

Kyogle LEP 2012 - Amendment No 10 - Caravan Parks in RU1 & RU2 Zones

Proposal Title : **Kyogle LEP 2012 - Amendment No 10 - Caravan Parks in RU1 & RU2 Zones**

Proposal Summary : **The Planning Proposal aims to amend Kyogle LEP 2012 to permit the development (with consent) of caravan parks within the RU1 Primary Production and RU2 Rural Landscapes zones.**

PP Number : **PP_2016_KYOGL_002_00** Dop File No : **16/10276**

Proposal Details

Date Planning Proposal Received : **05-Aug-2016** 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 within the Kyogle LGA that is zoned RU1 & RU2**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**
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RPA Contact Details

Contact Name : **Lachlan Black**
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DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**
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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

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 : Council proposes to amend the landuse tables of the RU1 Primary Production and RU2 Rural Landscape Zones in the Kyogle LEP 2012 to allow for caravan parks to be permitted with consent. The purpose of this amendment is to aid in creating a more diverse rural tourist market and in turn a stronger local economy. In order to ensure that landuse conflicts are avoided and/or minimised, Council has also resolved to update their DCP specifically for caravan parks in rural areas.

External Supporting
Notes :

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 caravan parks within the RU1 and RU2 zones as being permissible 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.

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

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
5.3 Farmland of State and Regional Significance on the NSW Far North Coast
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified? **SEPP No 21—Caravan Parks
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 36 day timeframe for community consultation. In accordance with section 5.5.2 community consultation of A Guide to Preparing LEP's a 14 day exhibition period is considered appropriate due to the minor local nature of the proposal.**

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 and accompanying documentation are considered to satisfy the adequacy criteria by:**
1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal; and
4. Providing a project time line.

Whilst Council have not specifically outlined a community consultation program in detail, the Gateway is able to be conditioned in a manner that will ensure satisfactory community engagement.

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals only with matters of local significance, it is considered

appropriate that an authorisation to exercise plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for notification in November 2016. This timeframe is considered inadequate despite the minor, local nature of the proposal and a 6 month time frame is recommended.

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 Landscape zones to allow for caravan parks to be permitted with consent. Council considers caravan parks to be a compatible use in both the RU1 and RU2 zones particularly as a way of boosting rural tourism in the LGA. The proposed changes will also bring the Kyogle LEP into line with the LEP's of surrounding councils who generally permit caravan parks in either the RU1 or RU2 zones.

In order to support the tourist intent of the proposal, Council through the development application process, intends to only permit caravan parks that have short term sites with no long term residents.

Consistency with strategic planning framework :

Far North Coast Regional Strategy and Draft North Coast Regional Plan

The proposal to allow for caravan parks to be permitted with consent in the RU1 and RU2 zones is not inconsistent with the provisions of the Far North Coast Regional Strategy or the draft North Coast Regional Plan.

Local Strategies

The planning proposal is not inconsistent with Council's Community Strategic Plan 2016-2026.

SEPP (Rural Lands) 2008

The SEPP recognises the importance of rural lands and the changing nature of agriculture and the need for balancing the social, economic and environmental interests of the community. As the proposal relates to rural land, both of these pieces of legislation are relevant to the proposal.

Council has identified the planning proposal as consistent with SEPP (Rural Lands) 2008. The proposal is however inconsistent with the SEPP and the Rural Planning Principles as it proposes an additional landuse that has the potential to detrimentally impact the future use of agricultural land. The inconsistency is considered to be of minor significance in this instance as the demand for caravan parks is expected to be relatively low in the LGA based on its projected population growth and distance from higher demand tourist locations along the coastline, as long term residents within the caravan parks are not anticipated, and as it only aligns Kyogle's planning controls closer with the adjoining LGAs which already permit caravan parks in either their RU1 or RU2 Zone.

SEPP 36 Caravan Parks and Manufactured Home Estates

It is noted that permitting caravans parks in the RU1 or RU2 Zones will also permit manufactured home estates under the provisions of SEPP 36. While this not considered desirable, this situation already exists in the RU1 Zone in the adjoining Lismore and Tenterfield LGAs with no evidence of poor development outcomes having occurred as a result. It is also considered that the issue can be dealt with appropriately through the development application process consistent with Council's intent to primarily permit short term tourist opportunities.

S117 Directions

The proposal is considered to be consistent with all relevant s117 Directions except in relation to the following:

1.5 Rural Lands

The proposal is inconsistent with this Direction as it is unable to comply with all the Rural Planning Principles contained in the SEPP (Rural Lands). As discussed above, this inconsistency is considered to be of minor significance as the demand for caravan parks is expected to be relatively low in the LGA based on its projected population growth and distance from higher demand tourist locations along the coastline, as long term residents within the caravan parks are not anticipated, and as it only aligns Kyogle's planning controls closer with the adjoining LGAs which already permit caravan parks in either their RU1 or RU2 Zone.

4.3 Flood Prone Land

This direction is relevant as the RU1 and RU2 Zones contain land affected by flooding. The inconsistency with this direction is considered to be of minor significance as the Kyogle LEP already contains flood prone land management provisions that can adequately deal with this issue at the development application stage.

4.4 Planning for Bushfire Protection

This Direction applies as the proposal will apply across the RU1 and RU2 Zones which both include bushfire prone land.

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 :

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 caravan parks in rural areas. These will then be taken into consideration at the DA stage on a case by case basis. This is considered an appropriate method of managing and avoiding any adverse potential environmental, social or economic impacts.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 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 ? **No**

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
Kyogle LEP 2012 Amend no.10_ PP.pdf	Proposal	Yes
Kyogle LEP 2012 Amendment no 10_cover letter.pdf	Proposal Covering Letter	Yes
Kyogle LEP 2012 Amendment no 10_attachment 4_completed.pdf	Proposal	Yes

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
2.1 Environment Protection Zones
2.3 Heritage Conservation**

2.4 Recreation Vehicle Areas
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
4.3 Flood Prone Land
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6.2 Reserving Land for Public Purposes

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 6 months;
4. The Planning Proposal is to be updated prior to exhibition to amend Part 5 Community Consultation to provide greater detail on the exhibition timeframe and methods (local newspaper, Council website) by which community consultation will take place;
5. That the Secretary (or her delegate) agree that the inconsistencies with section 117 Directions 1.5 Rural Lands and 4.3 Flood Prone Land are of minor significance;
6. That the Secretary (or her delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection;
7. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection; and
8. A written authorisation to exercise delegation be issued to Kyogle Shire Council in this instance.

Supporting Reasons : The proposal will enable certain rural owners to consider an alternate use that has the potential to boost the shire's rural tourism market. This in turn will help to diversify the local economy, particularly those sectors supported tourism. The amendment will also better align Kyogle's planning controls and the approach to caravan parks in rural areas with the adjoining LGAs.

Signature:



Printed Name:

Craig Day

Date:

11 August 2016