

Maitland LEP 2011 Amendment - Fireworks Storage Millers Forest

Proposal Title : **Maitland LEP 2011 Amendment - Fireworks Storage Millers Forest**

Proposal Summary : **To make a hazardous storage establishment an additional permitted use on land at Miller's Forest, where the use would otherwise be prohibited within the RU1 Primary Production zone.**

PP Number : **PP_2012_MAITL_004_00** Dop File No : **12/10467**

Planning Team Recommendation

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

S.117 directions : **1.2 Rural Zones
1.5 Rural Lands
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information : **It is recommended that:
The Director General as delegate of the Minister for Planning and Infrastructure determine, under section 56(2) of the EP&A Act, that an amendment to the Maitland Local Environmental Plan 2011 be undertaken to amend Schedule 1 to provide for a hazardous storage establishment (fireworks storage) as an additional permitted use on Lot 20 and 21 DP 836869, subject to the following conditions;**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
(a) the planning proposal must be made publicly available for 14 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
• NSW Rural Fire Service
• Workcover

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.

3. 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).

4. That the Executive Director, as delegate of the Director General determine that the proposal's inconsistency with s117 directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are justified as of minor significance, under clause 8b and 9b respectively, for the reasons contained within this report.

5. The timeframe for completing the LEP is to be 12 months from the week following the

date of the Gateway determination.

Supporting Reasons :

The proposed amendment to Schedule 1 is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal. A range of alternative options to facilitate the development have been considered in preparing this planning proposal. These options would represent a change in council policy, would require additional investigation, would potentially permit a range of other uses that are unlikely to be achievable upon the site and would result in lengthy delays to the proposal, jeopardising the progression of the development assessment process and the ongoing operation of the business.

Panel Recommendation

Recommendation Date : 05-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

- NSW Rural Fire Service
- Workcover Authority of NSW

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.

3. 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).

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

Signature:



Printed Name:

Neil McGaffie

Date:

10.7.12