

Greater Taree LEP 2010 Amendment No.5

Proposal Title : **Greater Taree LEP 2010 Amendment No.5**

Proposal Summary : **Housekeeping PP to undertake administrative amendments to the Greater Taree LEP 2010. These include; site-specific rezonings to reflect existing or redundant uses; updating of heritage Schedule 5; removal of flood planning maps; removal of Building Heights restriction on B5 Business Development zone; amendment to Acid Sulfate Soils model clause, introduction of the 'Eco-tourist facilities' model clause and use , and the introduction of bulky goods premises into industrial zones and a range of uses into public recreation zones.**

PP Number : **PP_2012_GTARE_001_00** Dop File No : **PNC001313**

Proposal Details

Date Planning Proposal Received :	22-Oct-2012	LGA covered :	Greater Taree
Region :	Hunter	RPA :	Greater Taree City Council
State Electorate :	OXLEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Pulteney Street		
Suburb :	Taree	City :	Greater Taree
		Postcode :	2430
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**
 Contact Number : **0249042705**
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RPA Contact Details

Contact Name : **Sue Calvin**
 Contact Number : **0265925266**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

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

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 : **The PP was submitted for Gateway assessment on 27 September, 2012. Following consultation with Sue Calvern, GTCC Strategic Planning Manager, the PP was considered complete and adequate.**

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The four objectives on Page 5 of the PP adequately explain its intent.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The provisions are adequately outlined on pages 5-13 of the PP.**

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**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**

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- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified? **SEPP No 14—Coastal Wetlands**
SEPP No 44—Koala Habitat Protection
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **The Greater Taree LEP, 2010 was formulated within the framework of the Mid-North Coast Regional Strategy 2006-31. Many of the proposed amendments are administrative in nature and do not introduce significant conflicts with the Strategy. The exception is the proposed introduction of bulky goods premises into the Light and General Industrial Zones. This is inconsistent with the Strategy which specially states that such use should be restricted in industrial zones (pg 26) and is also inconsistent with s117 direction 3.4 Integration Land Use and Transport clause 4b which requires consistency with 'The Right Place for Business and Services'. The proposed amendment is significant in that it runs counter to ensuring adequate industrial land supply and, unlike the current Bulky Goods Premises cluster, covers land not close to Taree CBD and hence threatens commercial centres support and hierarchy.**

The additional uses proposed for the Public Recreation Zone (RE1) are potentially inconsistent with Departmental Policy as outlined in Practice Note PN11-002, which indicates that only uses compatible with the primary use of the land, i.e recreation, be included within the zone. Enabling a range of uses in the generally reflect how open spaces are used. However the scale of uses proposed by Council includes cemeteries, crematoria, markets, administration buildings and education establishments. These alternative uses are likely to distort the land valuation process when Council seeks to acquire land for public recreation as these uses would set new benchmarks for 'highest and best use' and hence inflate land values/ acquisition costs on sites that may be sought for recreation only eg. local parks.

Valuer General valuations for rating purposes would also be inflated.

These factors would be likely to reduce the long-term land supply for public recreation purposes and/ or increase Section 94 Developer Contributions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day exhibition period is considered appropriate having regard to the planned exhibition period spanning the upcoming Christmas-New Year holidays and is in accordance with local custom and in recognition of people travelling out of/ into the area.**
Community consultation has occurred favourably with the majority of landowners, except a few in Cundletown yet to be consulted, key stakeholders including the

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development industry, planning consultants, surveyors, real estate agents and the Manning Valley Chamber of Commerce.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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 2010 is a standard instrument LEP.**

Assessment Criteria

Need for planning proposal :

Following two years of implementation experience and Manning Valley Community (Strategic) Plan, 2010-2030 consultation process, the accumulated issues merits review of the LEP. The credibility of the LEP will be maintained by being updated and accurate and subject to an open and rigorous review at this time.

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Consistency with strategic planning framework :

The Greater Taree LEP, 2010 was formulated within the framework of the Mid-North Coast Regional Strategy 2006-31. Many of the proposed amendments are administrative in nature and do not introduce significant conflicts with the Strategy. The exception is the proposed introduction of bulky goods premises into the Light and General Industrial Zones. This is inconsistent with the Strategy which specially states that such use should be restricted in industrial zones (pg 26) and is also inconsistent with s117 direction 3.4 Integration Land Use and Transport clause 4b which requires consistency with 'The Right Place for Business and Services'. The proposed amendment is significant in that it runs counter to ensuring adequate industrial land supply and, unlike the current Bulky Goods Premises cluster, covers land not close to Taree CBD and hence threatens commercial centres support and hierarchy.

The additional uses proposed for the Public Recreation Zone (RE1) are potentially inconsistent with Departmental Policy as outlined in Practice Note PN11-002, which indicates that only uses compatible with the primary use of the land, i.e recreation, be included within the zone. Enabling a range of uses in the generally reflect how open spaces are used. However the scale of uses proposed by Council includes cemeteries, crematoria, markets, administration buildings and education establishments. These alternative uses are likely to distort the land valuation process when Council seeks to acquire land for public recreation as these uses would set new benchmarks for 'highest and best use' and hence inflate land values/ acquisition costs on sites that may be sought for recreation only eg. local parks.

The proposed removal of Flood Planning Maps from within the LEP is required due to issues associated with the scale of the data used. The mapping included within the LEP is outdated and not easily amended due to its location within the LEP. Furthermore its inclusion potentially creates an inconsistency with the s117 direction 4.3 Flood Prone Land because it may apply an excessive flood control. Removal of the flood planning maps from within the LEP will allow Council to amend them to reflect further modelling that is to be undertaken. However flood issues will still be considered through the amended clause 7.1 Flood Planning, which will be consistent with the model clause for Flooding where sufficient accurate flood planning maps are not available The proposed amendment is considered consistent with the s117 direction.

The proposed amendment to remove the building height from the B5 Business Development Zone is consistent with the Strategic Planning Framework because building height controls will remain on higher order Business zones within the LGA. The height limitation is creating problems for bulky good development within the B5 and therefore is proposed to be removed to allow for the necessary flexibility.

Environmental social economic impacts :

Potential environmental impacts inherent in the PP relate to the introduction of eco-tourism facilities into environmental protection zones. The definition of such facilities and their planning, design and management documentation at the DA stage will determine the effectiveness of both the conservation and the tourism policies.

There are no environmental impacts associated with the removal of the flood planning maps because flood issues will still be considered through the amended clause 7.1 Flood Planning.

Social/ cultural impacts flow from the maintenance of the Taree LEP Heritage Schedule (Sch.5) in that it needs to be credible and not refer to items felled or burnt-down as it currently does. Also as items are identified and assessed for their heritage significance they may need the protection and management regimes afforded via listing.

Social implications also flow from the proposed dispersal of the pattern of bulky goods premises by introducing them as permissible with consent in light and general industrial zones. This is due to the current cluster being close-in to the Taree CBD where public transport is accessible and multi-purpose trips are more convenient/ affordable.

Social and cultural impacts are likely to arise from the proposed introduction of built-form uses into public recreation zones ie:-
the urbanisation of parkland

possible overlooking of open space (both positive and negative)
 the creation of land use conflict eg. funeral-related facilities such as cemeteries and crematoria in spaces people use to relax, play, 'escape' and contemplate.

The economic impact of introducing educational establishments, administrative buildings, crematoria etc into public recreation zones would be a change to the basis of land valuation in terms of the highest-and-best-use possible on the land. This is likely to inflate the costs in acquiring land for public recreation as well as in cases where land held in an interim public recreation use is identified by NSWG etc for infrastructure routes; often 'the line of least resistance'

The Valuer General advises that the uses proposed for Public Recreation Zones will inflate land values and rateable values of land intended primarily for public recreation but allowing higher-order uses such as educational establishments, crematoria etc.. Acquisition costs would increase across-the-board even where it is only intended to use the land for public outdoor recreation.

Council should consider any economic implications associated with the back zoning of land at Taree Airport and the removal of the height limitation to that site. Council indicate that the site was incorrectly zoned for airport uses and is currently under private ownership. The change is supported for exhibition however further consideration and consultation with DOTIRIS regarding the implications of the removed height restriction and the future of the airport would be desirable. It is noted that Greater Taree City Council does not have an economic development manager.

Assessment Process

Proposal type : **Inconsistent** Community Consultation **28 Days**
 Period :

Timeframe to make **12 Month** Delegation : **DG**
 LEP :

Public Authority **Catchment Management Authority - Northern Rivers**
 Consultation - 56(2)(d) **Office of Environment and Heritage**
 : **Department of Trade and Investment**
 : **Office of Environment and Heritage - NSW National Parks and Wildlife Service**
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Yes; but excluding:-**

1. The introduction of bulky goods premises into industrial zones.
 2. The introduction of various urban/ built uses into public recreation zones.
- Specific planning proposals should be invited addressing these excluded issues and their economic, social, governance and environmental impacts as well as their infrastructure implications and requirements.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

If the Gateway determines that the Proposal may proceed in its entirety.

Further work is required on the economic impacts of the introduction of bulky goods premises into industrial zones and introduction of various urban/ built uses into public recreation zones, as well as their infrastructure implications and requirements.

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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
20120926 Planning Proposal draft.pdf	Proposal	No
PP Attachment 1 - Heritage amendments.pdf	Proposal	No
PP Attachment 2 - Heritage amendments.pdf	Proposal	No
PP Attachment 3 - Site Specific Amendments.pdf	Proposal	No
PP Attachment 3.1- Site Specific Amendments.pdf	Proposal	No
PP Attachment 3.2 - Site Specific Amendments.pdf	Proposal	No
PP Attachment 5 - Bulky Goods Study.pdf	Study	No
PP Attachment 5.1 - Bulky Goods Study.pdf	Study	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
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
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Additional Information : **Council will need to undertake separate planning proposals, subsequent to this one proceeding, and associated studies to further demonstrate the form and content of those planning proposals which are more significant than the 'housekeeping nature' of the bulk of this Amendment. The following matters need to be addressed:-**

1. A separate Planning Proposal be prepared and submitted addressing the impact of retail (bulky goods) uses in industrial zones on supply of space and its affordability for small local industrial enterprises, on multi-purpose trips by shoppers, on traffic and parking conflict, on agglomeration economies of bulky goods premises clustering near CBD's, the centre-support effects of bulky goods premises being near CBD's and on relative servicing costs involved with a scattered distribution of such outlets ie. utilities, car parking, active transport and public transport. Accordingly, this issue be excluded from the documentation and further consideration for this Planning Proposal (Amendment No.5)
2. A separate Planning Proposal be prepared and submitted addressing the impact of a wider range of urban/ building uses proposed in the Public Recreation Zone on land valuation and future acquisition costs for public recreation and parks. Accordingly, this issue be excluded from the documentation and further consideration for this Planning Proposal (Amendment No.5).
3. 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).

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

- a) Commonwealth Air Safety Authority given that hotels and motels are permissible within the Enterprise Corridor B6 Zone proposed adjacent to Taree Airport (a Licensed Aerodrome-S.117,3.5).
- b) Office of Environment and Heritage on eco-tourism development in environmental protection zones and its impact on land acquisition costs for conservation purposes.
- c) NSW Trade & Investment on airport and near-airport zone changes in the context of an airport/ infrastructure strategy and recent NSW Government joint- investment in airport upgrading (S.117, 5.1 Implementation of Regional Strategies; S.117, 3.4; Integrating Land Use and Transport).
- d) Rural Fire Service and State Emergency Service on the inclusion of eco-tourism accommodation within conservation zones; which are often subject to flood or bushfire risk.

5. 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.

6. 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).

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

Supporting Reasons :

Condition 1

- a) The economic impact of introducing higher-order retail uses on the industrial property market is not addressed.
- b) Departmental policy has consistently ensured industrial land availability by protecting Light Industry and General Industry zones from the rent and land price inflation inherent in opening them to the retailing sector.
- c) The economic impact of the dispersal of bulky goods premises on the existing cluster is not considered
- d) The transport, traffic and parking impacts of bulky goods uses amongst industrial uses are not addressed.
- e) The servicing costs (public transport, active transport, parking and utilities)of bulky goods premises in industrial areas relative to a bulky goods cluster or edge of CBD location have not been examined.
- f) The impact on city-image of exposing shoppers/ visitors and residents to industrial areas, including on resident pride and on the visitor experience, has not been examined.

Condition 2

The land valuation/ acquisition cost and transport implications of urban/ building uses in public recreation zones are not addressed.

Condition 3

This period of exhibition allows for the peak summer holiday period

Condition 4

These agencies could contribute advice that strengthens the LEP.
Compliance with S.117, 4.3; Flood Prone Land

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Compliance with S.117, 4.4; Planning for Bushfire Protection

Condition 5
Ensures meaningful dialogue.

Condition 6
As an administrative LEP Amendment a hearing is not considered necessary.

Condition 7
This is a reasonable period allowing for analysis of public response and any drafting amendments required.

Signature:



Printed Name:

KOFCARTY

Date:

2-11-12