

Amendment to Kyogle LEP 2012 to permit certain rural tourist accommodation in RU1 Primary Production zone and amend development controls for bed and breakfast accommodation and farm stay accommodation.

Proposal Title :	Amendment to Kyogle LEP 2012 to permit certain rural tourist accommodation in RU1 Primary Production zone and amend development controls for bed and breakfast accommodation and farm stay accommodation.		
Proposal Summary :	The planning proposal seeks to: - amend the land use table for the RU1 Primary Production zone to allow 'farm stay accommodation', 'camping grounds' and 'eco-tourist facilities' as uses permitted with consent; - extend permissibility of bed and breakfast accommodation from a maximum three (3) bedrooms per dwelling to a maximum five (5) bedrooms per dwelling; and - extend permissibility of farm stay accommodation from a maximum of three (3) bedrooms to a maximum of five (5) bedrooms when forming part of the principal farm dwelling or one (1) separate cabin per 10 hectares of total holding area with no more than 12 bedrooms in total on the holding.		
PP Number :	PP_2015_KYOGL_001_00	Dop File No :	15/12229

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.5 Rural Lands
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Additional Information : **It is recommended that:**

- 1) The planning proposal should proceed as a routine planning proposal;
- 2) Prior to community consultation, the Planning Proposal be amended to remove references of proposed LEP changes to clause 5.4(5) other than increasing the permissible number of bedrooms for farm stay accommodation from 3 to 12.
- 3) The Secretary (or an officer nominated by the Secretary) agrees that the inconsistency with s117 Direction 4.3 Flood Prone Land is justified as the matter is of minor significance;
- 4) The Secretary (or an officer nominated by the Secretary) note that inconsistency with s117 Direction 4.4 Planning for Bushfire Protection is outstanding until consultation with the NSW Rural Fire Service is complete;
- 5) Council will be required under section 56(2)(d) of the EP&A Act to consult with, prior to community consultation:
 - Department of Primary Industries - Agriculture
 - NSW Rural Fire Service;
- 6) That the planning proposal have a community consultation period of 28 days;
- 7) The planning proposal be completed in six (6) months; and

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8) An authorisation to exercise delegation be issued to Kyogle Council.

Supporting Reasons : The planning proposal to provide additional permissible uses in the RU1 Primary Production zone and alterations to controls on other tourism related development is appropriate to proceed. The proposal may enhance tourism related opportunities particularly in rural zones with benefits to the local economy.

As the matter is of local significance delegation for Council to finalise the planning proposal is recommended in this instance.

Panel Recommendation

Recommendation Date : 21-Aug-2015

Gateway Recommendation : Passed with Conditions

Panel Recommendation : This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the Acting General Manager. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 21-Aug-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 6 months

Gateway Determination :

1. Prior to community consultation commencing Council is to amend the Planning Proposal by removing references of proposed changes to clause 5.4(5) of the Kyogle LEP 2012 other than increasing the permissible number of bedrooms for farm stay accommodation from 3 to 12.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Primary Industries - Agriculture
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Craig Diss

Date:

21 August 2015

