



Planning Proposal

Amendment to Local Environmental Plan

PROPOSED AMENDMENT TO THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012
Amendment No. 10 – Caravan Parks in Rural Areas

27 July 2016

Introduction

Overview

This Planning Proposal explains the intended effect and justification for the proposed amendment to the *Kyogle Local Environmental Plan 2012* (KLEP) – i.e. referred to as the LEP Amendment. The amendment has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment guidelines including *A guide to preparing planning proposals, 2012* (the Guideline).

The Council at its Ordinary Meeting of 11 July 2016 resolved to prepare an amendment to its KLEP to include caravan parks as development that is permissible with development consent within Zones RU1 Primary Production Zone and RU2 Rural Landscape.

The proposed LEP Amendment is expected to provide for greater economic development for the area through increased diversity in rural tourism and accommodation options. The additional forms of rural tourist accommodation that are to be permitted are ones to which the area and region are suited in terms of proximity to markets, the scenic attraction of the area and compatibility with agricultural land uses. Existing strict environmental controls that apply to all development and specific development within rural zones, including the RU1 Zone will apply to the proposed additional development to be supplemented by additional controls that are to apply to all camping grounds in the Kyogle local government area.

The proposed LEP Amendment is intended to enable the Kyogle local government area to sustainably take advantage of emerging rural tourist opportunities including; South East Queensland, overseas, 'Grey Nomads' and other visitors to the area and to provide a complimentary land use opportunities for rural properties within the area. The amendment is intended to assist Kyogle Council and its community value-capture from the increasing road tourism market and shift towards mobile accommodation forms including caravans, camper-vans and mobile homes. The proposed changes to the permissibility of the identified rural tourist opportunities within the zonings and other standards regarding scale of development reflect existing provisions within LEPs of neighbouring councils. Existing controls that ensure compatibility of proposed development with other land uses (i.e. notably agriculture) and consistency with sustainable development principles in the KLEP are maintained and are to be further supported by a proposed amendment to the Kyogle DCP.

The proposed LEP amendment has been the subject of a report to the Council's Ordinary Meeting of 11 July 2016 which addressed in detail the circumstances and benefits of the proposed amendment. Council resolved to support the planning proposal and forward it to the Department of Planning for Gateway Determination. A copy of the Council resolution is attached to this Planning Proposal (Attachment A). There are no other supplementary reports that are relied on for this Planning Proposal which has been prepared in support of a requested Gateway Determination to proceed with the proposed LEP Amendment under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Preparation of Planning Proposal

The subject Planning Proposal has been prepared by the Kyogle Council and is based on the report to Council, prepared by Council officers, at its Ordinary Meeting of 11 July 2016, the Council's deliberation of the report and its unanimous Resolution to proceed with the proposed LEP Amendment (see Attachment A).

The proposed LEP Amendment, if it is to proceed, will be the 10th amendment undertaken by Kyogle Council to its KLEP.

Site Identification

The proposed LEP Amendment will apply to land in the Kyogle Council local government area that is within Zones RU1 and RU2.

Existing Planning Controls

The KLEP commenced on 11 February 2012 and is in the format of the NSW Standard Instrument for LEPs. Existing planning controls that are to be affected by the proposed LEP Amendment are summarised in Table 1. There are no other provisions affected and no other new provisions proposed as part of the proposed LEP Amendment.

Table 1 Existing Planning Controls

Section of KLEP	Comment
Part 2 Permitted or prohibited development Land use table	Caravan parks are presently prohibited within Zones RU1 and RU2.

Part 1 – Objectives and Intended Outcomes

Objectives

The objectives of the proposed amendment are to:

- 1) Provide an additional opportunity for development of tourist accommodation in rural areas.
- 2) Provide for greater diversity of tourist accommodation options and experiences.
- 3) Ensure that development of caravan parks in rural areas does not have adverse impacts on existing or potential future agricultural activities, good quality agricultural land, the natural environment or residential amenity.

Intended Outcomes

The intended outcomes of the proposed amendment are:

1. Increased economic development potential for the local area to support employment and increased local investment.
2. Development of tourist accommodation which is responsive to the needs or desires of tourists who travel with caravans.
3. Development of caravan parks in rural areas that are used for short term accommodation only.

Part 2 – Explanation of Provisions

It is proposed to include 'caravan parks' as development that is permitted with the consent of Council in Zones RU1 Primary Production and RU2 Rural Landscape. This land use is presently prohibited by the KLEP. The proposed change will provide the ability to make an application for development consent for a caravan park on land in Zone RU1 or RU2. The proposed amendments to KLEP are summarised in Table 2 below.

Table 2 Summarised Amendments to Kyogle Local Environmental Plan 2012

Section of KLEP	Proposed Amendment
Part 2 Permitted or prohibited development	
Clause 2.1 Land use zones- Zone RU1 Primary Production	Amend RU1 Zone to include 'caravan parks' as development that is permissible with consent
Zone RU2 Rural Landscape	Amend RU2 Zone to include 'caravan parks' as development that is permissible with consent

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not a result of any specific strategic study or report addressing rural tourist accommodation within the Kyogle local government area or Far North Coast Region. The Planning Proposal is a result of the Council's ongoing implementation of its KLEP since its gazettal in 2012 and concern raised by the community in terms of inconsistencies between the KLEP, other LEPs of nearby councils, State complying development provisions and State economic development policy for the Region.

As the Council and community have progressively become more familiar with the implementation of the KLEP provisions, it has also become apparent that scope exists to rectify some of these inconsistencies while still making use of the Plan's other environmental controls to ensure that compatible and sustainable development results.

Kyogle is an area that is of increasing interest for people seeking rural and farm-based tourist accommodation and experiences as well as general admiration of its extensive natural (including World Heritage Area) and rural landscapes. Council considered these and other issues as part of an internal (staff) report to Council – the recommendations of which were adopted unanimously by the Councillors that were present at Council's 11 July 2016 Ordinary Meeting (see Attachment A for resolution).

Whilst the planning proposal is intended to facilitate the development of caravan parks in rural areas, it is recognised that such development has the potential to create environmental and social impacts. Therefore, it is Council's intention to amend the Kyogle Development Control Plan 2014 (KDCP) to include development guidelines relevant to the assessment of applications for the development of caravan parks in rural Zones. These guidelines will include provisions relating to:

- Protection of good quality agricultural land
- Land use conflict
- Design and siting of buildings and structures
- Visual impact
- Environmental impact
- Protection of amenity of surrounding properties
- Effluent management
- Stormwater management
- Transport and access
- Services and infrastructure
- Natural hazards
- Heritage

The proposed KDCP provisions are shown at Attachment B.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intention of the planning proposal is to make caravan parks a potential rural tourism development within rural areas. An LEP amendment is the only way by which the current situation can be changed. Council could elect to deal with this on a site by site basis through owner initiated planning proposals however, this would not reflect Council's policy of encouraging a broader range of tourism development in its local government area. Therefore, the planning proposal is the best means of achieving the objectives and intended outcomes.

3. Is there a net community benefit?

The Planning Proposal is intended to provide for greater economic diversity and employment potential for the Kyogle community through increased tourism potential and capacity to attract and accommodate visitors – notably from growing South East Queensland and 'Grey Nomad' market sectors.

The increased potential for direct employment increase due to the Planning proposal is also expected to result in secondary employment benefits by supporting existing services and jobs or creating additional employment

potential for those sectors that support tourism – e.g. retail services. The Planning Proposal also seeks to sustainably take advantage of the area's existing natural and rural landscape attractions without adverse environmental effects. This is to maximise economic and social benefits while maintaining Kyogle's sense of place and community character.

Section B – Relationship to the strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The region is affected by the provisions of the *Far North Coast Regional Strategy* (FNCRS). The FNCRS identifies the region as a region of villages. The vision of the Strategy is:

A healthy, prosperous and sustainable future for the diverse communities of the Far North Coast Region.

The Planning Proposal builds on the local area's strengths including its rich rural diversity, low-intensity development character and abundant scenic attraction by encouraging additional and broadened compatible rural tourist accommodation. The scale and type of development that is addressed in the Planning Proposal is consistent with the key vision themes of the Strategy being:

Healthy and prosperous – the subject development is intended to provide greater potential economic prosperity as well as provide for increased accommodation options for visitors

Sustainable future – the Planning Proposal Promotes a balance between improved economic development and sustainable development through existing environmental controls contained in the KLEP and the application of other State environmental planning instruments

Diverse communities – the Planning proposal provides for greater lifestyle diversity for residents through additional business opportunities while also encouraging visitors to the area

The Planning Proposal is consistent with the intent and vision of the FNCRS.

5. Is the Planning Proposal consistent with the Council's Community Strategic Plan, or other local strategic plan?

Kyogle Community Strategic Plan

The Planning Proposal is consistent with the vision of the *Kyogle Community Strategic Plan 2016-2026* (Kyogle CSP) which is:

Working together to balance Environment, Lifestyle and Opportunity

Key issues and challenges that were identified in the Kyogle CSP include a large infrastructure backlog, a static and ageing population, limited employment opportunities and the challenge of maintaining a satisfactory level of services and infrastructure necessary to sustain and support the various communities of the local government area.

In response to these challenges the CSP identifies a number of priority actions, including:

- Review and amend the Kyogle LEP 2012 to allow for a variety of activities in rural areas that enhance the agricultural sustainability and economic viability of rural land.

The Planning Proposal will provide an additional opportunity for low key tourist development that is compatible with agriculture and the natural environment and that will provide for greater economic diversity and opportunity.

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the consistency of the Planning Proposal with relevant State Environmental Planning Policies is summarised below in Table 3.

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Table 3 Summary of Planning Proposal Consistency with SEPPs

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (State and Regional Development) 2011	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable to Planning Proposal.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable to Planning Proposal.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable to Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Rural Lands) 2008	Consistent. The Planning Proposal is consistent with the Rural Land Planning Principles in the SEPP as discussed below: a) <i>The promotion and protection of opportunities for current and potential productive and sustainable activities in rural areas.</i> Consistent: the Planning Proposal will promote and protect current and potential productive and sustainable use of rural lands as it will not affect existing or potential use of land for agriculture. Additionally, the land potentially developed for caravan parks will be relatively small and the proposed KDCP development guidelines will seek to avoid development of caravan parks on good quality agricultural land and avoid creating land use conflict. b) <i>Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i> Consistent: the Planning Proposal recognises the importance of rural lands and agriculture as it will not prejudice the use of rural lands for agriculture. c) Recognition of the significance of rural land uses to the State and rural communities, including social and economic benefits of rural land use and development. Consistent: the Planning Proposal recognises the significance of rural land uses because it facilitates the development of rural land for small-scale, complementary tourist development that will bring social and economic benefits. The Planning Proposal will not compromise the use of rural land for existing productive uses, including agriculture.

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SEPP Title	Planning Proposal Consistency
	d) <i>In planning for rural lands, to balance the social, economic and environmental interests of the community.</i> Consistent: the Planning Proposal balances the social, economic and environmental interests of the community by seeking to facilitate the development of a land use that will generate economic benefits whilst being complementary to existing rural land uses, and that will not have significant environmental or social impacts. e) <i>The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.</i> Consistent: the Planning Proposal does not compromise the protection of biodiversity, native vegetation and water resources. The proposed development guidelines to be included in the KDCP will seek to avoid development of constrained land. f) <i>The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i> Consistent: the Planning Proposal will not compromise opportunities for rural lifestyle, settlement and housing. g) <i>The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i> Consistent: the Planning Proposal does not facilitate rural housing opportunities as its intention is to provide accommodation for tourist on a short term basis. h) <i>Ensuring consistency with any applicable regional strategy of the Department of Planning or any Applicable local strategy endorsed by the Director General.</i> Consistent: the Planning Proposal is consistent with the <i>Far North Coast Regional Strategy</i> as discussed in Part 4 of Section B.
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable to Planning Proposal.
State Environmental Planning Policy (Infrastructure) 2007	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Temporary Structures) 2007	The SEPP provisions applying to temporary structures are not affected by the Planning Proposal.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to Planning Proposal.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable to Planning Proposal.

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SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (Major Development) 2005	Not applicable to Planning Proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Any new structures will still need to comply with BASIX requirements as part of the development approval process.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 71 - Coastal Protection	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Not applicable to Planning Proposal.
State Environmental Planning Policy 70 - Affordable Housing (Revised Schemes)	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 64 - Advertising and Signage	The SEPP provisions applying to advertising and signage are not affected by the Planning Proposal.
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 59 - Central Western Sydney Regional Open Space and Residential	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 55 - Remediation of Land	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	The SEPP provisions applying to farm dams and other works in land and water management plan areas are not affected by the Planning Proposal.
State Environmental Planning Policy No. 15 - Rural Land-Sharing Communities	The Planning Proposal will not circumvent or prejudice the establishment of rural land sharing communities.
State Environmental Planning Policy No. 50 - Canal Estate Development	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 47 - Moore Park Showground	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 44 - Koala Habitat Protection	The SEPP provisions applying to koala habitat protection are not affected by the Planning Proposal. Any development application for consent for a caravan park will be required to address the provisions of the SEPP.
State Environmental Planning Policy No. 39 - Spit Island Bird Habitat	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 36 - Manufactured	Not applicable to Planning Proposal.

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SEPP Title	Planning Proposal Consistency
Home Estates	
State Environmental Planning Policy No. 21 - Caravan Parks	Consistent. The Aims of the SEPP are to encourage: a) <i>The orderly and economic use and development of land used for or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and</i> b) <i>The proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and</i> c) <i>The provision of community facilities for land so used, and</i> d) <i>The protection of the environment of, and in the vicinity of, land so used.</i> The Planning Proposal is consistent with these Aims. The SEPP will apply to the assessment of any development applications received by Council for the development of caravan parks.
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 30 - Intensive Agriculture	The Planning Proposal does not affect the operation of the SEPP.
State Environmental Planning Policy No. 29 - Western Sydney Recreation Area	Not applicable to Planning Proposal.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 26 - Littoral Rainforests	Not applicable to Planning Proposal.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 19 - Bushland in Urban Areas	The SEPP provisions applying to bushland in urban areas are not affected by the Planning Proposal.
State Environmental Planning Policy No. 14 - Coastal Wetlands	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 1 - Development Standards	Not applicable under Clause 1.9 of KLEP.

7. Is the Planning Proposal consistent with the applicable Ministerial Directions (Section 117 directions)?

An assessment of the consistency of the Planning Proposal with applicable Section 117(2) Directions is provided in Table 4 below.

Table 4 Summary of Planning Proposal Consistency with s117 Directions

Section 117 Direction	Planning Proposal Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	This Direction is not applicable as the Planning Proposal does not affect land in an existing or proposed business or industrial Zone.
1.2 Rural Zones	Consistent. This Direction requires that existing rural zones are not rezoned to a residential, business, industrial, village or tourist zone and that permissible density of land within rural zones is not increased. The Planning proposal does not change the zoning of any land.
1.3 Mining, Petroleum Production and Extractive Industries	The Direction is not applicable to the Planning Proposal.
1.4 Oyster Aquaculture	The Direction is not applicable to the Planning Proposal.
1.5 Rural Lands	Consistent. This Direction requires that a Planning Proposal that affects rural land must be consistent with the principles of the SEPP (Rural Lands) 2008. The Planning Proposal is consistent with the Rural Planning Principles as discussed in Section 6 of Part B of the Planning Proposal.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent. The Planning Proposal is consistent as it does not apply specifically to any environmentally sensitive areas. The Planning proposal does not affect any existing Environmental Protection Zones. The development guidelines proposed to be included in the Kyogle Development Control Plan (see Attachment B) include provisions to avoid adverse development in and impacts on environmentally sensitive areas.
2.2 Coastal Protection	The Direction does not apply to the Planning Proposal.
2.3 Heritage Conservation	Consistent. The Planning Proposal does not affect State or existing KLEP heritage provisions. Heritage conservation provisions in the KLEP Existing provisions will still apply to any site or building that is affected by development that is in principle provided for by the Planning Proposal.
2.4 Recreation Vehicle Areas	Consistent. This Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This Direction is not applicable as the Planning Proposal does not introduce or alter any Environmental Zones or Overlays.
3. Housing, Infrastructure and Urban Development	

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Section 117 Direction	Planning Proposal Consistency
3.1 Residential Zones	This Direction is not applicable as the Planning Proposal does not affect land within an existing or proposed residential zone.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The Planning Proposal does not eliminate provisions that permit development of caravan parks. The Planning Proposal does not alter the zone of any existing caravan parks.
3.3 Home Occupations	Consistent. The Planning Proposal does not affect the provisions that relate to home occupations.
3.4 Integrating Land Use and Transport	This Direction is not applicable as the Planning Proposal does not affect or alter zones or provisions relating to urban land.
3.5 Development Near Licensed Aerodromes	This Direction is not applicable as the Planning Proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	This Direction is not applicable as the Planning Proposal does not affect a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	This Direction is not applicable as no Acid Sulfate Soil Planning Maps apply to the Kyogle Council local government area.
4.2 Mine Subsidence and Unstable Land	This Direction is not applicable as the Planning Proposal does not permit development on land that is within a mine subsidence district or that has been identified as unstable.
4.3 Flood Prone Land	Consistent. Existing flood prone land provisions in KLEP are not affected by the Planning Proposal and will apply to any proposed rural tourist development within the Flood Planning Area. The proposed KDCP provisions include guidelines that seek to avoid development that is incompatible with flood hazard.
4.4 Planning for Bushfire Protection	Consistent. The Planning Proposal will allow development of caravan parks on rural land some of which is likely to be mapped as bushfire prone land. If a development application is received for development of a caravan park on bushfire prone land it will require an authorisation under section 100B of the <i>Rural Fires Act 1997</i> as tourist accommodation is a 'special fire protection purpose' under the <i>Rural Fires Act 1997</i> . Consequently, any such application will require referral to the NSW RFS as integrated development.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The Planning Proposal is consistent with the Far North Coast Regional Strategy as discussed in Part 4 of Section B.
5.2 Sydney Drinking Water Catchments	The Direction does not apply to the Planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Consistent. The Planning does not rezone land identified as State significant farmland, regionally significant farmland or significant non-contiguous farmland for urban or residential purposes.

Section 117 Direction	Planning Proposal Consistency
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This Direction is not applicable as the Planning Proposal does not relate to land in the vicinity of the existing or proposed alignment of the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18/06/10)	Not applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	The Direction does not apply to the Planning proposal.
5.9 North West Rail Link Corridor Strategy	The Direction does not apply to the Planning Proposal.
5.10 Implementation of Regional Plans	This Direction does not apply to the Planning Proposal as the North Coast Regional Plan has not been released.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The Planning Proposal does not alter any existing concurrence, consultation or referral requirements.
6.2 Reserving Land for Public Purposes	Consistent. The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	This Direction is not applicable as the Planning Proposal does not allow a particular development to be carried out.

Section C – Environmental, social and economic impacts

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats will be affected by the Planning Proposal. The amendment applies broadly to land in rural zones. Any site specific impacts on critical habitat or threatened species, populations or ecological communities will be assessed at the development application stage. The proposed KDCP provisions (see Attachment B) contain guidelines to avoid the adverse impacts on ecological values.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other specific adverse environmental effects that are expected to result from the proposed development. Any potential impacts will be assessed and managed at the development application stage.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will facilitate the development of caravan parks in rural areas, which is not expected to create significant social or economic impacts. The development of caravan parks in rural areas that cater for long term accommodation may create social impacts, and it is Council's intention that caravan parks in rural areas are not to be developed for long term accommodation. The provisions of *SEPP No. 21- Caravan Parks* provide Council with the ability to regulate this through the development consent process. Clauses 8(2) and (3) require Council to determine the appropriate number of sites to be used for long term accommodation (if any) and to condition the consent to specify this number (if any).

The proposed KDCP guidelines include provisions to avoid land use conflict and impacts on residential amenity.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will facilitate low key tourist development that is largely based on existing urban and farm residences generally utilising existing infrastructure. Where appropriate Council will apply conditions requiring payment of developer contributions in accordance with its developer contributions plans to cover the cost of any required infrastructure upgrades and increased maintenance requirements.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be undertaken with relevant agencies following the Gateway determination stage of the LEP amendment.

Part 4 – Mapping

The proposed LEP amendment does not require mapping amendments.

Part 5 – Community Consultation

Public comment will be sought during the public exhibition stage for the LEP amendment.

Part 6 – Project Timeline

The indicative timeline for the completion of the planning proposal is as shown in Table 5.

Table 5 Indicative Planning Proposal Timeline

Plan Making Step	Estimated Completion
Commencement of Gateway determination	15 August 2016.
Government agency consultation	To be as specified in the Gateway determination. The anticipated timeframe is 28 days and is expected to be undertaken concurrently with the public exhibition period.
Commencement and completion for public exhibition period.	Timeframe for public exhibition is 36 days. 24 August 2015 – 21 September 2016
Public hearings	Not applicable
Consideration of submissions	22 September 2016 - 3 October 2016
Further Consideration by Council	7 November 2015
Date of submission to the Department to finalise	14 November 2015
Anticipated date the Council makes the LEP, if delegated	To be determined
Anticipated date Council will forward making of the LEP to the Department for notification	To be determined

Attachments

Attachment A – Council Ordinary Meeting Minute 11 July 2016.

13B.2 PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO PERMIT DEVELOPMENT OF CARAVAN PARKS IN ZONES RU1 AND RU2 AND AMEND THE KYOGLE DEVELOPMENT CONTROL PLAN 2014 TO PROVIDE DEVELOPMENT GUIDELINES APPLICABLE TO CARAVAN PARKS

REPORT BY: PLANNING AND ENVIRONMENT

CONTACT: DIRECTOR PLANNING AND ENVIRONMENT, MANFRED BOLDY

110716/14 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor John Burley.

That Council:

1. Receives and notes the report on the proposed amendment of the KLEP and KDCP to permit development of caravan parks with the consent of Council on rural zoned land.
2. Amends the KLEP through the preparation of a Planning Proposal in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EPAA) to include 'caravan parks' as development that is permissible with consent in Zones RU1 and RU2.
3. Authorise the General Manager to finalise the Planning Proposal consistent with the contents of the report to Council 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 to proceed with the LEP amendment, authorise the General Manager to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and proceed with the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EPAA including community and agency consultation.
5. Prepare an amendment to the KDCP in accordance with the provisions of Part 3 Division 6 of the EPAA to add 'caravan parks' to the applicable development types in Part 4 of Chapter 1 *Non-residential development in Zones RU1, RU2, RU3 and RU4*.
6. Conduct the public exhibition of the draft KDCP in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.
7. Review the draft KDCP in light of any submissions made during public exhibition.
8. Be presented with a further report following the conclusion of the public consultation stage and consideration of any submissions received for the LEP and DCP amendments.

CARRIED

FOR VOTE - Unanimous vote

Councillor Ross Brown called for a division under section 375A of the *Local Government Act 1993*.

FOR	AGAINST
Cr Danielle Mulholland	
Cr Robert Dwyer	
Cr Maggie Creedy	
Cr Janet Wilson	
Cr John Burley	
Cr Chris Simpson	
Cr Ross Brown	
Cr Lindsay Passfield	
Cr Michael Reardon	

ITEM 13C ENVIRONMENT SERVICES REPORT

Nil.

ITEM 13D CORPORATE SERVICES REPORT

13D.1 COUNCILLOR FEES - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

REPORT BY: GENERAL MANAGER

CONTACT: GENERAL MANAGER DAVID TUXFORD

110716/15 RESOLVED

Moved by Councillor Ross Brown, seconded by Councillor Janet Wilson.

That Council:

1. Receives and notes the report on Local Government Remuneration Tribunal
2. Adopts the following Councillor and Mayoral fees for 2016/2017:

Councillor Annual Fee: \$11,290

Mayoral Fee: \$24,630

CARRIED

FOR VOTE - Ross Brown, Janet Wilson, John Burley, Lindsay Passfield, Michael Reardon, Maggie Creedy, Bob Dwyer

AGAINST VOTE - Danielle Mulholland, Chris Simpson

Attachment B – Proposed amendment to Kyogle Development Control Plan

1 Other development

1.1 Application

This section applies to other non-residential development in Zones RU1, RU2, RU3 and RU4 where permitted with consent, including; **camping grounds, caravan parks, charter and tourism boating facilities, helipads, information and education facilities, roadside stalls, community facilities, industrial training facilities, function centres, educational establishments, entertainment facilities, restaurants or cafes, recreation facilities (outdoor), places of public worship, plant nurseries, rural supplies, timber yards, veterinary hospitals, crematoria and cellar door premises**, but excluding tourist and visitor accommodation, eco-tourist facilities, forestry or cemeteries.

1.2 Objectives

- a) To facilitate development in rural areas that is consistent with the objectives of the applicable zone.
- b) To promote development that complements the agricultural nature of the rural area and allows additional economic opportunities.
- c) To ensure development does not fragment or reduce the potential and viability of Regionally Significant Farmland¹ or Class 1, 2 or 3 agricultural land².
- d) To ensure that development does not result in unacceptable harm to the natural environment.
- e) To ensure that development does not create unacceptable potential for land use conflict.
- f) To ensure development is adequately serviced and does not impose unreasonable demand on public infrastructure.
- g) To ensure that infrastructure and persons on development sites are not exposed to unacceptable risk from natural hazards and contaminated land.
- h) To ensure that development does not adversely impact the landscape character of rural areas.
- i) To ensure the preservation of cultural heritage.
- j) To ensure that buildings and structures do not adversely impact on ecological or hydrological functions of watercourses, wetlands or water bodies.
- k) To ensure that development has safe and suitable vehicular access.

¹As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

²As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

1.3 Development Guidelines

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Protection of good quality agricultural land	
P1 Development does not significantly reduce the viability or potential of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land	A1 Development is not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
Land use conflict	
P2 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area* <i>* Demonstrating achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i>	A2 Development achieves buffers identified in Table C1.1 in Appendix C1
Design and siting of buildings and structures	
P3 Development siting and layout utilises natural grades of the land and minimises cut and fill	A3.1 Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15% A3.2 Cut or fill does not exceed 1.5 metres in height and a total height of 3 metres
P4 The setback of buildings, structures and operational areas to the primary road frontage is consistent with the surrounding area	A4.1 Buildings, structures and operational areas are set back a minimum of 20 metres from the primary road frontage OR Where development site has primary frontage to a classified road: A4.2 Buildings, structures and operational areas are set back a minimum of 50 metres from the road frontage
P5 The setback of buildings, structures and operational areas does not impact on the amenity of adjoining properties	A5.1 Buildings and structures are set back a minimum of 10 metres from side boundary A5.2 Buildings and structures are set back at least 10

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Performance criteria	Acceptable solution
	metres from rear boundary OR Where side or rear boundary is a secondary road: A5.3 Buildings and structures are set back at least 20 metres
Visual impact	
P6 The development does not adversely impact significant vistas, landscape character or surrounding properties	A6.1 Buildings and structures are not located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points OR A6.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant vantage points <i>* A landscape concept plan must be provided that demonstrates achievement of A6.2</i> AND A6.3 External walls and roofs are clad in non-reflective materials and colours are muted
Environmental impact	
P7 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	A7.1 Buildings, structures and operational areas are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream) A7.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland
P8 Development does not create unacceptable impact on ecological functions or biodiversity values	A8.1 Construction of buildings, structures and operational areas does not require the clearing of native vegetation A8.2 Development is not located within a mapped ecological corridor
Protection of amenity of surrounding properties	

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Performance criteria	Acceptable solution
P9 Operation of the development does not create unacceptable impacts on the amenity of surrounding areas or agricultural production	A9.1 Hours of operation are in accordance with Table C1.2 in Appendix C1 A9.2 Operation of the development must comply with the NSW Industrial Noise Policy A9.3 Delivery and servicing is undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays A9.4 Design and operation of the facility does not generate emissions of dust, light or odour A9.5 Internal roads, parking, loading and manoeuvring areas are not within 40 metres of a dwelling on an adjoining property
Effluent management	
P10 Design and operation of the development does not adversely impact water quality or create public health risks	A10.1 Effluent is treated on site in an approved manner OR A10.2 Effluent is removed from site and disposed of in an approved manner
Stormwater Management	
P11 Development must not have a detrimental impact on water quality or adjoining properties	A11.1 Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads A11.2 Stormwater is disposed of in a manner that does not cause nuisance to adjoining properties A11.3 Stormwater management infrastructure is designed in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals
Transport and Access	
P12 The development must have vehicular access suitable for the intended use and vehicular movements must not have a detrimental impact on amenity of adjoining properties	A12.1 The development is connected to a public road that is of appropriate standard to accommodate the nature of traffic generated by the development A12.2 Internal access roads and vehicle manoeuvring and parking areas are all weather design and construction

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Performance criteria	Acceptable solution
	A12.3 Vehicles are able to enter and leave the site in a forward direction A12.4 Access, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Development & Design and Construction Manual
Services and infrastructure	
P13 The development makes adequate provision for services without impacting on the amenity of surrounding properties or drawing unreasonably from watercourses, water bodies or groundwater	A13.1 The development is serviced by reticulated power and telecommunications A13.2 The development has adequate water supply
Natural hazards	
P14 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	A14.1 Development is not proposed on land that is mapped as bushfire prone or a landslip hazard area A14.2 The development site is not prone to flooding from inundation or overland flow
Heritage	
P15 Development does not adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A15 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area
Where development is for a roadside stall	
P16 Roadside stalls do not create unsafe road conditions	A16.1 Roadside stalls are not located within the road reserve A16.2 Roadside stalls are accessed via an approved vehicular access
P17 Roadside stalls are small scale and used for the sale of locally produced or grown goods and products	A17.1 The maximum gross floor area of a roadside stall is 8m² A17.2 Roadside stalls are only used to sell goods produced or grown on the property where the stall is located or an adjacent property

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Performance criteria	Acceptable solution
P18 Food products are stored and managed in accordance with NSW Food Authority requirements	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P19 Signage does not create adverse impacts on rural landscape character or unduly distract motorists	A19.1 No more than 3 signs per premises are utilised A19.2 Signs are located on roadside stall or fence line of subject site

APPENDIX C1

Table C1.1 Recommended minimum buffer distances (in metres) between proposed development and building or activity on adjoining land not associated with proposal

	Residential areas and Urban Development	Rural Dwellings	Education Facilities & Pre-schools	Tourist and Visitor Accommodation	Property Boundary of subject site	Public Roads
Piggeries- Housing and waste storage	1000	500	1000	500	100	100
Piggeries- Waste utilisation area	500	250	250	250	20	20
Feedlots- Yards and waste storage	1000	500	1000	1000	100	100
Feedlots- Waste utilisation area	500	250	250	250	20	20
Poultry farms- Sheds and waste storage	1000	500	1000	500	100	100
Poultry farms- Waste utilisation area	500	250	250	250	20	20
Dairies- Sheds and waste storage	500	250	250	250	100	100
Dairies- Waste utilisation area	500	250	250	250	20	20
Other Intensive Livestock Operations	500	300	500	300	100	100
Extensive Horticulture	300	200	200	200	NAI	BMP
Greenhouse & Controlled Environment Horticulture	200	200	200	200	50	50
Macadamia de-husking	300	300	300	300	50	50
Bananas	150	150	150	150	BMP	BMP
Turf Farms	300	200	200	200	BMP	SSD
Animal boarding or training establishments	500	500	500	500	100	100
Rural Industries	1000	500	1000	500	50	50
Abattoirs	1000	1000	1000	1000	100	100

Source: Department of Primary Industries; Living and Working in Rural Areas (2007)

Table C1.2 Preferred operational or opening hours

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Function centres, Restaurants and cafes, Cellar door premises, Neighbourhood shops, Educational establishments, Entertainment facilities, Information and education facilities, Place of public worship	7am-10pm	7am-10pm	7am-10pm
Charter and tourism boating facilities, Veterinary hospitals, Plant nurseries, Recreation facilities (outdoor), Rural supplies, Timber yards	7am-6pm	7am-5pm	7am-5pm
Rural industries, Industrial training facilities	7am-6pm	7am-1pm	Not permitted
Crematoria	8am-5pm	8am-4pm	9am-3pm

