

Kyogle LEP 2012 Amendment No 13 - 6399 Kyogle Road, Kyogle - Industrial land rezoning

Proposal Title : **Kyogle LEP 2012 Amendment No 13 - 6399 Kyogle Road, Kyogle - Industrial land rezoning**

Proposal Summary : **This Planning Proposal seeks to rezone land at 6399 Kyogle Road, Kyogle from part RU1 Primary Production and part RU2 Rural Landscape to IN1 General Industrial to facilitate the development of a truck depot. The minimum lot size provisions are also proposed to be amended to reflect the proposed zoning.**

PP Number : **PP_2017_KYOGL_003_00** Dop File No : **17/04525**

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 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**

Additional Information : **It is recommended that the Acting Director Regions, Northern as delegate of the Minister approve the planning proposal to rezone land at 6399 Kyogle Road, Kyogle for industrial purposes and alter the minimum lot size provisions for the site subject to the following conditions:**

1. Prior to community consultation being undertaken a Land Use Conflict Risk Assessment (LUCRA) is to be undertaken addressing the potential land use conflicts that may arise due to the rezoning and subsequent use of this land with the surrounding residential dwellings and any other sensitive receptors.

2. Prior to consultation being undertaken the Planning Proposal is to be amended as follows:

- (a) a Location Map is to be included identifying the subject land showing its proximity to Kyogle;**
- (b) reference to the proposed change in minimum lot size provisions to 1500m2 on the site is to be included;**
- (c) reference to the proposed change in zoning and minimum lot size provisions for the adjacent road reserve is to be included;**
- (d) mapping showing the current and proposed minimum lot size provisions is to be included;**
- (e) to reflect the results and any supported recommendations of the LUCRA, and**
- (f) reference to the Far North Coast Regional Strategy 2016-2031 and the Draft North Coast Regional Plan are to be removed and replaced with discussion on the North Coast Regional Plan 2036, including addressing the consistency of this proposal with the Plan.**

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Rural Fire Service
- NSW Roads and Maritime Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

and that the A/ Director Regions/Northern as delegate of the Secretary:

1. issues an authorisation to exercise delegation to Council; and

2. determines that the inconsistencies with s117 Directions 1.2 Rural Zones, and 5.3 Farmland of State and Regional Significance on the NSW Far North Coast are justified in accordance with the terms of the respective directions.

Supporting Reasons :

The Planning Proposal is consistent with Council's and the Department's strategic planning. The land has been identified as being suitable for an industrial zone and this amendment to the LEP will facilitate that.

Panel Recommendation

Recommendation Date : **07-Apr-2017**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **This matter is considered to be of local significance and can appropriately be considered by the Director Regions, Northern**

Gateway Determination

Decision Date : **07-Apr-2017**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **9 months**

Gateway

Determination :

1. Prior to consultation being undertaken a Land Use Conflict Risk Assessment (LUCRA) is to be undertaken addressing the potential land use conflicts that may arise due to the rezoning and subsequent use of this land with the surrounding residential dwellings and any other sensitive receptors.

2. Prior to consultation being undertaken the Planning Proposal is to be amended as follows:

- (a) a Location Map is to be included identifying the subject land;
- (b) reference to the proposed change in minimum lot size provisions to 1500m2 on the site is to be included;
- (c) reference to the proposed change in zoning and minimum lot size provisions for the adjacent portion of Kyogle Road is to be included;

- (d) mapping showing the current and proposed minimum lot size provisions is to be included;
- (e) inclusion of the completed LUCRA and any necessary changes to address its recommendations; and
- (f) reference to the Far North Coast Regional Strategy 2016-2031 and the Draft North Coast Regional Plan are to be removed and replaced with discussion on the North Coast Regional Plan 2036, including addressing the consistency of this proposal with the Plan.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and
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6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

7 April 2017

