



Kyogle LEP 2012 - Amendment No 6 - Additional permitted uses in rural zones

Proposal Title : Kyogle LEP 2012 - Amendment No 6 - Additional permitted uses in rural zones

Proposal Summary : The Planning Proposal aims to amend Kyogle LEP 2012 to permit the development (with consent) of a range of small scale, commercial non-agricultural landuses within the RU1 Primary Production and RU2 Rural Landscapes zones.

PP Number : PP_2015_KYOGL_003_00

Dop File No : 15/16444

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
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
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) The Secretary (or an officer nominated by the Secretary) agree that the inconsistency with s117 Direction 4.3 Flood Prone Land is justified as the matter is of minor significance.
- 3) The Secretary note that the inconsistency with s117 Direction 4.4 Planning for Bushfire Protection is outstanding. The RPA is required to consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of the direction.
- 4) Council be required under section 56(2)(d) of the EP&A Act to consult with the NSW Rural Fire Service, prior to community consultation.
- 5) The planning proposal have a community consultation period of 28 days;
- 6) The planning proposal be completed in six (6) months; and
- 7) An authorisation to exercise delegation be issued to Kyogle Council.

Supporting Reasons : The planning proposal is supported in this instance as the landuses proposed for the RU1 and RU2 zones are considered to be compatible with the isolated nature of the relevant zones and therefore the risk of landuse conflict is considered to be low in many cases.

The proposal will also enable certain rural areas, particularly those incompatible with agriculture (steep slopes etc) to utilise the land for a range of small scale commercial uses. This in turn will help to diversify the rural economy and provide additional income streams for rural landholders. The flow on effect is a stronger and more resilient economy for the LGA as a whole.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

Gateway Determination

Decision Date : 18-Nov-2015 Gateway Determination : Passed with Conditions
Decision made by : General Manager, Northern Region
Exhibition period : 28 Days LEP Timeframe : 6 months
Gateway Determination : 1. 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).

2. Consultation is required with the NSW Rural Fire Service under section 56(2) of the Act and/or to comply with relevant s117 Direction. The NSW Rural Fire Service 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.

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 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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

18 NOVEMBER 2015