

Nambucca LEP 2010 Draft Amendment No 7 – Rural Tourist Accommodation.

Proposal Title : Nambucca LEP 2010 Draft Amendment No 7 – Rural Tourist Accommodation.

Proposal Summary : The planning proposal seeks to enable small scale tourist and visitor accommodation developments on rural land. It is proposed to amend the land use table for zones RU1 Primary Production, RU2 Rural Landscape and R5 Large Lot Residential to permit the group term “Tourist and visitor accommodation” with consent, while prohibiting the individual sub-terms “backpackers accommodation”, “hotel and motel accommodation” and “serviced apartments” in these zones.

PP Number : PP_2012_NAMBU_002_00 Dop File No : 12/01099

Planning Team Recommendation

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

S.117 directions :

- 1.2 Rural Zones
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is recommended that;

1. The planning proposal should proceed as a ‘routine’ planning proposal.
2. The planning proposal is to be completed within 6 months.
3. That a community consultation period of 14 days is necessary.
4. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
5. It is recommended that a delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.2, 4.1 and 5.1 are justified in accordance with the provisions of the directions.
6. Council should give consideration to the inclusions of provisions similar to those in clause 7.8 of the Bellingen LEP 2010. Such provisions are designed to prevent the misuse of tourist accommodation for permanent residential purposes, and to address potential adverse impacts on the environment and surrounding properties.

Supporting Reasons : The reasons for the recommendation are as follows;

1. The proposal has the potential to make a positive contribution to the economic welfare of the Nambucca LGA by enabling economically viable tourist accommodation on rural land.
2. The impacts of the proposed small scale tourist accommodation developments on the natural, built and socioeconomic environments are expected to be negligible and manageable.

3. The inconsistencies of the proposal with the strategic planning framework are of minor significance.

Panel Recommendation

Recommendation Date : 19-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

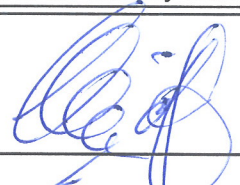
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McQuinn

Date:

24.1.12