

13.3 DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENT NO. 5 PERMITTED AND PROHIBITED LAND USES**File Number: REP19/1061****Author: Town Planner****Authoriser: Director of Environmental Services****Attachments: 1. Letter from DPI Agriculture 30 August 2019****REPORT**

At the June Council Meeting, Councillors considered a report regarding the outcomes of the public exhibition of the draft amendment to the Temora Local Environmental Plan – Permitted and Prohibited Land Uses. The amendment involves the concept of moving towards a predominantly “open zone” LEP, whereby the land use table lists particular types of development as being prohibited in the zone, and all other types of development are permitted with or without consent.

Since this report, Council officers have been working to address the concerns raised by NSW Department of Primary Industries (DPI) Agriculture.

Council officers wrote to DPI Agriculture with the following comments:

Thank you for your submission dated 11 July relating to the above amendment. Council officers have considered the issues raised in your submission, and are willing to concede to all highlighted items, namely:

Biosolids treatment facility

Caravan park

Cemetery

Charter and tourism boating facility

Community facility

Depot

Educational establishment

General industry

Heliport

Industry

Local distribution premises

School

Serviced apartment

Sewage reticulation system

Sewage treatment plant

Sewerage system

Telecommunications facility

Telecommunications network

Tourist and visitor accommodation (backpackers accommodation, hotel or motel accommodation, serviced apartment)

Water recycling facility

Water supply system

Water treatment facility

These land uses would remain prohibited in the RU1 Primary Production, except where the proposed use may be considered under the State Environmental Planning Policy (Infrastructure) 2007.

Following this correspondence, DPI Agriculture have since advised that the specific objections have been withdrawn.

DPI Agriculture requires Council to commit to the following actions to address their concerns about the amendment:

- Preparation of the rural zone land use strategy or similar to justify land use changes, such as agritourism, in the rural zones
- Preparation of guidance and assessment criteria for non-agricultural land use before or as part of the LEP amendment

It is proposed that Council will commit to respond to these issues through a review of Rural Development Chapter of the Temora Shire Development Control Plan (DCP), with input from DPI Agriculture.

Conclusion

As Council has resolved the objections previously raised in relation to the planning proposal, the next step in the process is to receive a legal opinion on the draft amendment. Council officers have the authority to seek this legal opinion from the Parliamentary Counsel's Office. Once the legal opinion is provided, Council then has the authority to make the plan.

RESOLUTION 329/2019

Moved: Cr Claire McLaren

Seconded: Cr Dennis Sleigh

It was resolved that Council:

1. Accept the planning proposal as amended
2. Request that Council officers forward the planning proposal to Parliamentary Counsel's Office with a request that the draft instrument be prepared,
3. Commit to review the Rural Development Chapter of the Temora Shire DCP, with input from DPI Agriculture and
4. Receive a future report to formally adopt and make the LEP, once a legal opinion from Parliamentary Counsel's Office is received.

CARRIED



Department of Primary Industries

OUT19/12005

30 AUGUST 2019

Ms Claire Golder
Temora Shire Council
Temora, NSW

Dear Claire,

**Temora Shire Council LEP Proposed Amendment (Amendment No. 5) - Changes to
Permitted and Prohibited Land Uses**

Thank you for your letter of 8/8/19. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

Now that all the proposed changes have been addressed I am able to withdraw those specific objections.

Although the Regional Plan and the Community Strategic Plan do set some strategic direction for the Shire, introducing a more flexible zoning approach within the RU1 zone still requires further consideration about how to ensure those land uses are not incompatible with agricultural operations or associated processing industries. Under the NSW Right to Farm Policy, proposed land uses currently not permitted within the RU1 zone should not create or exacerbate land use conflicts. Commitment to the following actions would allay DPI Agriculture's concerns on these issues:

- Preparation of the rural land use strategy or similar to justify land use changes, such as agritourism, in the rural zones
- Preparation of guidance and assessment criteria for non-agricultural land use before or as part of the LEP amendment.

Should you require clarification on any of the information contained in this response please contact Agricultural Land Use Planning Officer Lilian Parker on (02) 6938 1906.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Lilian Parker', written over a horizontal line.

Lilian Parker
Agricultural Land Use Planning

NSW Department of Primary Industries - Agriculture
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