

Planning and Assessment

IRF19/5079

Gateway determination report

LGA	Tenterfield Shire
PPA	Tenterfield Shire Council
NAME	Minor housekeeping amendments (0 homes, 0 jobs)
NUMBER	PP_2019_TENTE_001_00
LEP TO BE AMENDED	Tenterfield LEP 2013
ADDRESS	Land zoned RU5 Village and various heritage listed properties
DESCRIPTION	As described in the proposal
RECEIVED	22 July 2019
FILE NO.	IRF19/5079
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The proposal seeks to undertake the following minor housekeeping amendments to Tenterfield LEP 2013:

- prohibit crematoriums in the RU5 Village zone; and
- correct various property description errors in Schedule 5 Environmental Heritage and the associated heritage maps.

1.2 Site description

The proposal applies to the land zoned RU5 Village across the Shire including Tenterfield, Drake, Urbenville, Liston, Legume, Torrington and Stannum and the following heritage listed properties:

	Locality	Item	Existing Description	Proposed Description
1	Bolivia	House (former hotel) I128	Lot 109 DP 751498	Lot 31 & Lot 60 DP 751498
2	Tenterfield	House I021		Delete - listed in error
3	Tenterfield	House I022	Lot 1, DP 592495	Change street address to 149-151 Cowper

4	Tenterfield	Royal Hotel I030	Lot 2, DP 1078142	Lots 2 & 3 DP 1078142
5	Tenterfield	House I047	Lot 1, Section 4, DP 555480	Lot 1 DP 555480
6	Tenterfield	House I048	Lot B, Section 4, DP 357193	Lot B DP 357193
7	Tenterfield	Tenterfield Railway Station Group I050 (State)	Nil	Lot 1 DP 801201 Lot 1 DP 1126443
8	Tenterfield	House "The Mill" former flour mill I056	Lots B and C, Section 22, DP 158236	Lots B and C, DP 158236
9	Tenterfield	Scout Hall I065	Lot 16, Section 18, DP 758959	Add Street number 38 Martin Street
10	Tenterfield	Tank traps, Brisbane Line Site I080	Travelling stock route	Lot 7301 DP1120474
11	Tenterfield	Stannum House I093	Lot 12, DP 1087108	Lot 11 DP 1087108
12	Tenterfield	Jock Ross Hardware I096	Lot 1, Section 22, DP 156108	Lot 1, DP 156108
13	Tenterfield	Commercial National Buildings I100	Lot B, DP 336545	Lot 1 DP 18403
14	Urbenville	Police Station I118	21 Beaury Street	Incorrect street address, should be 23 Beaury Street

1.3 Existing planning controls

Crematoriums are currently permitted with consent in the RU5 Village Zone under Tenterfield LEP 2013.

Clause 5.10 Heritage Conservation of Tenterfield LEP 2013 applies to items identified in Schedule 5 Environmental Heritage of the LEP.

1.5 Summary of recommendation

That the proposal proceeds subject to conditions as it will undertake minor housekeeping amendments that will ensure the currency of the LEP and will direct any future proposals for crematoriums towards more generally suitable locations.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal confirms the objectives and intended outcomes of prohibiting crematoriums in the RU5 Village Zone and correcting various property descriptions in Schedule 5 Environmental Heritage of the LEP and the associated maps.

2.2 Explanation of provisions

The proposal confirms that the objectives and intended outcomes will be achieved by prohibiting crematoriums in the RU5 Village Zone and correcting various property descriptions in Schedule 5 Environmental Heritage of the LEP and the associated maps.

2.3 Mapping

The proposal currently contains no mapping. It is considered appropriate that maps be included in the proposal prior to consultation to help inform interested stakeholders showing the RU5 Village Zone locations affected by the proposal, along with the existing and proposed heritage mapping of the affected items.

3. NEED FOR THE PLANNING PROPOSAL

The proposal is not the result of any strategic study or strategy.

The housekeeping proposal has been prepared to ensure the effectiveness and currency of the LEP by correcting various misdescriptions and errors. This includes prohibiting crematoriums in the RU5 Village Zone due to community concerns raised in 2018 associated with Development Application 2018.087 – Funeral Home and Mortuary, 60 Polwarth Street, Tenterfield. Council resolved as a result of this proposal to prohibit crematoriums in urban areas. This is considered appropriate due to the nature of the RU5 Village Zone (which is utilised across Tenterfield Shire's urban areas and permits a range of commercial, industrial and residential uses to be potentially located in close proximity) and due to large quantity of alternate land that is available for crematoriums in the Shire (which is permitted with consent in the RU1 Primary Production Zone under Tenterfield LEP 2013).

The current proposal would benefit from the inclusion of additional detail outlining the above matters. To assist interested stakeholders during consultation, it is therefore recommended that the Gateway determination require additional detail be included in Part 3 of the proposal explaining the need and justification of the proposed changes, particularly in relation to the proposed prohibition of crematoriums in the RU5 Village Zone.

4. STRATEGIC ASSESSMENT

4.1 State

The proposal is not inconsistent with the State planning framework.

4.2 Regional / District

The proposal is considered to be consistent with the New England North West Regional Plan by directing a commercial land use to the most suitable locations and ensuring the Shire's heritage items are correctly identified and protected.

4.3 Local

The proposal is not inconsistent with Council's Community Strategic Plan which includes a goal to ensure land use planning provisions support and promote sustainable land use and management in the Shire. It is noted that Council currently does not have a local land use strategy.

4.4 Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all relevant section 9.1 Directions except the following:

2.3 Heritage Conservation

The proposal is inconsistent with this direction as it removes the existing heritage item I021 (House – 124 Cowper Street) from Schedule 5 Environmental Heritage of the LEP and associated maps. The inconsistency of the proposal with this direction is considered to be of minor significance as Council has confirmed that the item does not have heritage value and was previously listed in error.

4.4 Planning for Bushfire Protection

This direction is relevant to the proposal as some land to which the proposal applies is mapped as being bushfire prone. The direction provides that Council must consult with the NSW Rural Fire Service (RFS). Consultation is required after a Gateway determination is issued and until this consultation has occurred, the inconsistency of the proposal with this direction remains unresolved.

4.5 State environmental planning policies (SEPPs)

The proposal is considered to be consistent with all relevant SEPPs.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

No adverse social impact is considered likely to result from the minor housekeeping proposal. It is also considered likely that some positive social outcomes will result by directing any future proposed crematoriums to generally more suitable locations and correctly identifying and protecting known heritage items.

5.2 Environmental

No adverse environmental impacts have been identified from the minor housekeeping amendments.

5.3 Economic

The prohibition of crematoriums within the RU5 Village zone may have some minor economic impact on the development potential of the urban land in Tenterfield, Drake, Urbenville, Liston, Legume, Torrington and Stannum. This impact is considered to be minimal due to the small number of crematoriums that could be supported in Tenterfield Shire. The directing of crematoriums to generally more suitable locations is also considered likely to have an overall positive impact for residents.

5.4 Infrastructure

No additional infrastructure will be required associated with the minor housekeeping amendments.

6. CONSULTATION

6.1 Community

The proposal identifies an exhibition period of 28 days. The proposal is considered to be low impact and raises no matters of State or regional significance. A 14 day exhibition period is considered adequate in this instance.

6.2 Agencies

Consultation with the NSW Rural Fire Service will be necessary to satisfy the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. No other agencies have been identified as needing to be consulted in relation to the proposed minor housekeeping amendments.

7. TIME FRAME

The proposal has identified a 6 month time frame to complete the LEP amendment. To ensure an adequate period to finalise the proposal, it is recommended that the proposal be provided a 12 month time frame. It is noted that nothing would prevent Council from moving forward and completing the proposal more quickly should it wish.

8. LOCAL PLAN-MAKING AUTHORITY

Council has advised that it wishes to act as the local plan-making authority for this matter. As the proposal involves only minor local matters, and raises no issues of State or regional significance, it is considered appropriate the Council act as the local plan-making authority.

9. CONCLUSION

It is considered appropriate that the proposal proceed in order to undertake minor housekeeping amendments that will ensure the currency of the LEP and will direct any future proposals for crematoriums towards more generally suitable locations and help correctly identify and protect known heritage items.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 2.3 Heritage Conservation is justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to community consultation the proposal is to be amended to include:
 - (a) maps showing the locations of the RU5 Village Zone affected by the proposal along with the existing and proposed heritage mapping of affected items; and
 - (b) additional detail in Part 3 of the proposal explaining the need and justification of the proposed changes, particularly in relation to the proposed prohibition of crematoriums in the RU5 Village Zone.



15-8-2019

Jeremy Gray
Director Regions, Northern
Planning Services

Assessment officer: Craig Diss
Team Leader, Northern
Phone: 5778 1485