



Office of the Director General

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Our ref: PP_2012_GTARE_001_00 (12/15644)
Your ref:

Dear Mr Jose,

Planning proposal to amend Greater Taree Local Environmental Plan 2010

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Greater Taree Local Environmental Plan 2010 to make housekeeping amendments.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to variations as outlined by the conditions in the attached Gateway determination.

The inclusion of 'bulky goods premises' as permissible with consent in the IN1 General Industrial and IN2 Light Industrial is not supported as Council has not justified the inconsistencies with the Mid-North Coast Regional Strategy and S117 Direction 3.4 Integrating Land Use and Transport. While the planning proposal identifies that there are large vacant buildings in the IN1 and IN2 zones, Council's Bulky Goods Study identifies that there is approximately 50 years supply of existing land where bulky goods premises is permitted, including significant amounts of land with the B5 Business Development zone applied to it. The B5 zone is specifically tailored in the Standard Instrument Order to accommodate bulky goods premises. Should Council wish to progress this component of the amendment, a separate planning proposal should be prepared that addresses the following matters:

- The supply and demand for greenfield and brownfield sites for bulky goods premises in the Greater Taree LGA;
- The economic impact of permitting retail uses such as bulky goods premises on the cost of industrial land and availability of that land for industrial purposes and on land zoned for retail uses; and
- The impact of permitting bulky goods premises in IN1 and IN2 zones on areas specifically zoned and set aside for such purposes, such as the Manning River Drive Business Park.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible to meet the 12 month timeframe. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ken Phelan of the regional office of the department on 02 4904 2700.

Yours sincerely,

SHaddad

Sam Haddad
Director General

28/11/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_GTARE_001_00): to amend Greater Taree Local Environmental Plan 2010 to make housekeeping amendments.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Greater Taree Local Environmental Plan 2010 to:

- 1) update Schedule 5 Environmental Heritage,
- 2) remove building height restrictions applicable to B5 Business Development zones,
- 3) remove Flood Planning maps,
- 4) introduce the 'Eco-tourist facility' model clause and include as permitted with consent in the land use table for a range of zones,
- 5) introduce a range of uses to the RE1 Public Recreation zone,
- 6) include 'Bulky good premises' as permitted with consent in IN1 General Industrial and IN2 Light Industrial zones,
- 7) update Clause 7.1 Acid Sulfate Soils,
- 8) undertake a range site specific rezoning,

should proceed subject to the following conditions:

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



Planning & Infrastructure

- 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,

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.

Dated

28th

day of

November

2012.

Sam Haddad
Director General
Delegate of the Minister for Planning and Infrastructure