

13B.2 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO REZONE LAND AT 6367-6399 KYOGLE ROAD, KYOGLE TO ZONE IN1 GENERAL INDUSTRY

REPORT BY: PLANNING AND ENVIRONMENTAL SERVICES
CONTACT: DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

Summary/Purpose

The purpose of this report is to present to Council a proposed amendment to the *Kyogle Local Environmental Plan 2012* (KLEP) to rezone land at Lot 2 DP 1220463, 6367-6399 Kyogle Road, Kyogle, to IN1 General Industry Zone. The land is currently zoned part RU1 Primary Production Zone and part RU2 Rural Landscape Zone under the KLEP. The land is currently used as a developing truck depot and has previously been used for rural industrial purposes – i.e. grain silos. The surrounding land is zoned IN1 General Industry Zone and is used for industrial purposes.

Community Strategic Plan Strategies

This proposal is consistent with the following main broad strategy taken from the Kyogle Council Community Strategic Plan 2016-2026 (page 2):

- *Council to review and amend the Kyogle Local Environmental Plan and associated development control and contributions plans to reduce restrictions and provide improved opportunities for economic growth of all local businesses, residential accommodation, rural residential and agricultural land uses, and events, whilst ensuring sustainable environmental outcomes.*

Background Information

The subject site has an area of 5.029 hectares. The site is currently being developed as a truck depot. The site is identified in the Council's Local Area Growth Management Strategy for General Industrial purposes in keeping with the surrounding zoning. The location is well suited to General Industry purposes being located at the edge of the town of Kyogle and is well situated adjacent to a main road – Kyogle Road.

The truck depot use currently being developed is, in principle, well located being away from residential uses and adjacent to other heavy transport-reliant industry. Presently, the use is prohibited under the current rural zoning. The IN1 General Industry Zone would enable a truck depot to be assessed as permissible development subject to lodgement of a development application.

The land was previously not zoned General Industry when the KLEP was being finalised due to the site also being used for dwelling purposes. The dwelling has since been subdivided from the subject site on a separate land parcel which is not the subject of this proposed planning proposal.

The Council received a written request, dated 29 November 2016, from the current operator of the development on the site – M.J. Smith Ground preparation Pty Ltd – seeking to have the site rezoned.

Budget & Financial Aspects

There are no additional budget implications for the proposed amendment to the KLEP. The work is to be wholly undertaken through the use of existing Council staff resources and budget allocations.

Recommendation

That Council:

1. Receives and notes the report on the proposed amendment to the KLEP to rezone land at Lot 2 DP 1220463, 6367-6399 Kyogle Road, Kyogle to IN1 General Industry Zone.
2. Resolves to amend the *Kyogle Local Environmental Plan 2012* (KLEP) through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report.
3. Authorises the General Manager to prepare a Planning Proposal consistent with the contents of this report and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination.
4. On receipt of a Gateway Determination stating that Council may proceed with the LEP amendment, authorises the General Manager to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EP&A Act, including public consultation.
5. On conclusion of public consultation, consider a further report outlining the outcomes of consultation including submissions received.

Division

Under section 375A of the *Local Government Act 1993*, a division is required to be called to record that manner in which all councillors have voted whenever a planning decision is to be made in relation to a development application, planning instrument or development control plan. The section of the Act applies to a Council decision regarding the matter referred to in this report.