Report

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| **Subject** | Amendment to planning controls to manage agritourism opportunities |
| **TRIM Record No** | BP23/16:EF19/803-5 |
| **Prepared by** | Senior Strategic Planner |
| **Reason** | To facilitate additional land use activities in rural areas and apply appropriate controls to protect agriculture, the environment and amenity  |
| **Strategic Theme** | Our built environment |
| **Strategy** | Our land-use planning caters for all sectors of the community. |
| **Action** | Ensure a diverse range of land use and development opportunities are available. |

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| Executive SummaryThe NSW Government has introduced agritourism reforms that allow farmland to be used for a range of supplementary tourism-related purposes. From 1 December 2022, rural landholders operating commercial farms have been able to access exempt and complying development pathways for a range of agritourism uses, including farm stay accommodation, farm experience premises, farm gate premises and roadside stalls. From February 2023, Council’s Local Environmental Plan (LEP) has been amended to include the new agritourism definitions - farm gate premises and farm experience premises - as permissible with consent in the RU1 Primary Production zone. As such, development applications can now be lodged for these land uses.Council staff have prepared changes to both the Lismore LEP 2012 and Development Control Plan (DCP) in order, to provide suitable planning controls for these new uses. The amendments ensure Council’s LEP and DCP are aligned with the provisions of the exempt and complying development pathways for agritourism and ensure development on rural land for the purposes of agritourism is of an appropriate scale and considers amenity, land use conflict and agricultural productivity.It is recommended that Council support the attached planning proposal and request a Gateway determination from the Department of Planning and Environment. It is also recommended that Council support the DCP changes being placed on public exhibition. |

Recommendation

That Council:

1. supports the attached planning proposal to amend the Lismore Local Environmental Plan 2012.
2. forwards the planning proposal to the Department of Planning and Environment seeking a Gateway determination and proceeds to public exhibition in accordance with any Gateway requirements.
3. supports the proposed amendments to Chapter 4 of the Lismore Development Control Plan (DCP) and places it on public exhibition for a period of 28 days.
4. confirms that should no objections be made during the public exhibition stage, that the draft amended DCP Chapter 4 be adopted. Should any objections be raised at the public exhibitions stage, staff report back to Council for further consideration.

Background

In 2020, Council initially proposed amendments to the LEP and DCP to allow for additional tourism opportunities on RU1 land, such as events, weddings and retreats. A survey was conducted in 2020 that found that the community largely supported the changes as long as amenity, environment and agricultural productivity were protected. The amendments were supported by Council at the 9 March 2021 meeting and a Planning Proposal was forwarded to the Department of Planning and Environment (DPE). However, this was not progressed due to the NSW Government’s State-wide agritourism reforms being announced soon after.

On 1 December 2022 the NSW Government introduced its agritourism reforms, the purpose of which is to allow farmland to more easily be used for a range of supplementary purposes, including farm experiences, farm stay accommodation, cellar doors, cafes, retreats, roadside stalls, fruit picking and small events or weddings.

The changes included adding the following new land use terms into the Standard Instrument Local Environmental Plan (LEP):

* **Farm gate premises**, which involves visitors interacting with produce from a farm, including through fruit picking, sales, tastings, workshops and cafes.
* **Farm experience premises**, which involves visitors engaging in farm experiences, such as tours, horse riding, weddings, functions, retreats and other events.

Changes were also made to the definition of **farm stay accommodation**, which must now occur on a commercial farm, and be ancillary to the farm.

**farm stay accommodation** means a building or place:

1. on a commercial farm.
2. ancillary to the farm.
3. used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

As part of the reforms, the NSW Government also made changes to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) to enable exempt and complying development pathways for these land uses where they comply with the relevant requirements.

A summary of development that can now be undertaken through an exempt or complying development pathway (which does not require Council planning consent) is included at **Table 1**.

**Table 1: Summary of exempt and complying development controls for agritourism**

| **Activity** | **Exempt development** | **Complying development** |
| --- | --- | --- |
| **Farm gate premises** | * 100 visitors
* Up to 200m2 GFA of an existing building
* Hours of operation - Sunday to Friday and Public Holidays 8am-5pm, Saturday 7am-5pm.
* Off-street parking required.
 | * Up to 200m2 GFA per building and max of 500m2 for all farm gate premises and farm experience premises combined.
* Other standards for exempt development apply.
 |
| **Farm experience premises** | * 50 visitors at any one time (excluding school visits, tours and horse riding)
* Total 100 guests at any one time for all farm gate premises and farm experience premises (excluding tours and school visits).
* Max 52 days a year (excluding school visits, tours and horse riding).
* Hours of operation - Sunday to Thursday and Public Holidays 8am-6pm, Friday and Saturday 8am-midnight.
* Up to 200m2 GFA of an existing building.
* Off street parking.
 | * Maximum 200m2 gross floor area for each building to maximum 500m2 for all farm gate premises and farm experience premises buildings on the landholding.
* The standards for exempt development for maximum guest numbers, maximum days, hours of operation and parking also apply.
 |
| **Farm stay accommodation** | * Maximum 20 guests in tents, caravans and campervans.
* Maximum 6 caravans and campervans.
* Maximum 21 consecutive days of stay.
* Minimum landholding of 15ha for camping/caravans.
* Use up to 60m2 gross floor area of an existing residential accommodation or manufactured home.
* Off street parking.
 | * Maximum 6 buildings on the landholding.
* Maximum 21 consecutive days of stay.
* Minimum landholding size of 15ha (new buildings).
* Maximum 60m2 gross floor area for a new building or use up to 60m2 of an existing building.
* Up to 25m2 of an existing building to provide communal amenities or facilities.
* Off street parking.
 |
| **Roadside stalls** | * One stall per farm.
* Cannot be located on land adjacent to a freeway, tollway or highway.
* Max 9m2 footprint.
* Parking on property or verge (subject to requirements).
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In February 2023, ‘agritourism’, which is the parent term of ‘farm gate premises’ and ‘farm experience premises’, was added as permissible with consent in the RU1 Primary Production zone of the Lismore LEP 2012, and, as such, development applications (DAs) are now able to be lodged for these uses. It is likely that a DA would most likely be lodged in instances where the standards of the Codes SEPP cannot be met.

Two new LEP clauses were also added to Part 5 Miscellaneous provisions of the Lismore LEP 2012: *5.24 Farm stay accommodation* and *5.25 Farm gate premises*. The clauses provide matters of consideration that consent authorities must address when assessing a development application. The objectives of the clauses are:

1. to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production.
2. to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

The attached planning proposal (**Attachment 1**) and DCP amendments (**Attachment 2**) include changes that:

* align with changes initially proposed as part of the former planning amendments.
* ensure Council’s LEP and DCP are aligned with the provisions of the exempt and complying development pathways for agritourism.
* ensure development on rural land for the purposes of agritourism is of an appropriate scale and considers amenity, land use conflict and agricultural productivity.

Proposed amendments to the Lismore LEP

The planning proposal seeks to amend Clauses 5.4 and 6.11 of the Lismore LEP 2012 to ensure there is suitable flexibility for agritourism uses, while protecting amenity and existing agricultural uses. It also removes ‘roadside stalls’ from Schedule 2 Exempt Development. Specifically, the planning proposal intends to:

* Increase the maximum number of bedrooms permissible for farm stay accommodation.
* Allow development consent to be granted where rural and nature-based tourism development is accessed from a classified road.
* Ensure amenity concerns related to rural and nature-based tourism development are adequately addressed and considered.
* Ensure farm experience premises are of a suitable scale and do not adversely impact on agricultural production, scenic or environmental values.
* Ensure alignment between the Codes SEPP and Council’s LEP.

The existing Clause 5.4, Clause 6.11 and Schedule 2 Exempt Development and the proposed changes with rationale are set out below in Table 2, Table 3 and Table 4, respectively. Green text denotes inclusions with strikeout red text used to show deletions.

**Table 2: Proposed changes to LEP Clause 5.4 Controls relating to miscellaneous permissible uses**

| **Current wording** | **Proposed change** | **Rationale for change** |
| --- | --- | --- |
| (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms. | (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than ~~5~~ 12 bedrooms. | The Codes SEPP now allows for up to six farm stay accommodation structures per site through a complying development pathway. Increasing the maximum number of bedrooms from 5 to 12 better aligns with permissibility under the new complying development pathway and is also more consistent with maximum farm stay accommodation bedrooms of adjoining local government areas. For example, Byron, Kyogle and Tweed Shire councils all have a maximum farm stay accommodation bedroom limit of 12. |

**Table 3: Proposed changes to LEP Clause 6.11 Rural and nature-based tourism development**

| **Current wording** | **Proposed change** | **Rationale for change** |
| --- | --- | --- |
| (3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:(a) there is, or will be, adequate vehicular access to and from a road other than a classified road, taking into account the scale of the development proposed. | (3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:(a) there is, or will be, adequate vehicular access to and from a road, ~~other than a classified road~~, taking into account the scale of the development proposed. | The current clause excludes a development application from being considered if the property has frontage to a classified road. Classified roads include Dunoon Road, Nimbin Road, Wyrallah Road, Bangalow Road and the Bruxner Highway.The change would allow rural tourism uses to be considered on properties fronting these roads. A traffic impact assessment would be required, and concurrent approval would need to be issued by Transport for NSW. The proposed change allows for a merit-based assessment of vehicle access rather than a blanket prohibition for landowners located on a classified road. |
| (3)  Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:(b)  the development is small scale and low impact.(c)  the development is complementary to the rural or environmental attributes of the land and its surrounds.(d) the development will not have a significant adverse impact on agricultural production, amenity or the natural environment. | (3)  Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that:(d) the development will not have a significant adverse impact on agricultural production, ~~amenity~~ or the natural environment.(e) the development will not generate noise, traffic, parking or light spill that will significantly impact upon surrounding residents.(f) the development will not significantly impair the use of the surrounding land for agriculture or rural industries.(g) the land is capable of accommodating the on-site disposal and management of sewage for the development.In this clause - ***small scale*** means a scale that is small enough to be generally managed and operated by the principal owner living on the property. | The proposed change removes the word ‘amenity’ from 6.11(3)(d) and seeks to better define what is meant by amenity by specifically identifying the impact of noise, traffic, parking and light spill on surrounding residents.The additional subclauses ensure adequate consideration of agriculture and rural industries on the site and on adjoining land and that on-site sewage management is consistent with Council requirements.The definition of ‘small-scale’ has not been changed. It has simply been moved from 6.11(6) to 6.11(3) for the purpose of clarity. |
| (6) In this clause - ***small scale*** means a scale that is small enough to be generally managed and operated by the principal owner living on the property.***tourism development*** includes, but is not necessarily limited to, development for any of the following purposes:(a) bed and breakfast accommodation.(b) camping grounds.(c) caravan parks.(d) cellar door premises.(e) eco-tourist facilities.(f) farm stay accommodation.(g) home industries that provide services, or the sale of goods, on site to visitors.(h) information and education facilities.(i) kiosks.(j) restaurants or cafes.(k) rural industries that provide services, or the sale of goods, on site to visitors. | ~~(6) In this clause—~~***~~small scale~~*** ~~means a scale that is small enough to be generally managed and operated by the principal owner living on the property.~~***tourism development*** includes, but is not necessarily limited to, development for any of the following purposes:(a) bed and breakfast accommodation.(b) camping grounds.(c) caravan parks.(d) cellar door premises.(e) eco-tourist facilities.(f) ~~farm stay accommodation,~~ farm experience premises.(g) home industries that provide services, or the sale of goods, on site to visitors.(h) information and education facilities.(i) kiosks.(j) restaurants or cafes.(k) rural industries that provide services, or the sale of goods, on site to visitors. | The definition of ‘small-scale’ has not been changed. It has simply been moved from 6.11(6) to 6.11(3) for the purpose of clarity.Farm stay accommodation has been removed from Clause 6.11. Optional Clause 5.24 of the Standard Instrument LEP, which has been adopted into the Lismore LEP 2012, now provides controls for farm stay accommodation. As the LEP practice note ‘Preparing LEPs using the Standard Instrument: standard clauses’ indicates, “Councils should not add local clauses that can be addressed using the optional clauses.” Therefore, farm stay accommodation has been removed.Farm experience premises is a new land use term that provides for tourism development on rural land. It has been added into Clause 6.11 to make clear that farm experience premises are to be small scale and amenity and agricultural impacts are suitably managed. |

**Table 4: Proposed changes to Schedule 2 Exempt development**

| **Current wording** | **Proposed change** | **Rationale for change** |
| --- | --- | --- |
| **Roadside stalls**(1) This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.(2) The roadside stall:(a) must be located on land within Zone RU1 Primary Production.(b) must be located wholly on private property.(c) must not be located on land that is adjacent to Bruxner Highway or Bangalow Road.(d) must not have a footprint greater than 4m2.(3) No more than 1 roadside stall may be used on a landholding. | **~~Roadside stalls~~**~~(1) This clause applies to the use of land for a roadside stall for the sale of only agricultural produce.~~~~(2) The roadside stall—~~~~(a) must be located on land within Zone RU1 Primary Production, and~~~~(b) must be located wholly on private property, and~~~~(c) must not be located on land that is adjacent to Bruxner Highway or Bangalow Road, and~~~~(d) must not have a footprint greater than 4m~~~~2~~~~.~~~~(3) No more than 1 roadside stall may be used on a landholding.~~ | The Codes SEPP now prescribes roadside stalls as exempt development. There is therefore no need for roadside stalls to be added as additional exempt development under the LEP. |

Proposed amendments to DCP Chapter 4

DCP Chapter 4 (Rural Tourist Accommodation) was introduced in 2018 to provide planning controls and criteria for accommodation on rural land following the adoption of LEP Clause *6.11 Rural and nature-based tourism development*. With the addition of ‘agritourism’ to the Lismore LEP (which includes ‘farm gate premises’ and ‘farm experience premises’), and amendments to the Codes SEPP as part of the NSW Government’s agritourism reforms, changes to current DCP controls are required to ensure that Council can effectively control types of development permissible on rural lands, and that Council’s controls are better aligned with those that can be accessed through an exempt or complying development pathway.

This DCP amendment includes elements from the former proposed DCP that was not progressed due to the announcement of State-wide agritourism reforms, in relation to elements such as event frequency and size. It also includes relevant elements from the ‘Model DCP Clauses for Agritourism’ document released by DPE in December 2022.

The proposed changes to the DCP are summarised in Table 5 below and the full chapter is provided as an attachment to this report.

**Table 5: Summary of proposed changes to DCP Chapter 4**

| **Issue** | **Change or addition to the DCP** |
| --- | --- |
| **Introduction** |
| Name of DCP Chapter | The name of the DCP chapter has been changed from ‘Rural Tourist Accommodation’ to ‘Rural and nature-based tourism’ to account for new terms and controls. |
| Definitions | New land use terms included in definitions |
| **General provisions** |
| Element – Location and siting | Location * Addition to ensure services and activities related to development (such as farm tours etc) do not take place within buffer areas.
* Addition to ensure development is a minimum of 50m from a property boundary or waterway, consistent with Codes SEPP requirements.
* Addition to ensure distances between animals and buildings meet requirements of *Local Government (General) Regulation 2021*.

Scale* Transferred current DCP contents to separate element for accommodation.
* Development to demonstrate compliance with performance criteria.

Orientation and views* Transferred current DCP contents to separate element for accommodation.
* Added clause to discourage development from near ridgelines or other visually prominent locations.

Protecting prime agricultural land* Addition to ensure development on State or regionally significant farmland will not significantly impact future use of land for agriculture.

Biosecurity* A clause to enable Council to require a biosecurity management plan where it is considered necessary.

Elements not related to siting and location have been moved to relevant sections. |
| Element – Vegetation and landscaping | A new element that takes relevant information from the ‘location and siting’ element and places it in a more relevant location, with additional requirements:* Existing mature trees and vegetation to be retained.
* A vegetation management plan required.
 |
| Element – Sewage, water and waste | New element to make clear Council’s requirements for sewage and waste and ensuring that sites have enough potable water for the proposed use and will not adversely impact existing water supply for current residential and primary production uses. |
| Element – Traffic, access and parking | Change of name of element from road access to include other considerations. Primary road access* Addition to make clear Council’s minimum driveway widths, and requirements for sight distances.
* Clarification that a traffic impact statement can be provided where Council considers a 6m sealed access road is not necessary.
* Addition that all vehicles should be able to enter and exit in a forward direction.
* Conditions for where additional driveways are proposed.

Impact on local road network* Additional control to require upgrade of public road where development will generate more than 30 vehicle movements per day on a regular basis, or equivalent weekly volume.

Parking* Requirements for development types not mentioned in Chapter 7 of DCP.
* Clause requiring parking areas not to be visually prominent and finished in a surface appropriate in all weather conditions.
 |
| Element – Hazards | New element to ensure development is compatible with the proposed land and can safely address bushfire, flood and contamination requirements. |
| Element – Operations | New requirement for provision of a management plan that will provide details to Council on how a proposed development is to operate, will be monitored and important information conveyed to visitors. |
| **New section – Additional development controls for rural tourist accommodation**  |
| Element – Location and siting | New objectives for rural tourist accommodation added.Location * Change of maximum average distance between accommodation structures from 10m to 40m.
* New control to ensure minimum separation distance of 6m.

Scale* Changing maximum bedrooms of farm stay accommodation from 5 to 12 to align with proposed LEP and Codes SEPP pathway.
* Increase in maximum bedrooms of eco-tourist facilities and other tourist accommodation to better align with maximums for farm stay accommodation.
* Increasing rural tourist accommodation GFA from 45m2 to 60m2 to align with complying development pathway.
* Including max building height of 4.5m2 to ensure small-scale development.
* Including a maximum guest rate for bed and breakfasts aligned with LEP controls.
* A control to ensure an appropriate guest to toilet ratio.
 |
| **New section – Additional development controls for camping grounds and caravan parks** |
| Element – Location and siting | New objectives to ensure amenity, agricultural productivity and land use conflict are addressed.New performance criteria related to site suitability, including avoiding steep sites, protecting vegetation, integration and layout.Requirement for at least 10% of site for recreation and communal activities. |
| **New section – Additional development controls for other tourism development** |
| Element – Location and siting | New objectives to ensure amenity, agricultural productivity and land use conflict are addressed.Location * Farm experience premises with associated accommodation needs to be within 100m circumference of one another.

Scale* Each farm experience premises, farm gate premises or restaurants or cafes to have max capacity of 100 patrons, and limited to 300m2
* Max number of visitors in total is 200 for multiple uses.
* Total footprint of buildings used for farm experience premises, farm gate premises or restaurants or cafes is not to exceed 600m2
* Adequate toilet facilities to be provided.
 |
| Element – Limits of operation | New objective to protect amenity and privacy of surrounding land.Operation* The use of a facility as a farm experience premises for weddings and similar events using amplified noise is limited to 35 events per year.
* The use of a facility as a farm gate premises or restaurant or café must not be open outside of:
	+ on Sundays or Public Holidays - 8am to 8pm.
	+ on Mondays to Saturdays - 7am to 10pm
* The use of farm experience premises must not be open to visitors outside:
	+ on Sundays, Mondays, Tuesdays, Wednesdays, Thursdays or Public Holidays - 8am to 6pm.
	+ on Fridays or Saturdays - 8am to 11pm.
* Guests at farm experience premises must be off-site by 11pm.

Amplified music and other noise* Amplified music is limited to no later than 10pm
* A site-specific noise management plan is to be prepared
 |

Overview of the Planning Proposal

A planning proposal to facilitate rural and nature-based tourism development is attached to this report. It is summarised below in Table 6.

**Table 6: Summary of the Planning Proposal**

| **PART** | **REQUIREMENTS** | **DESCRIPTION OF PLANNING PROPOSAL** |
| --- | --- | --- |
| 1 | **OBJECTIVES OR INTENDED OUTCOMES** | The objective of this Planning Proposal is to amend the Lismore LEP 2012 to ensure there is suitable flexibility for agritourism uses, while protecting amenity and existing agricultural uses. |
| 2 | **EXPLANATION OF PROVISIONS** | The objectives of this LEP amendment will be achieved through an amendment of existing clauses 5.4 Miscellaneous provisions, and 6.11 Rural and nature-based tourism development. |
| 3 | **JUSTIFICATION****Section A – Need for the Planning Proposal*****Is the planning proposal a result of an endorsed LSPS, strategic study or report?******Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*** | The planning proposal is not a result of an endorsed LSPS, strategic study or report. It has been made in response to agritourism reforms progressed by the NSW Government.The Planning Proposal is considered the best means of achieving the objectives. |
|  | **JUSTIFICATION*****Section B* – *Relationship to Strategic Planning Framework******Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?******Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?******Is the planning proposal consistent with any other applicable State and regional studies or strategies?******Is the planning proposal consistent with applicable SEPPs?******Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?*** | The Planning Proposal is consistent with applicable directions in the North Coast Regional Plan (2041).The Planning Proposal is consistent with Lismore’s Local Strategic Planning Statement.The Planning Proposal is consistent with applicable State and regional studies or strategies.The Planning Proposal is consistent with applicable SEPPs.The Planning Proposal is consistent with applicable Section 9.1 Directions. |
|  | **JUSTIFICATION*****Section C* – *Environment, Social and Economic Impact******Is there any likelihood that critical habitat of threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?******Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?******Has the Planning Proposal adequately addressed any social and economic effects?*** | The planning proposal does not apply to any specific parcel of land. Increasing allowable bedrooms of farm stay accommodation could have impacts on rural land, however it is considered that other provisions of the LEP, DCP and SEPPs will appropriately manage any impacts as part of any development application assessment.The proposal is only of a small scale to align Council’s LEP with new agritourism provisions introduced by the State Government. There are no other likely environmental effects that cannot be managed appropriately through existing provisions of the LEP, DCP and relevant SEPPs as part of any development application assessment.The planning proposal does not apply to any specific parcel of land. The planning proposal allows an increase in bedrooms for farm stay accommodation, but only in line with what could be pursued through an exempt or complying development pathway. This could improve economic use of land. Social issues are addressed by the addition of matters of consideration to Clause 6.11(3) that require consent authorities to consider noise, traffic, parking, light spill, the use of surrounding land for agriculture or rural industries, and sewage management, for any development application for rural and nature-based tourism development. The planning proposal also adds ‘farm experience premises’ to Clause 6.11 to ensure development is small scale and considers a range of economic, social and environmental matters. |
|  | **JUSTIFICATION*****Section D* – *Infrastructure (Local, State and Commonwealth)******Is there adequate public infrastructure for the Planning Proposal?******What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*** | The planning proposal will not increase demand for local, State or Commonwealth infrastructure. No consultation has been conducted pre-Gateway given the minor nature of the planning proposal. State and federal public authorities and government agencies will be consulted in line with any Gateway condition. |
| 4 | **MAPPING** | The planning proposal does not involve any amendments to the Lismore LEP 2012 maps. |
| 5 | **COMMUNITY CONSULTATION** | Council will conduct community consultation in accordance with any Gateway determination. Public exhibition will be undertaken in accordance with the DPE *Local Environmental Plan Making Guideline* – September 2022 and Council’s Community Participation Plan. |
| 6 | **PROJECT TIMELINE** | Recommendation of approximately 6 months to complete. |

Comments

Finance

Not required

Other staff comments

Other relevant staff have been consulted in the preparation of the Planning Proposal and DCP and their comments have been incorporated into the attached documents.

Public consultation

Consultation on the LEP amendments will be undertaken in line with any Gateway determination. Changes to the DCP can be placed on exhibition sooner and in line with Council’s Community Participation Plan.

Conclusion

The attached planning proposal seeks to amend the Lismore LEP 2012 to align with the State Government’s agritourism reforms. The proposal contains additional controls for protecting the rural amenity and agricultural use of surrounding land and is supported by a revised Development Control Plan (DCP) that provides additional planning controls that will guide future rural tourism development applications.

The proposal aims to strike the right balance between facilitating economic opportunities in rural areas and protecting rural land and amenity.

The Planning Proposal is consistent with the North Coast Regional Plan, Lismore’s Local Strategic Planning Statement, the relevant State Environmental Planning Policies and s9.1 Ministerial Directions.

It is recommended that Council support the Planning Proposal and seek a Gateway Determination from the Department of Planning and Environment.

It is also recommended that Council place the draft Rural and nature-based tourism DCP chapter on public exhibition.

## Attachment/s

|  |  |  |
| --- | --- | --- |
| 1.  | Planning Proposal - agritourism changes | (Over 7 pages) |
| 2.  | Draft DCP Rural Tourism Development Chapter | (Over 7 pages) |
| 3.  | Agritourism Information Sheet | (Over 7 pages) |