

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 : **12/15644**

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**
- 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**

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

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.

Panel Recommendation

Recommendation Date : **08-Nov-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to amend the 'explanation of provisions' component of the planning proposal to ensure that this section details how the objectives are to be achieved by means of the amendment and any justification is relocated to 'Part 4 Justification', which sets out the case for the proposed LEP.

2. Council is to remove the proposed inclusion of 'bulky goods premises' as permissible with consent in the IN1 General Industrial and IN2 Light Industrial zones as this component is not supported as part of the amendment. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition and progress the issue of permissibility of bulky goods premises as a separate planning proposal that fully addresses existing demand and supply of land for such purposes and the economic impacts of permitting bulky goods premises in IN1 and IN2 zones on areas already zoned for retailing uses.

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:

- Civil Aviation Safety Authority
- NSW Rural Fire Service
- State Emergency Service
- Catchment Management Authority – Northern Rivers
- Office of Environment and Heritage
- Department of Trade and Investment
- Department of Infrastructure and Transport
- Office of Environment and Heritage – NSW Parks and Wildlife Service

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. Further to Condition 3 above, Council is to consult with:

- (a) the Department of Trade and Investment in relation to S117 Direction 5.1 Implementation of Regional Strategies and 3.4 Integrating Land Use and Transport, and
- (b) the Department of Infrastructure and Transport and the Civil Aviation Safety Authority in relation to S117 Direction 3.5 Development Near Licensed Aerodromes,

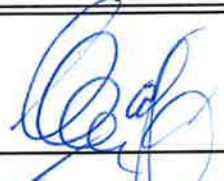
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Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

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.

Signature:



Printed Name:

Neil McGaffin

Date:

23.11.12