

Attachment 1 Existing LEP Land Use Table- Zones RU1 and RU2

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that the productive capacity of agricultural land is appropriately recognised and managed.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Airstrips; Aquaculture; Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Industrial training facilities; Intensive livestock agriculture; Open cut mining; Recreation areas; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Turf farming; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone RU2 Rural Landscape

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for agricultural processing and support facilities directly related to the use and development of resources in the zone.*
- *To encourage development that involves restoration or enhancement of the natural environment where consistent with the production and landscape character of the land.*
- *To enable development that does not adversely impact on the natural environment, including habitat and waterways.*

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Helipads; Home businesses; Home industries; Industrial training facilities; Intensive livestock agriculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Turf farming; Veterinary hospitals; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Attachment 2 Existing DCP provisions- Chapter 1 Part 4 Other Development in Rural Zones

4 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; **roadside stalls, community facilities, industrial training facilities, function centres, restaurants or cafes, recreation facilities (outdoor), places of public worship, veterinary hospitals, crematoria, cellar door premises**, but excluding tourist and visitor accommodation, eco-tourist facilities, forestry, camping grounds 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:

Performance criteria	Acceptable solution
	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	<p>A5.1 Buildings and structures are set back a minimum of 10 metres from side boundary</p> <p>A5.2 Buildings and structures are set back at least 10 metres from rear boundary</p> <p>OR</p> <p>Where side or rear boundary is a secondary road:</p> <p>A5.3 Buildings and structures are set back at least 20 metres</p>
Visual impact	
P6 The development does not adversely impact significant vistas, landscape character or surrounding properties	<p>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</p> <p>OR</p> <p>A6.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant vantage points</p> <p><i>* A landscape concept plan must be provided that demonstrates achievement of A6.2</i></p> <p>AND</p> <p>A6.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>

Performance criteria	Acceptable solution
Environmental impact	
<p>P7 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands</p>	<p>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)</p> <p>A7.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland</p>
<p>P8 Development does not create unacceptable impact on ecological functions or biodiversity values</p>	<p>A8.1 Construction of buildings, structures and operational areas does not require the clearing of native vegetation</p> <p>A8.2 Development is not located within a mapped ecological corridor</p>
Protection of amenity of surrounding properties	
<p>P9 Operation of the development does not create unacceptable impacts on the amenity of surrounding areas or agricultural production</p>	<p>A9.1 Hours of operation are in accordance with Table C1.2 in Appendix C1</p> <p>A9.2 Operation of the development must comply with the NSW Industrial Noise Policy</p> <p>A9.3 Delivery and servicing is undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays</p> <p>A9.4 Design and operation of the facility does not generate emissions of dust, light or odour</p> <p>A9.5 Internal roads, parking, loading and manoeuvring areas are not within 40 metres of a dwelling on an adjoining property</p>

Performance criteria	Acceptable solution
Effluent management	
P10 Design and operation of the development does not adversely impact water quality or create public health risks	<p>A10.1 Effluent is treated on site in an approved manner</p> <p>OR</p> <p>A10.2 Effluent is removed from site and disposed of in an approved manner</p>
Stormwater Management	
P11 Development must not have a detrimental impact on water quality or adjoining properties	<p>A11.1 Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads</p> <p>A11.2 Stormwater is disposed of in a manner that does not cause nuisance to adjoining properties</p> <p>A11.3 Stormwater management infrastructure is designed in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals</p>
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	<p>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</p> <p>A12.2 Internal access roads and vehicle manoeuvring and parking areas are all weather design and construction</p> <p>A12.3 Vehicles are able to enter and leave the site in a forward direction</p> <p>A12.4 Access, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Development & Design and Construction Manual</p>

Performance criteria	Acceptable solution
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	<p>A13.1 The development is serviced by reticulated power and telecommunications</p> <p>A13.2 The development has adequate water supply</p>
Natural hazards	
P14 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	<p>A14.1 Development is not proposed on land that is mapped as bushfire prone or a landslip hazard area</p> <p>A14.2 The development site is not prone to flooding from inundation or overland flow</p>
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	<p>A16.1 Roadside stalls are not located within the road reserve</p> <p>A16.2 Roadside stalls are accessed via an approved vehicular access</p>
P17 Roadside stalls are small scale and used for the sale of locally produced or grown goods and products	<p>A17.1 The maximum gross floor area of a roadside stall is 8m²</p> <p>A17.2 Roadside stalls are only used to sell goods produced or grown on the property where the stall is located or an</p>

Performance criteria	Acceptable solution
	adjacent property
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	<p>A19.1 No more than 3 signs per premises are utilised</p> <p>A19.2 Signs are located on roadside stall or fence line of subject site</p>

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 and 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, Entertainment facilities, Place of public worship	7am-10pm	7am-10pm	7am-10pm
Veterinary hospitals	7am-6pm	7am-5pm	7am-5pm
Rural industries, Industrial training facilities	7am-6pm	7am-1pm	Not permitted
Crematoria	8am-5pm	8am-4pm	9am-3pm

