will enable resolution of the issues relating to land uses which have exceeded the terms of the development consents for the site, and prevent unlawful uses spreading further across the site;
- the impacts of the proposed uses are known and the proposed LEP amendments will enable consideration of a development application which can require mitigation of adverse impacts from the site; and
- in support of the proposed amendments to the LEP the proponents have agreed to enter into negotiations for a planning agreement to contribute to the resolution of traffic impacts in the vicinity of the site.

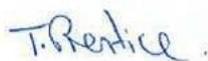
## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary agree that the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified in accordance with the terms of the direction.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - NSW Roads and Maritime Services; and
  - NSW Department of Primary Industries – Agriculture.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.



14/7/18

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24-7-2018

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