



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_KYOGI_003_00 Dop File No : 15/16444

Proposal Details

Date Planning Proposal Received : 09-Nov-2015

LGA covered : Kyogle

Region : Northern

RPA : Kyogle Council

State Electorate : LISMORE

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : All land zoned RU1 and RU2 within the Kyogle LGA

DoP Planning Officer Contact Details

Contact Name : Gina Davis

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RPA Contact Details

Contact Name : Lachlan Black

Contact Number : 0266320293

Contact Email : council@kyogle.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : N/A

Release Area Name : N/A

Regional / Sub Regional Strategy : Far North Coast Regional Strategy

Consistent with Strategy : Yes

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MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) : N/A
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes	
If No, comment :	The Department of Planning & Environment Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.
Have there been meetings or communications with registered lobbyists? :	Yes
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting Notes :

External Supporting Notes : Council proposes to amend the landuse tables of the RU1 Primary Production and RU2 Rural Landscapes zones in the Kyogle LEP 2012 to allow for a range of small scale, commercial non-agricultural landuses to be permitted with consent.

The following landuses are proposed for the RU1 zone:

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, and Timber yards.

The following landuses are proposed for the RU2 Rural Landscapes zone:

Educational establishments, Extractive industries, Information and education facilities, Plant nurseries, Rural supplies, and Timber yards.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The statement of objectives adequately describes the intention of the planning proposal. The planning proposal seeks to amend the Kyogle Local Environmental Plan (LEP) 2012 by inserting a range of small scale, commercial non-agricultural landuses within the RU1 and RU2 zones that may be permitted with consent.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The Planning Proposal provides an adequate explanation of the intended provisions to

achieve the objectives and intended outcomes.

The intention of the Planning Proposal is to allow additional permissible uses with consent within the RU1 and RU2 zones in order to diversify the rural economy and capitalise on the attractions of the Kyogle LGA. Potential landuse conflict and adverse impacts on the viability of rural land has been considered in identifying suitable landuses to be added to the relevant zone tables.

The following additional objective is proposed to be added to the RU1 Primary Production zone:

'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.'

The following landuses are proposed for the RU1 zone:

Animal boarding or training establishments, Cemeteries, Charter and tourism boating facilities, Crematoria, Educational establishments, Function centres, Hallpads, Information and education facilities, Plant nurseries, Recreation facilities (outdoor), Restaurants or cafes, Rural supplies, and Timber yards.

The following landuses are proposed for the RU2 Rural Landscapes zone:

Educational establishments, Extractive industries, Information and education facilities, Plant nurseries, Rural supplies, and Timber yards.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

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

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposed changes to KLEP 2012 will involve an amendment to the written component of the Instrument only. No mapping is required.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council have identified a 30 day timeframe for community consultation. In accordance with section 5.5.2 community consultation of A Guide to Preparing LEP's this should be

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amended to require a 28 day exhibition period.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : The planning proposal satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes;
- 2) Providing an adequate justification of the proposal;
- 3) Outlining a proposed community consultation period;
- 4) Completing an evaluation for the issuing of an authorisation to exercise delegation. The proposal is considered a minor local matter. Delegation is recommended in this instance;
- 5) Providing a project timeline for the proposal. Council has estimated the completion of the planning proposal within six (6) months. This time frame is considered appropriate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Kyogle LEP 2012 came into effect in February 2013. This proposal amends Kyogle LEP 2012.

Assessment Criteria

Need for planning proposal :

The proposal to amend the LEP is not the subject of a specific strategic study or report.

Council has resolved to amend the landuse tables of the RU1 Primary Production and RU2 Rural Landscapes zones to allow for a range of small scale, commercial non-agricultural landuses to be permitted with consent. Council have stated that the reason for this is that council officers regularly field enquiries from landowners and prospective purchasers of rural land who are looking at the possibility of developing land for various small scale non agricultural purposes.

Council considers that the landuses detailed below could complement existing agricultural activity and bring potential economic benefit to the area. The following landuses are proposed for the RU1 zone:

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, and Timber yards.

Of the adjoining LGA's of Tweed, Richmond Valley and Lismore, Tweed has the most restrictive RU1 zone with only three of these landuses being permissible with consent. Richmond Valley and Lismore however permit a far greater range of landuses on RU1 zoned land. All three Council's however have prohibited Function centres and Timber yards within the RU1 zone.

The additional landuses proposed for the RU1 zone are ones which are commonly permitted with consent in such areas due to their compatibility with existing agricultural practices. Such landuses have the potential to complement the traditional uses of rural zoned land without creating landuse conflict whilst at the same time, contributing

beneficially to the regions economy.

In regards to the RU2 Rural Landscapes zone, council wishes to permit the following landuses with consent;

Educational establishments, Extractive Industries, Information and education facilities, Plant nurseries, Rural supplies, and Timber yards.

Tweed permits all of the above landuses with consent however Lismore prohibits all. Richmond Valley does not have an RU2 zone.

The landuses proposed for the RU2 zone are considered to be compatible with the nature of rural zoned land and in many cases will lead to a higher order use of agriculturally unviable land.

The proposed landuses for the RU1 and RU2 zones comply with the Standard Instrument (Local Environmental Plans) Order 2006

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Consistency with strategic planning framework :

Far North Coast Regional Strategy

The proposal to allow for additional permitted uses within the RU1 and RU2 zones is not inconsistent with the provisions of the Far North Coast Regional Strategy.

Local Strategies

The planning proposal is not inconsistent with Council's strategic plans or its Economic Development Policy.

SEPP's

The planning proposal identifies SEPP (Rural Lands) 2008 as being relevant as it contains provisions that affect rural zoned land.

The proposal is not inconsistent with the Rural Subdivision Principles or the Rural Planning Principles of the SEPP as the provisions recognise the importance of rural lands and the changing nature of agriculture. They also provide opportunities for balancing social, economic and environmental interests of the community.

Council considers that the additional landuses to be made permissible with consent are compatible with rural areas and that the proposed provisions for the Kyogle DCP will ensure that development does not compromise the potential of good quality agricultural land or increase the potential for landuse conflict.

s117 Directions

The following s117 Directions are applicable to this planning proposal, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast. Of the above s117 Directions the proposal is inconsistent with the following:

4.3 Flood Prone Land

This direction is relevant as there is the potential for any of the additional permitted uses to be located on land affected by this constraint. However, there are already flood prone land management provisions in Kyogle LEP 2012 which require that this issue be considered at DA stage. The potential impact of such additional landuses being permitted in floodprone land can be managed through the existing LEP provisions and Council's development assessment processes. The inconsistency with this direction is considered to be of minor significance.

4.4 Planning for Bushfire Protection

This Direction applies as the proposal will apply across the LGA. It can be assumed therefore that some of the land within the RU1 and RU2 zones of Kyogle LGA is bush fire prone.

The Direction requires Council to consult with the Commissioner of the NSW Rural Fire Service after a Gateway determination has been issued. Until this consultation occurs the consistency of the proposal with this Direction remains unresolved.

The planning proposal is otherwise consistent with the s117 Directions.

Environmental social economic impacts :

The proposed landuses for the RU1 and RU2 zones comply with the Standard Instrument (Local Environmental Plans) Order 2006. It is however difficult to determine any potential environmental, social or economic impacts of future individual proposals.

In order to avoid any adverse environmental, social or economic impact, Council intends to amend the Kyogle DCP 2014 to include development guidelines relevant to permissible land uses. These will then be taken into consideration at the DA stage on a case by case basis.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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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**

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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.

Signature:



Printed Name:

PAUL GARNETT

Date:

16/11/15

Acting Team Leader
Northern Region.