

Kyogle LEP 2012 – Amendment #8 Temporary Workers' Accommodation and Roadside Stalls.

Proposal Title : **Kyogle LEP 2012 – Amendment #8 Temporary Workers' Accommodation and Roadside Stalls.**

Proposal Summary : **The planning proposal seeks to amend Kyogle LEP 2012 by;**

- **Listing roadside stalls which are less than 8m2 in size as exempt development in the RU1 Primary Production and RU2 Rural Landscape zones, subject to certain standards; and**
- **Making temporary workers' accommodation permissible with consent in the RU1, RU2, and RE2 Private Recreation zones by listing temporary workers' accommodation as an additional permitted use in Schedule 1 of the LEP and the inclusion of a local heads of consideration clause for this matter.**

PP Number : **PP_2016_KYOGL_001_00** Dop File No : **16/04507**

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
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
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
6.3 Site Specific Provisions
3.6 Shooting Ranges**

Additional Information : **It is recommended that the planning proposal should proceed subject to the following;**

- 1. The planning proposal proceed as a 'routine' planning proposal.**
- 2. A community consultation period of 28 days is necessary.**
- 3. The planning proposal is to be completed within 12 months.**
- 4. The RPA is to consult with the following State agencies and organisations;**
 - a. Roads and Maritime Services;**
 - b. Rural Fire Service;**
 - c. Department of Primary Industries - Agriculture;**
 - d. Office of Environment and Heritage; and**
- 5. A written authorisation to exercise delegation be issued to Kyogle Council.**
- 6. The Secretary's delegate agree that the inconsistency of the proposal with S117 Directions 1.5, 2.1, 2.3, 4.3 and 5.1 are justified in accordance with the terms of the direction.**
- 7. The Secretary's delegate note that the potential inconsistency with S117 Direction Planning for Bushfire Protection remains unresolved until after consultation with the NSW RFS.**
- 8. Prior to community consultation Part 2 Explanation of Provisions of the planning proposal is to be amended to better clarify that 'temporary workers' accommodation' is a**

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Supporting Reasons :

type of 'residential accommodation'. This clarification should be included in the proposed local provision to be added to Part 6 of the Kyogle LEP 2012 and the entry to Schedule 1.

The reasons for the recommendation are as follows;

1. The proposal recognises the importance of the agricultural industry in the region and will contribute to the promotion and protection of sustainable economic activities in rural areas;
2. The proposal recognises the changing nature and trends of agriculture in the region and aims to provide small scale retail outlets and accommodation for temporary works to compliment the changing agriculture industry;
3. The potential impacts of permitting temporary workers accommodation with consent can be adequately addressed through DCP provisions and the development application process; and,
4. The proposal's inconsistencies with the strategic planning framework are considered to be of minor significance.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation :

This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Acting Director Regions, Northern. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 03-Jun-2016

Gateway Determination : Passed with Conditions

Decision made by : Regional Director, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 12 months

Gateway

Determination :

It is recommended that an amendment to the Kyogle Local Environmental Plan (LEP) 2012 to list roadside stalls as exempt development and enable temporary workers' accommodation as an additional permitted use in the RU1 Primary Production, RU2 Rural Landscape and RE2 Private Recreation zones, should proceed subject to the following conditions:

1. Prior to community consultation Part 2 Explanation of Provisions of the planning proposal is to be amended to clarify that 'temporary workers' accommodation' is a type of 'residential accommodation'. This clarification should be included in the proposed local provision to be added to Part 6 of the Kyogle LEP 2012 and the entry to Schedule 1.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 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 Infrastructure 2013).
3. 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 Roads and Maritime Services
 - NSW Rural Fire Service
 - NSW Department of Primary Industries – Agriculture
 - NSW Office of Environment and Heritage

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.

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4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Craig Diss

Date:

3 June 2016