



Planning Proposal

Amendment to Local Environmental Plan

PROPOSED AMENDMENT TO THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012

Amendment No. 6 – Introduction of additional permissible land uses in rural Zones

9 November 2015

Introduction

Overview

This Planning Proposal explains the intended effect and justification for the proposed amendment to the *Kyogle Local Environmental Plan 2012* (KLEP) – i.e. referred to as the LEP Amendment. The amendment has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment guidelines including *A guide to preparing planning proposals, 2012* (the Guideline).

Council at its Ordinary Meeting of 14 September 2015 resolved to prepare a planning proposal to amend the KLEP to permit the development of a range of small-scale, commercial non-agricultural land uses with the consent of Council in Zones RU1 Primary production and Zone RU2 Rural landscape. The intent of the proposed LEP Amendment is to make possible the development of a range of small scale commercial uses that are compatible with rural areas, support agricultural production and do not adversely impact the agricultural potential or viability of rural land. Apart from helping to diversify the rural economy and provide additional income generating opportunities for rural landholders, the additional uses are also intended to provide greater sustainable economic growth opportunities and support population growth across much of the local government area.

Preparation of Planning Proposal

This Planning Proposal has been prepared by Kyogle Council following Council's deliberation of the matter at its Ordinary Meeting of 14 September 2015, and the resolution of Council at that meeting to proceed with the preparation of this Planning proposal (see Attachment A). The proposed LEP Amendment, if it is to proceed, will be the 6th amendment undertaken by Kyogle Council to its LEP.

Site Identification

The proposed LEP Amendment will apply to land in Zones RU1 and RU2.

Existing Planning Controls

The KLEP commenced on 11 February 2012 and is in the format of the NSW Standard Instrument for LEPs. Existing planning controls that are to be affected by the proposed LEP Amendment are summarised in Table 1. There are no other provisions affected and no other new provisions proposed as part of the proposed LEP Amendment.

Table 1 Existing Planning Controls and Changes

Section of KLEP	Comment
Land Use Table Zone RU1 Primary production 1 Objectives of Zone	The proposed amendment includes an additional Objective: <i>'To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.'</i>
Land Use Table Zone RU1 Primary production 3 Permitted with consent	The present range of rural compatible commercial land uses that are permissible with consent in Zone RU1 is very limited: the proposed amendment is to include a number of additional commercial uses deemed appropriate to occur in Zone RU1 (see Table 2).
Land Use Table Zone RU2 Rural landscape 3 Permitted with consent	The present range of rural compatible commercial land uses that are permissible with consent in Zone RU2 is limited: the proposed amendment is to include a number of additional commercial uses

deemed appropriate to occur in Zone RU2 (see Table 2).

All other provisions

- All other provisions to remain the same.

Part 1 – Objectives and Intended Outcomes

Objectives

The objectives of the proposed amendment are:

- To increase the range of land uses permissible with consent in rural Zones RU1 and RU2 of the Kyogle Council local government area to support agriculture and productivity of the rural landscape.
- To enhance the local government area's economic growth opportunities and potential prosperity through a strengthened rural sector.
- To ensure development is compatible with rural areas and does not impact adversely on rural landscape character or increase the potential for land use conflict.
- To protect the agricultural viability and potential of good quality agricultural land.

Intended Outcomes

The intended outcomes of the proposed amendment are:

1. Increased opportunities for the development of compatible land uses that may be less compatible in non-rural settings or where such uses may more directly support or compliment rural development.
2. Additional opportunities for increased economic activity and employment.
3. Development that is compatible with the surrounding area and does not have a detrimental impact on the potential or viability of good quality agricultural land or increase the potential for land use conflict.
4. A more resilient rural economy- through provision of additional income generating opportunities for rural landholders and diversification of the rural economy.
5. Increased tourism and visitation to the Kyogle LGA- by provision of opportunities for development that capitalises on the assets of the rural areas of the Kyogle LGA, including its natural features (e.g. creeks, National Parks) and rural scenic amenity.

Part 2 – Explanation of Provisions

The KLEP presently allows for a very limited range of commercial, non-agricultural uses to be developed in the primary rural zone, RU1 Primary Production (RU1), and a limited range of these types of uses in Zone RU2 Rural Landscape (RU2). Council staff regularly field enquiries from land owners and prospective purchasers of rural land who are looking at the possibility of developing small-scale, non-agricultural land uses which are presently prohibited in Zones RU1 and/or RU2 but which, in principle, may have complementary and overall greater economic benefits for the area. Even where such development is likely to have a negligible adverse impact footprint on other development or the character of the area, the KLEP presently precludes such development from proceeding and associated benefits being realised.

Council believes that there is merit in permitting the development of a greater range of these sorts of uses in order to diversify the rural economy and capitalise on the attractions of the Kyogle Council local government area. The Council's intention is that additional development of non-agricultural land uses will not negatively impact the potential or viability of good quality agricultural land, and that it does not increase the potential for land use conflict. Such development will be controlled through the need for development consent and associated application of relevant state planning frameworks (e.g. regional plan, State Environmental Planning Policies and Section 117 Ministerial Directives). Detailed local development provisions are already included in the Council's *Kyogle Development Control Plan 2014* (KDCP). Development applications will be assessed against these provisions.

The amendment proposed to the KLEP by this Planning Proposal will expand the list of land uses in Zones RU1 and RU2 that are 'permitted with consent' i.e. require development consent from Council before they can be carried out. The proposed amendments to KLEP are summarised in Table 2 below.

Table 2 Summarised Amendments to Kyogle Local Environmental Plan 2012

Section of KLEP	Proposed Amendment and Reason
Land Use Table	Insert the following additional objective;
Zone RU1 Primary production	<i>'To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.'</i>
1 Objectives of Zone	Reason for amendment: This additional Objective is required to reflect the intention to permit additional non-agricultural land uses.
Land Use Table	Insert the following additional land uses;
Zone RU1 Primary production	<i>"Animal boarding or training establishments, Cemeteries, Charter and tourism boating facilities, Crematoria, Educational establishments, Function centres, Helipads, Information and education facilities, Plant nurseries, Recreation facilities (outdoor), Restaurants or cafes, Rural supplies, Timber yards"</i>
3 Permitted with consent	Reason for amendment: These uses are presently Prohibited in Zone RU1; listing them as 'permitted with consent' will mean people can make application for development consent to carry out these uses.
Land Use Table	Insert the following additional land uses;
Zone RU2 Rural landscape	<i>"Educational establishments, Extractive industries, Information and education facilities, Plant nurseries, Rural supplies, Timber yards"</i>
3 Permitted with consent	Reason for amendment: These uses are presently Prohibited in Zone RU2; listing them as 'permitted with consent' will mean people can make application for development consent to carry out these uses.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not a result of any specific strategic study or report. The Planning Proposal is a result of the Council's ongoing implementation of its KLEP since its gazettal in 2012 and its recognition that there is a need to permit opportunities for the development of additional land uses in the rural areas.

The range of land uses that are permitted with consent in Zone RU1 Primary production is very limited, and even excludes the opportunity for development of legitimate rural land uses such as *animal boarding or training establishments* and *recreation facilities (outdoor)*. The range of uses permitted with consent in Zone RU2 Rural landscape is broader however, this Zone tends to be restricted to steep and vegetated land and therefore provides limited real development opportunities.

Enquiries fielded by Council's planning staff since the commencement of the KLEP have shown that there is demand for development of small-scale, non-agricultural, commercial land uses in the rural areas that are presently prohibited in Zones RU1 and RU2, but which, in principle, could complement existing agricultural activity and bring potential economic benefit to the area and region as a whole. It is considered reasonable to provide opportunities for development of certain additional commercial non-agricultural uses for the following reasons:

- 1) Some of these uses are more suited to development in rural areas than in higher density rural residential and urban areas - for example; animal boarding or training establishments and plant nurseries.
- 2) Some of these uses are considered to be complementary to agriculture and are considered to offer significant opportunities to broaden the economic activity in rural areas through tourism and visitation, for example; restaurants or cafes.
- 3) Parts of the local government area have limited agricultural potential due to steep and undulating terrain: some of this land may be suitable for higher order uses.
- 4) Many areas of the local government area feature or are near significant natural attractions (National Parks, creeks, forests) or have their own attractive rural landscapes and are affected by the RU1 or RU2 zones. Demand and opportunity exists for facilities to allow visitors and residents to enjoy these attractions through increased and appropriately managed visitation and supporting economic activity.
- 5) Potential adverse impacts on existing agriculture businesses or undertakings or impacts on the agricultural potential or viability of rural land can be avoided by ensuring appropriate development controls and guidelines are in place to be used in the assessment of development applications for non-agricultural uses.
- 6) Most of the proposed additional uses are currently already permitted with consent in the RU1 zone of the LEPs for Richmond Valley, Lismore and Tweed Shire councils. The proposed LEP amendment will ensure greater consistency with neighbouring local government areas across the sub-region.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the Objectives and Intended Outcomes, as the only other means is to utilise site specific Planning Proposals (re-zonings or Schedule 1 amendments) which is not considered an efficient mechanism to manage the issue and, would not reflect Council's intention to provide more opportunities for this type of development.

The proposed LEP amendments will be carried out in conjunction with an amendment to the KDCP to include relevant and appropriate development controls and guidelines for the assessment of development applications for the proposed additional permitted land uses. The proposed KDCP provisions are included in Attachment B of this Planning Proposal.

3. Is there a net community benefit?

It is considered there are a number of potential benefits to allowing the development of the proposed additional uses in rural areas, including:

- Increased tourism and visitation through improving accessibility of attractions and increasing reasons to visit the area.
- Additional economic activity and diversification of the rural economy.
- Facilitation of increased employment opportunity across the local government area – much of which is rural in nature.
- Increasing the appeal of the LGA for potential investors and investors.
- Protection of the potential and viability of good quality agricultural land.

Section B – Relationship to the strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Kyogle Council Local Government Area is affected by the provisions of the Far North Coast Regional Strategy. Relevant details of the provisions and the general compliance, or otherwise, of the Planning Proposal are discussed in the sections below.

Far North Coast Regional Strategy 2006-31

The *Far North Coast Regional Strategy* (FNCRS) identifies the region as a region of villages. The vision of the Strategy is:

A healthy, prosperous and sustainable future for the diverse communities of the Far North Coast Region.

The Planning Proposal builds on the local area's strengths including its rich rural diversity, low-intensity development character and abundant scenic attraction by encouraging the development of land uses that are complementary or compatible with rural areas through practicable local development provisions.

Sustainable future – the Planning Proposal promotes a balance between improved economic development and sustainable rural land uses and agriculture. The proposed additional uses are generally small scale and considered suitable to coexist with agriculture and rural locations. The Development Control Plan provisions that will be implemented concurrently contain guidelines that will protect the potential and viability of good quality agricultural land, avoid the potential for land use conflict and ensure development responds appropriately to ecological values and natural hazards.

Diverse communities – the Planning proposal provides for greater employment and lifestyle diversity for residents and visitors by increasing the range of land uses permitted in rural areas.

The Planning Proposal is consistent with the intent and vision of the FNCRS.

5. Is the Planning Proposal consistent with the Council's Community Strategic Plan, or other local strategic plan?

Kyogle Community Strategic Plan

The Planning Proposal is consistent with the vision of the *Kyogle Community Strategic Plan 2012-2025* (Kyogle CSP) which is:

Working together to balance Environment, Lifestyle and Opportunity

Key issues and challenges that were identified in the Kyogle CSP included:

- Reversing the long term decline of population and achieving critical population size
- Reversing the decline in services in rural areas
- Need to support and protect agricultural industry
- Sustainable and appropriate development

To address these issues and challenges, the Kyogle CSP included the following actions which are of relevance to the Planning Proposal:

- *Economic Development*

- *'Foster the development of the tourism industry, within the Council area in order to promote economic growth and improved facilities.'*
- *'Assist and coordinate the ongoing development of Kyogle Council area and enhance and market its capacity as a location for residential opportunities, primary production, industry, commerce, government services and tourism.'*
- *'Capitalise on close proximity to South East Queensland'.*
- *Environmental and Planning*
 - *'Achieve acceptable planning, development and building standards; to protect the environment in accordance with community expectations.'*
 - *'The LEP is implemented, monitored and reviewed on an ongoing basis.'*

This Planning Proposal is consistent with the listed actions of the Kyogle CSP.

Sustainable Kyogle – An Economic Development Policy

The Kyogle Economic Development Policy was prepared in partnership with the NSW Department of Industry and Investment. Relevant key objectives of the Policy, included:

- *Strengthen our sense of community within Kyogle, our villages, and across the council area.*
- *Provide quality infrastructure and services (including in villages and rural areas) to support economic, and community development - roads, water, sewerage, electricity, telecommunications.*
- *Strengthen and broaden our economic base and level of business support services.*
- *Build on our traditional rural industries to ensure their economic future. Explore opportunities for new agricultural industries. Pursue value adding, and use new technologies.*
- *Plan to avoid conflicts between land uses.*
- *Create jobs that meet our needs and expectations, and increase participation.*
- *Provide relevant and accessible education options for jobs and for life.*
- *Manage our population in consideration of our impacts on the natural environment, and the quality of life we want now and into the future.*
- *Maintain our scenic amenity, improve our management of the natural environment, and protect our biodiversity – it is of World Heritage significance.*
- *Sustain our heritage both built and natural.*

The Planning Proposal is consistent with the objectives for reasons already stated elsewhere in this document.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The relevant State Environmental Planning Policies that affect the planning proposal are summarised in Table 3.

Table 3 Summary of Planning Proposal Consistency with SEPPs

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (State and Regional Development) 2011	The Planning Proposal does not affect the ongoing operation of the SEPP for any referred to land or development.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable to Planning Proposal.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable to Planning Proposal.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable to Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not affect the ongoing operation of the SEPP for any referred to land or development.

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Rural Lands) 2008	Commentary on the consistency of the Planning Proposal with the Rural Planning Principles of the SEPP is presented below: a) <i>The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.</i> Comment: the additional land uses proposed to be made 'permissible with consent' are considered to be compatible with rural areas. The proposed KDCP provisions will ensure that development does not compromise the potential or viability of good quality agricultural land. b) <i>Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i> Comment: the additional land uses proposed to be made 'permissible with consent' are considered to be compatible with rural areas. The proposed KDCP provisions will ensure that development does not compromise the potential of good quality agricultural land or increase the potential for land use conflict. c) <i>Recognition of the significance of rural land uses to the State and rural communities, including social and economic benefits of rural land use and development.</i> Comment: the additional land uses proposed to be made 'permissible with consent' are intended to have multiple social and economic benefits to rural communities in the Kyogle LGA. d) <i>In planning for rural lands, to balance the social, economic and environmental interests of the community.</i> Comment: the additional land uses proposed to be made 'permissible with consent' are considered to be compatible with rural areas. The proposed KDCP provisions will ensure that development does not create unacceptable economic, social or environmental impacts. e) <i>The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.</i> Comment: the additional land uses proposed to be made 'permissible with consent' are considered to be compatible with rural areas. The proposed KDCP provisions will ensure that development will not create unacceptable impacts on biodiversity and natural resources and will have regard for constrained land. f) <i>The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i> Comment: the additional land uses proposed to be made 'permissible with consent' will not compromise opportunities for rural lifestyle, settlement or housing. One of the intended outcomes of the amendment is to achieve social and economic benefits for rural communities. g) <i>The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i>

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 6- Additional uses in rural Zones

SEPP Title	Planning Proposal Consistency
	Comment: the amendment does not propose rural housing. h) <i>Ensuring consistency with any applicable regional strategy of the Department of Planning or any Applicable local strategy endorsed by the Director General.</i> Comment: the amendment is considered to be consistent with the Far North Coast Regional Strategy 2006-31, as discussed elsewhere in this Planning Proposal.
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable to Planning Proposal.
State Environmental Planning Policy (Infrastructure) 2007	The Planning Proposal does not affect the ongoing operation of the SEPP.
State Environmental Planning Policy (Temporary Structures) 2007	The SEPP provisions applying to temporary structures are not affected by the Planning Proposal.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to Planning Proposal.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable to Planning Proposal.
State Environmental Planning Policy (Major Development) 2005	Not applicable to Planning Proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable to Planning Proposal.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 71 - Coastal Protection	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Not applicable to Planning Proposal.
State Environmental Planning Policy 70 - Affordable Housing (Revised Schemes)	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 64 - Advertising and Signage	The SEPP provisions applying to advertising and signage are not affected by the Planning Proposal.
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 59 - Central Western Sydney Regional Open Space and Residential	Not applicable to Planning Proposal.
State Environmental Planning	Not applicable to Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 6- Additional uses in rural Zones

SEPP Title	Planning Proposal Consistency
<i>Policy No. 55 - Remediation of Land</i>	
<i>State Environmental Planning Policy No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 15 - Rural Land-Sharing Communities</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 50 - Canal Estate Development</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 47 - Moore Park Showground</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 44 - Koala Habitat Protection</i>	The SEPP provisions applying to koala habitat protection are not affected by the Planning Proposal.
<i>State Environmental Planning Policy No. 39 - Spit Island Bird Habitat</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 36 - Manufactured Home Estates</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 21 - Caravan Parks</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 30 - Intensive Agriculture</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 29 - Western Sydney Recreation Area</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Kurnell Peninsula) 1989</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 26 - Littoral Rainforests</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 19 - Bushland in Urban Areas</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 14 - Coastal</i>	Not applicable to Planning Proposal.

SEPP Title	Planning Proposal Consistency
Wetlands	
State Environmental Planning Policy No. 1 - Development Standards	Clause 1.9 of KLEP states that SEPP No. 1 does not apply to land to which the KLEP applies.

7. Is the Planning Proposal consistent with the applicable Ministerial Directions (Section 117 directions)?

The Section 117(2) Directions that affect the planning proposal and consistency of the overall proposed amendments are summarised in Table 4.

Table 4 Summary of Planning Proposal Consistency with s117 Directions

Section 117 Direction	Planning Proposal Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	The Planning Proposal does not apply to land in Business or Industrial Zones.
1.2 Rural Zones	This Direction requires that existing rural zones are not rezoned to a residential, business, industrial, village or tourist zone. The Planning proposal does not change any zones within the local government area.
1.3 Mining, Petroleum Production and Extractive Industries	The Direction does not apply to the Planning Proposal.
1.4 Oyster Aquaculture	The Direction does not apply to the Planning Proposal.
1.5 Rural Lands	The Direction requires that a Planning Proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles of the Rural Lands SEPP. As discussed under the commentary on the SEPP Rural Lands, this Planning Proposal is consistent with the Rural Planning Principles. This Planning Proposal does not compromise the Rural Subdivision Principles.
2. Environment and Heritage	
2.1 Environment Protection Zones	The Planning proposal does not affect any existing Environmental Protection Zones.
2.2 Coastal Protection	The Direction does not apply to the Planning Proposal.
2.3 Heritage Conservation	The Planning Proposal does not affect State or existing KLEP heritage provisions. Existing provisions will still apply to any site or building that is affected by development that, in principle, is provided for by the Planning Proposal.
2.4 Recreation Vehicle Areas	The Planning Proposal does not affect the ongoing operation of the Direction
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The Planning Proposal does not affect the ongoing operation of the Direction
3.2 Caravan Parks and Manufactured Home Estates	The Planning Proposal does not affect the ongoing operation of the Direction

Section 117 Direction	Planning Proposal Consistency
3.3 Home Occupations	The Planning Proposal does not affect the ongoing operation of the Direction
3.4 Integrating Land Use and Transport	The Planning Proposal does not affect the ongoing operation of the Direction
3.5 Development Near Licensed Aerodromes	The Direction does not apply to the Planning Proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The Planning Proposal is unlikely to affect any acid sulfate soils. Kyogle is not known for the presence of acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	The Direction does not apply to the Planning Proposal.
4.3 Flood Prone Land	Existing flood prone land provisions in KLEP are not affected by the Planning Proposal.
4.4 Planning for Bushfire Protection	Existing bushfire protection provisions in KLEP are not affected by the Planning Proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies	The Planning Proposal is consistent with the regional strategies affecting the local government area.
5.2 Sydney Drinking Water Catchments	The Direction does not apply to the Planning Proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This Direction relates to State and Regional significant agricultural land and precludes the rezoning of such land or significant non-contiguous farmland for urban or rural residential purposes. This Planning Proposal does not rezone any land.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	The Direction does not apply to the Planning Proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18/06/10)	The Direction does not apply to the Planning Proposal.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	The Direction does not apply to the Planning Proposal.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	The Direction does not apply to the Planning Proposal.
5.8 Second Sydney Airport: Badgerys Creek	The Direction does not apply to the Planning Proposal.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal does not alter any existing concurrence, consultation or referral requirements.
6.2 Reserving Land for Public Purposes	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

Section 117 Direction

Planning Proposal Consistency

6.3 Site Specific Provisions

No site specific provisions are proposed by the Planning Proposal.

Section C – Environmental, social and economic impacts

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The proposed LEP amendment will make a number of land uses permissible with consent in Zones RU1 and RU2. As the Planning Proposal does not relate to a specific development on a specific site, impacts on specific habitat, species or communities cannot be determined. In conjunction with the LEP amendment, Council proposes to amend the Kyogle Development Control Plan 2014 (KDCP) to include development guidelines relevant to the additional permissible land uses (see Attachment B).

Performance Criteria P7 and P8 of the guidelines seek to avoid impacts on ecological and biodiversity values. Assessment of the potential impacts of development will be carried out at the development application stage however, the likelihood of impacts critical habitat or threatened species, populations or ecological communities or their habitats is considered to be low as any proposals for the additional permitted uses are likely to occur on disturbed or cleared land that is already used or is capable of being used for related activities.

Existing environmental management provisions in KLEP will still apply to any proposed development.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The KDCP development guidelines discussed above are intended to avoid adverse environmental impacts.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is consistent with the Council's Community Strategic Plan and its economic development strategy. The intended outcomes of the Planning Proposal include positive economic and social outcomes such as, providing opportunities for additional rural employment opportunities and a more diverse and resilient rural economy.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

As the Planning Proposal does not relate to a specific development on a specific site, infrastructure requirements cannot be determined. In conjunction with the LEP amendment, Council proposes to amend the Kyogle Development Control Plan 2014 (KDCP) to include development guidelines relevant to the additional permissible land uses (see Attachment B). Performance Criteria P12 and P13 of the guidelines seek to ensure that development is adequately serviced.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be undertaken with relevant agencies following the Gateway determination stage of the LEP amendment.

Part 4 – Mapping

The proposed LEP amendment does not require mapping amendments.

Part 5 – Community Consultation

Subject to an affirmative Gateway Determination it is proposed to carry out consultation with the community in accordance with section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013).

Part 6 – Project Timeline

The indicative timeline for the completion of the planning proposal is as shown in Table 5.

Table 5 Indicative Planning Proposal Timeline

Plan Making Step	Estimated Completion
Commencement of Gateway determination	9 November 2015.
Government agency consultation	To be as specified in the Gateway determination. The anticipated timeframe is 28 days and is expected to be undertaken concurrently with the public exhibition period.
Commencement and completion for public exhibition period.	Timeframe for public exhibition is 30 days. 18 November 2015- 18 December 2015
Public hearings	Not applicable
Consideration of submissions	4 January 2016 – 22 January 2016
Further Consideration by Council	8 February 2016
Date of submission to the Department to finalise	12 February 2016
Anticipated date the Council makes the LEP, if delegated	To be determined
Anticipated date Council will forward making of the LEP to the Department for notification	To be determined

Attachments

Attachment A – Council Ordinary Meeting Minute – 14 September 2015.

Attachment B- Proposed development guidelines for inclusion in Kyogle Development Control Plan 2014.

Attachment A – Council Ordinary Meeting Minute – 14 September 2015.

FOR VOTE - Unanimous vote

The Executive Manager Administration and Community Carol O'Neill left the meeting at 5.54pm.

140915/16 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor John Burley:

That the information contained in the report Development Applications Determined and Outstanding for the period 1 August, 2015 to 31 August, 2015 only in relation to DA2013/11 in which the Executive Manager Administration and Community Carol O'Neill has declared an interest be received and noted.

CARRIED

FOR VOTE - Unanimous vote

The Executive Manager Administration and Community Carol O'Neill returned to the meeting at 5.54pm.

14B.2 PROPOSED LEP AMENDMENT- ADDITIONAL USES IN RURAL ZONES

REPORT BY: PLANNING AND ENVIRONMENT
CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT

140915/17 RESOLVED

Moved by Councillor Maggie Creedy, seconded by Councillor Janet Wilson:

1. That Council receive and note this report.
 2. That Council resolve to prepare a planning proposal to amend the Kyogle Local Environmental Plan 2012 to:
 - a. Add the following Objective to the Objectives of Zone RU1;
'To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.'
 - b. Permit the following uses in Zone RU1 with the consent of Council;
Animal boarding or training establishments, Cemeteries, Charter and tourism boating facilities, Crematoria, Educational establishments, Function centres, Helipads, Information and education facilities, Plant nurseries, Recreation facilities (outdoor), Restaurants or cafes, Rural supplies, Timber yards.
 - c. Permit the following uses in Zone RU2 with the consent of Council;
Educational establishments, Extractive industries, Information and education facilities, Plant nurseries, Rural supplies, Timber yards.
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- d. Make any other necessary amendments to the Kyogle Local Environmental Plan 2012 as identified in this report or required by the Department of Planning and Environment or Parliamentary Counsel.
3. That Council authorise the General Manager to finalise the Planning Proposal and submit the Planning Proposal to the Department of Planning and Environment for review and Gateway Determination.
4. That upon an affirmative Gateway Determination being received from the Department of Planning and Environment, Council staff carry out the procedural steps associated with the progress of the planning proposal, including community consultation.
5. That Council resolve to amend the Kyogle Development Control Plan 2014 by including guidelines relevant to the assessment of the proposed additional permitted uses.
6. That the draft Development Control Plan amendment be publicly notified in conjunction with public notification of the draft Kyogle Local Environmental Plan amendment.
7. That a further report be presented to Council on this matter following the conclusion of community consultation and review of submissions.

CARRIED

FOR VOTE - Unanimous vote

The Executive Manager Infrastructure Works left the meeting at 5.58pm.

Councillor Lindsay Passfield and Councillor Ross Brown called for a division Under Section 735A of the *Local Government Act 1993*.

FOR	AGAINST
Cr Danielle Mulholland	
Cr John Burley	
Cr Robert Dwyer	
Cr Maggie Creedy	
Cr Janet Wilson	
Cr Chris Simpson	
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Michael Reardon	

14B.3 PROPOSED REPEAL OF SEPP 15 RURAL LANDSHARING COMMUNITIES

REPORT BY: PLANNING AND ENVIRONMENT

**CONTACT: EXECUTIVE MANAGER PLANNING AND ENVIRONMENT
MANFRED BOLDY**

Attachment B- Proposed development guidelines for inclusion in Kyogle Development Control Plan 2014.

CHAPTER 1 NON-RESIDENTIAL DEVELOPMENT IN RURAL ZONES RU1, RU2, RU3 AND RU4

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2 Intensive Livestock Agriculture, Rural Industries and Animal Boarding or Training Establishments

1 Introduction

1.1 Application

This Chapter applies in preparing and assessing applications for development in rural Zones RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry and RU4 Primary Production Small Lots, excluding residential development, subdivision, forestry, extractive industries and other development where regulated by other chapters of this DCP.

1.2 Aims of Chapter 1

- To facilitate development in rural areas that is consistent with the objectives of the applicable zone and does not reduce the viability or potential of Regionally Significant Farmland¹ or Class 1, 2 or 3 agricultural land².
- To assist potential developers to select suitable development sites.
- To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.

¹As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

²As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

2.1 Application

This section applies to development for the purposes of intensive livestock agriculture, rural industries and animal boarding or training establishments in Zones RU1, RU2, RU3 and RU4 where permitted with consent under the Kyogle LEP 2012. The Kyogle LEP 2012 states that a rural industry includes the following activities:

- Agricultural produce industries
- Livestock processing industries (including abattoirs)
- Composting facilities and works (including the production of mushroom substrate)
- Sawmill or log processing works
- Stock and sale yards
- The regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise

2.2 Objectives

- To facilitate development of intensive livestock agriculture, rural industries and animal boarding or training establishments in appropriate locations.
- To encourage the development of rural industries that complements the agricultural activities within the Council area.
- To ensure development does not fragment or significantly reduce the potential or viability of Regionally Significant Farmland¹ or Class 1, 2 or 3 agricultural land².
- To ensure that development is appropriately sited and adequate buffers are provided to sensitive land uses so as to minimise the potential for land use conflict.
- To ensure the design and operation of development does not create unacceptable impacts on the amenity of surrounding properties.
- To ensure that development does not adversely impact on biodiversity, endangered ecological communities, fauna corridors or threatened species.
- To minimise adverse impacts on the character of the rural landscape.
- To ensure development does not adversely impact on water quality and the ecological and hydrological functions of watercourses, wetlands or water bodies.
- To ensure that development is adequately serviced and does not create unreasonable demands on public infrastructure.
- To ensure that development has safe and suitable vehicular access.
- To ensure preservation of cultural heritage.

¹As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

²As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

2.3 Development Guidelines

Note: the Acceptable Solutions represent one way to meet the Performance Criteria. Applicants that choose not to, or that cannot meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Protection of good quality agricultural land P1 Development does not significantly reduce the viability or potential of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land	A1 Development is not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
Land use conflict P2 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area* * Demonstrating achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007) that demonstrates the development will not result in unacceptable risk of land use conflict	A2.1 Development achieves relevant buffers identified in Table C1.1 in Appendix C1 A2.2 Development is not proposed on land that adjoins land zoned R1, R3, R5 and RU5 or land that is identified for future residential or urban development through a land release strategy
Design and siting of buildings, structures and operational areas P3 Development siting and layout utilises natural grades of the land and minimises cut and fill P4 The setback of buildings, structures and operational areas from the primary road frontage is consistent with the surrounding area	A3.1 Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15% A3.2 Cut or fill does not exceed 1.5 metres in height and a total height of 3 metres A4.1 Buildings, structures and operational areas are set back a minimum of 40 metres from the primary road frontage or as per Table C1.1 in Appendix C1 where applicable OR Where development site has primary frontage to a classified road: A4.2 Buildings, structures and operational areas are set back a minimum of 50 metres from the road frontage
P5 The setback of buildings, structures and operational areas from side and rear property boundaries does not impact on the amenity of	A5.1 Buildings and structures are set back a minimum of 20 metres from side boundary or as per Table C1.1 in Appendix C1 where applicable

Performance criteria	Acceptable solution
adjoining properties	A5.2 Buildings and structures are set back at least 20 metres from rear boundary or as per Table C1.1 in Appendix C1 where applicable OR Where side or rear boundary fronts a public road: A5.3 Buildings and structures are set back at least 40 metres or as per Table C1.1 in Appendix C1 where applicable
Visual impact P6 The development does not adversely impact significant vistas, landscape character or surrounding properties	A6.1 Buildings and structures are not located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points OR A6.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant public vantage points* * A landscape concept plan must be provided that demonstrates achievement of A6.2 A6.3 External walls and roofs are clad in non-reflective materials and colours are muted
Environmental impact P7 The siting of buildings, structures and operational areas does not adversely impact ecological or hydrological values of watercourses, water bodies or wetlands	A7.1 Buildings, structures and operational areas are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 or greater Stream) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream) A7.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland A8.1 Construction of buildings, structures and operational areas does not require the clearing of native vegetation A8.2 Development is not located within a mapped ecological corridor
Heritage P8 Development does not adversely impact on ecological functions or biodiversity values P9 Development does not adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A9 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area

Performance criteria	Acceptable solution
Landscaping	
P10 The development does not create adverse visual impact on the character of the area	A10.1 A landscape concept plan is submitted with the development application A10.2 Plant species proposed complement or reflect the landscape character of the site and its surroundings A10.3 Plant locations and densities are appropriate to effectively screen or break up the mass of the development
Control of Noise, Odour, Light and Dust	
P11 Operation of the development does not create unacceptable noise impacts on surrounding areas	A11.1 Operation of the development complies with the NSW Industrial Noise Policy A11.2 All stationary noise generating machinery is located within insulated and enclosed buildings A11.3 Deliveries and transport are undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays A11.4 Roads, parking, loading and manoeuvring areas are not within 100 metres of a dwelling on another property
P12 Operation of the development does not create dust that impacts on crop production or the amenity of surrounding areas	A12 Design and operation of the development does not generate dust
P13 Operation of the development does not create unacceptable odour impacts on surrounding areas	A13.1 Animal feed is stored in a dry storage area to prevent fermentation AND Where development is for intensive livestock agriculture: A13.2 Best practice measures to minimise odour are implemented AND Where development is for an animal boarding establishment: A13.3 Development is carried out in accordance with the Code of Practice No. 5- Dogs and Cats in Animal Boarding Establishments prepared by the NSW Department of Primary Industries
P14 The development does not create	A14.1 Development does not employ external lighting

Performance criteria	Acceptable solution
unacceptable light impacts on surrounding areas	OR A14.2 External lighting is shielded to prevent spillage to surrounding properties
Effluent management	
P15 Design and operation of the development does not adversely impact water quality or create public health risks	A15.1 Effluent is treated on site in an approved manner OR A15.2 Effluent is removed from site and disposed of in an approved manner AND Where development is for intensive livestock agriculture or animal boarding and training establishment: A15.3 Wastewater generated from the cleaning of animal housing structures, restriction facilities and yard areas is treated to remove pathogens and pollutants prior to being reused on-site for irrigation purposes
Stormwater management	
P16 Development must not have a detrimental impact on water quality or adjoining properties	A16.1 Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads A16.2 Stormwater is disposed of in a manner that does not interfere with adjoining land uses A16.3 Stormwater management infrastructure is designed in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals AND Where development is for intensive livestock agriculture: A16.4 Development is carried out in accordance with an erosion and sediment control plan prepared in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals
Transport and access	
P17 The development has vehicular access that is safe and suitable for the intended use	A17.1 The development is connected to a public road that is of appropriate standard to accommodate the nature of traffic generated by the development

Performance criteria	Acceptable solution
	A17.2 Vehicles can enter and leave the site in a forward direction A17.3 Internal access roads, parking and manoeuvring areas are all weather design and construction A17.4 Access, manoeuvring and parking areas designed and constructed in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals, and Council's Property Access and Addressing Management Plan
Services and infrastructure	
P18 The development makes adequate provision for services without impacting on the amenity of surrounding properties	A18 The development is serviced by reticulated power and telecommunications
P19 The development makes adequate provision for supply of water	A19 The development is self-sufficient for water
Natural hazards	
P20 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	A20.1 Development is not on land that is mapped as bushfire prone land or a landslip hazard area A20.2 The development site is not prone to flooding from inundation or overland flow
Hours of operation (rural industries only)	
P21 Operation of the development does not create unacceptable impacts on surrounding areas	A21 Hours of operation are in accordance with Table C1.2 in Appendix C1

3 Farm Buildings and Rural Sheds

3.1 Application

This section applies to development for the purposes of farm buildings (including sheds) and structures in Zones RU1, RU2, RU3 and RU4 where not developed in association with other development applicable to this Chapter. This Chapter does not apply to rural dwellings; refer to Chapter 3.

3.2 Exempt Development

Certain farm buildings and structures are permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

3.3 Objectives

- To ensure that buildings and structures are designed and constructed to minimise the visual impact on the character of the rural landscape and significant views or settings.
- To ensure that buildings and structures are designed and sited to minimise cut and fill.
- To ensure that buildings and structures are designed and sited to minimise impacts on ecological functions and biodiversity values.
- To ensure that buildings and structures are sited to minimise exposure to unacceptable risk from natural hazards and contaminated land.
- To ensure that buildings and structures do not adversely impact on ecological or hydrological functions of watercourses, wetlands or water bodies.
- To ensure that buildings and structures have suitable vehicular access.
- To ensure the preservation of cultural heritage.

3.4 Development Guidelines

Note: the Acceptable Solutions represent one way to meet the Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Design and siting of buildings and structures	
P1 Design and layout of buildings utilises natural grades of the land and minimises cut and fill	A1.1 Buildings and structures are not erected on slopes in excess of 15% A1.2 Cut or fill does not exceed 1.5 metres in height or a total height of 3 metres
P2 The setback of buildings and structures to the primary road frontage is consistent with the surrounding area	A2.1 Buildings and structures are set back a minimum of 20 metres from the primary road frontage, where the road is not a classified road

Performance criteria	Acceptable solution
	OR Where development site has primary frontage to a classified road: A2.2 Buildings and structures are set back a minimum of 50 metres from the road frontage
P3 The setback of buildings and structures does not impact on the amenity of adjoining properties or the surrounding area	A3.1 Buildings and structures are set back a minimum of 10 metres from side and rear boundaries OR Where side or rear boundary fronts a public road: A3.2 Buildings and structures are set back a minimum of 20 metres from boundary
P4 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses and water bodies	A4 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent or ephemeral watercourses and water bodies
P5 The development does not adversely impact significant vistas, landscape character or surrounding properties	A5.1 Buildings and structures must not be located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points OR A5.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant vantage points* * A landscape concept plan must be provided that demonstrates achievement of A5.2 AND A5.3 External walls and roofs are clad in non-reflective materials and colours are muted
P6 Development does not create unacceptable impact on ecological functions or biodiversity values	A6.1 Siting of buildings and structures does not require the clearing of native vegetation A6.2 Development is not located within a mapped ecological corridor
Stormwater Management	
P7 Development must not have a detrimental impact on adjoining properties	A7.1 Stormwater is disposed of in a manner that does not interfere with adjoining properties A7.2 Stormwater management infrastructure is designed and constructed in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals

Performance criteria	Acceptable solution
Transport and Access	
P8 The development must have vehicular access suitable for the intended use	A8.1 Internal access roads and vehicular access must be all weather design and construction in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals, and Council's Property Access and Addressing Management Plan A8.2 Vehicles are able to enter and leave the site in a forward direction
Natural hazards	
P9 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	A9.1 Where development is on land mapped as bushfire prone land, buildings or structures are not located within 10 metres of a dwelling* A9.2 Development is not located on land mapped as a landslip hazard area A9.3 The development site is not prone to flooding from inundation or overland flow *Where Class 10a structures are located on bushfire prone land and within 10 metres of a residential building, the Class 10a structure must meet bushfire requirements applicable to the residential building
Heritage	
P10 Development does adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A10 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area

4 Other development

4.1 Application

This section applies to other non-residential development in Zones RU1, RU2, RU3 and RU4 where permitted with consent, including: camping grounds, charter and tourism boating facilities, helpads, information and education facilities, roadside stalls, community facilities, industrial training facilities, function centres, educational establishments, entertainment facilities, restaurants or cafes, recreation facilities (outdoor), places of public worship, plant nurseries, rural supplies, timber yards, veterinary hospitals, crematoria and cellar door premises, but excluding tourist and visitor accommodation, eco-tourist facilities, forestry or cemeteries.

4.2 Objectives

- a) To facilitate development in rural areas that is consistent with the objectives of the applicable zone.
- b) To promote development that complements the agricultural nature of the rural area and allows additional economic opportunities.
- c) To ensure development does not fragment or reduce the potential and viability of Regionally Significant Farmland¹ or Class 1, 2 or 3 agricultural land².
- d) To ensure that development does not result in unacceptable harm to the natural environment.
- e) To ensure that development does not create unacceptable potential for land use conflict.
- f) To ensure development is adequately serviced and does not impose unreasonable demand on public infrastructure.
- g) To ensure that infrastructure and persons on development sites are not exposed to unacceptable risk from natural hazards and contaminated land.
- h) To ensure that development does not adversely impact the landscape character of rural areas.
- i) To ensure the preservation of cultural heritage.
- j) To ensure that buildings and structures do not adversely impact on ecological or hydrological functions of watercourses, wetlands or water bodies.
- k) To ensure that development has safe and suitable vehicular access.

¹As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

²As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

4.3 Development Guidelines

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Protection of good quality agricultural land P1 Development does not significantly reduce the viability or potential of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land	A1 Development is not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
Land use conflict P2 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area* * Demonstrating achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)	A2 Development achieves buffers identified in Table C1.1 in Appendix C1
Design and siting of buildings and structures P3 Development siting and layout utilises natural grades of the land and minimises cut and fill P4 The setback of buildings, structures and operational areas to the primary road frontage is consistent with the surrounding area P5 The setback of buildings, structures and operational areas does not impact on the amenity of adjoining properties	A3.1 Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15% A3.2 Cut or fill does not exceed 1.5 metres in height and a total height of 3 metres A4.1 Buildings, structures and operational areas are set back a minimum of 20 metres from the primary road frontage OR Where development site has primary frontage to a classified road: A4.2 Buildings, structures and operational areas are set back a minimum of 50 metres from the road frontage A5.1 Buildings and structures are set back a minimum of 10 metres from side boundary A5.2 Buildings and structures are set back at least 10 metres from rear boundary OR Where side or rear boundary is a secondary road:

Performance criteria	Acceptable solution
	A5.3 Buildings and structures are set back at least 20 metres
Visual Impact	
P6 The development does not adversely impact significant vistas, landscape character or surrounding properties	A6.1 Buildings and structures are not located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points OR A6.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant vantage points <i>* A landscape concept plan must be provided that demonstrates achievement of A6.2</i> AND A6.3 External walls and roofs are clad in non-reflective materials and colours are muted
Environmental impact	
P7 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	A7.1 Buildings, structures and operational areas are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream) A7.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland
P8 Development does not create unacceptable impact on ecological functions or biodiversity values	A8.1 Construction of buildings, structures and operational areas does not require the clearing of native vegetation A8.2 Development is not located within a mapped ecological corridor
Protection of amenity of surrounding properties	
P9 Operation of the development does not create unacceptable impacts on the amenity of surrounding areas or agricultural production	A9.1 Hours of operation are in accordance with Table C1.2 in Appendix C1 A9.2 Operation of the development must comply with the NSW Industrial Noise Policy A9.3 Delivery and servicing is undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays

Performance criteria	Acceptable solution
	A9.4 Design and operation of the facility does not generate emissions of dust, light or odour A9.5 Internal roads, parking, loading and manoeuvring areas are not within 40 metres of a dwelling on an adjoining property
Effluent management	
P10 Design and operation of the development does not adversely impact water quality or create public health risks	A10.1 Effluent is treated on site in an approved manner OR A10.2 Effluent is removed from site and disposed of in an approved manner
Stormwater Management	
P11 Development must not have a detrimental impact on water quality or adjoining properties	A11.1 Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads A11.2 Stormwater is disposed of in a manner that does not cause nuisance to adjoining properties A11.3 Stormwater management infrastructure is designed in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals
Transport and Access	
P12 The development must have vehicular access suitable for the intended use and vehicular movements must not have a detrimental impact on amenity of adjoining properties	A12.1 The development is connected to a public road that is of appropriate standard to accommodate the nature of traffic generated by the development A12.2 Internal access roads and vehicle manoeuvring and parking areas are all weather design and construction A12.3 Vehicles are able to enter and leave the site in a forward direction A12.4 Access, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Development & Design and Construction Manual
Services and Infrastructure	
P13 The development makes adequate provision for services without impacting on the amenity of surrounding properties or drawing	A13.1 The development is serviced by reticulated power and telecommunications

Performance criteria	Acceptable solution
unreasonably from watercourses, water bodies or groundwater	A13.2 The development has adequate water supply
Natural hazards	
P14 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	A14.1 Development is not proposed on land that is mapped as bushfire prone or a landslip hazard area A14.2 The development site is not prone to flooding from inundation or overland flow
Heritage	
P15 Development does not adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A15 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area
Where development is for a roadside stall	
P16 Roadside stalls do not create unsafe road conditions	A16.1 Roadside stalls are not located within the road reserve A16.2 Roadside stalls are accessed via an approved vehicular access
P17 Roadside stalls are small scale and used for the sale of locally produced or grown goods and products	A17.1 The maximum gross floor area of a roadside stall is 8m ² A17.2 Roadside stalls are only used to sell goods produced or grown on the property where the stall is located or an adjacent property
P18 Food products are stored and managed in accordance with NSW Food Authority requirements	No Acceptable Solution is provided; demonstrate how the proposal achieves the Performance Criteria
P19 Signage does not create adverse impacts on rural landscape character or unduly distract motorists	A19.1 No more than 3 signs per premises are utilised A19.2 Signs are located on roadside stall or fence line of subject site

APPENDIX C1

Table C1.1 Recommended minimum buffer distances (in metres) between proposed development and building or activity on adjoining land not associated with proposal

	Residential areas and Urban Development	Rural Dwellings	Education Facilities & Pre-schools	Tourist and Visitor Accommodation	Property Boundary of subject site	Public Roads
Piggeries- Housing and waste storage	1000	500	1000	500	100	100
Piggeries- Waste utilisation area	500	250	250	250	20	20
Feedlots- Yards and waste storage	1000	500	1000	1000	100	100
Feedlots- Waste utilisation area	500	250	250	250	20	20
Poultry farms- Sheds and waste storage	1000	500	1000	500	100	100
Poultry farms- Waste utilisation area	500	250	250	250	20	20
Dairies- Sheds and waste storage	500	250	250	250	100	100
Dairies- Waste utilisation area	500	250	250	250	20	20
Other Intensive Livestock Operations	500	300	500	300	100	100
Extensive Horticulture	300	200	200	200	N/A	BMP
Greenhouse & Controlled Environment Horticulture	200	200	200	200	50	50
Macadamia de-husking	300	300	300	300	50	50
Bananas	150	150	150	150	BMP	BMP
Turf Farms	300	200	200	200	BMP	SSD
Animal boarding or training establishments	500	500	500	500	100	100
Rural Industries	1000	500	1000	500	50	50
Abattoirs	1000	1000	1000	1000	100	100

Source: Department of Primary Industries: Living and Working in Rural Areas (2007)

Table C1.2 Preferred operational or opening hours

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Function centres, Restaurants and cafes, Cellar door premises, Neighbourhood shops, Educational establishments, Entertainment facilities, Information and education facilities, Place of public worship	7am-10pm	7am-10pm	7am-10pm
Charter and tourism boating facilities, Veterinary hospitals, Plant nurseries, Recreation facilities (outdoor), Rural supplies, Timber yards	7am-6pm	7am-5pm	7am-5pm
Rural industries, Industrial training facilities	7am-6pm	7am-1pm	Not permitted
Crematoria	8am-5pm	8am-4pm	8am-3pm