**Planning Proposal 2019-01**

This is a Planning Proposal prepared under section 3.33, Division 3.4 of the *Environmental Planning and Assessment Act 1979,* in relation to a proposed amendment to *Tenterfield Local Environmental Plan 2013.* It will be assessed by Tenterfield Shire Council, the NSW Department of Planning and Environment, and used for public participation on the proposed LEP amendment.

**Background**

**Proposal** To amend *Tenterfield Local Environmental Plan 2013* by changing “crematorium” from Permitted with Consent to Prohibited within the RU5 Village zone and to make amendments to Schedule 5 relating to correcting property details for listed heritage items.

**Property Details** The Planning Proposal applies to all land within the Tenterfield Local Government Area zoned RU5 Village and individual items listed in Schedule 5 as follows:

Schedule 5 items

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Locality** | **Item** | **Address** | **Existing Description** | **Proposed Description** | **Mapping** |
| 1 | Bolivia | House (former hotel)  I128 | 6218 New England Highway | Lot 109 DP 751498 | Lot 31 & Lot 60 DP 751498 | Yes |
| 2 | Tenterfield | House  I021 | 126 Cowper Street |  | Delete - listed in error | Yes |
| 3 | Tenterfield | House  I022 | 148 and 149 Cowper Street | Lot 1, DP 592495 | Change street address to 149-151 Cowper | No |
| 4 | Tenterfield | Royal Hotel  I030 | 130 High Street | Lot 2, DP 1078142 | Lots 2 & 3 DP 1078142 | Yes |
| 5 | Tenterfield | House I047 | 147 Logan Street | Lot 1, Section 4, DP 555480 | Lot 1 DP 555480 | No |
| 6 | Tenterfield | House I048 | 149 Logan Street | Lot B, Section 4, DP 357193 | Lot B DP 357193 | No |
| 7 | Tenterfield | Tenterfield Railway Station Group  I050 (State) | Main Northern Railway | Nil | Lot 1 DP 801201  Lot 1 DP 1126443 | No |
| 8 | Tenterfield | House “The Mill” former flour mill  I056 | 101 Manners Street | Lots B and C, Section 22, DP 158236 | Lots B and C, DP 158236 | No |
| 9 | Tenterfield | Scout Hall  I065 | Martin Street | Lot 16, Section 18, DP 758959 | Add Street number 38 Martin Street | No |
| 10 | Tenterfield | Tank traps, Brisbane Line Site  I080 | Mount Lindesay Road | Travelling stock route | Lot 7301  DP1120474 | Yes |
| 11 | Tenterfield | Stannum House  I093 | 114 Rouse Street | Lot 12, DP 1087108 | Lot 11 DP 1087108 | Yes |
| 12 | Tenterfield | Jock Ross Hardware  I096 | 210 Rouse Street | Lot 1, Section 22, DP 156108 | Lot 1, DP 156108 | No |
| 13 | Tenterfield | Commercial National Buildings  I100 | 275-281 Rouse Street | Lot B, DP 336545 | Lot 1 DP 18403 | Yes |
| 14 | Urbenville | Police Station  I118 | 21 Beaury Street | Lot 14, Section 10, DP 759025 | Incorrect street address, should be 23 Beaury Street | No |

**Applicant**  Tenterfield Shire Council.

**Land owners** All owners within the RU5 zone and owners listed above in the two tables.

**Brief history** Planning Proposal 2019-01 has been prepared to make an amendment to Tenterfield LEP 2013 by the changing “crematorium” from Permitted with Consent to Prohibited within the RU5 Village zone. The Planning Proposal is also required to make housekeeping amendments to Schedule 5 of the LEP (by correcting property references).

Council resolved at their February 27 meeting to commence the Planning Proposal process pursuant to Division 3.4 of the *Environmental Planning and Assessment Act 1979* to amend the LEP as outlined.

**Part 1 – Objectives or Intended Outcomes**

The objective of this planning proposal is to make alterations to Tenterfield LEP 2013 by changing “crematorium” from Permitted with Consent to Prohibited within the RU5 Village zone and correcting property descriptions in Schedule 5.

**Part 2 – Explanations of Provisions**

The proposed outcome will be achieved by:

* Amending the Tenterfield LEP 2013 by changing “crematorium” from Permitted with Consent to Prohibited within the RU5 Village zone and correcting property descriptions in Schedule 5.

**Part 3 – Justification**

**Section A – Need for the planning proposal**

1. **Is the planning proposal a result of any strategic study or report?**

The Planning Proposal is not the result of any strategic study or report.

1. **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Amending the Tenterfield Local Environmental Plan 2013 is the only way to achieve the objectives of the planning proposal.

**Section B – Relationship to strategic planning framework**

1. **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

The Planning Proposal is does not directly relate to the New England North West Strategic Regional Action Plan 2012.

1. **Is the planning proposal consistent with the local council’s community plan or other local strategic plan?**

The Planning Proposal is consistent with Council’s adopted Community Strategic Plan (2017-2027) which sets out under Goal Envo 9 “Land use planning provisions support and promote sustainable land use and management in the Shire.”

1. **Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is consistent with all applicable State Environmental Planning Policies.

1. **Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Planning proposal is consistent with section 9.1 directions.

**Section C – Environmental, social and economic impact**

1. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The amendment to the RU5 zoning table to change “crematorium” from Permitted with consent to Prohibited will have no impact on critical habitat or threatened species, populations or ecological communities, or their habitats. The correcting of property descriptions relating to items in Schedule 5 will also have no impact.

1. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The amendment to the RU5 zoning table to change “crematorium” from Permitted with consent to Prohibited will have no environmental effect. The correcting of property descriptions relating to items in Schedule 5 will also have no impact.

1. **Has the planning proposal adequately addressed any social and economic effects?**

There are no identified negative social or economic effects identified as a result of the Planning Proposal.

**Section D – State and Commonwealth interests**

1. **Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not create the need for any additional public infrastructure.

1. **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

No views of public authorities have been sought at this stage.

**Part 4 – Mapping**

There will be a change to the heritage mapping layer of the LEP to reflect to the proposed changes (refer to the table in this report relating to items in Schedule 5 of the LEP proposed to be altered).

**Part 5 – Community Consultation**

It is anticipated that community consultation and notification will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process.

It is proposed that there be:

* One notification of the exhibition in a locally circulating newspaper.
* One notification in Council’s Your Local News leaflet (distributed to all residents on a bi-monthly basis)
* An exhibition period of 28 days.
* Notification on Council’s website.

**Part 6 – Project Timeline**

|  |  |
| --- | --- |
| **Task** | **Anticipated timeframe** |
| Date of Gateway Determination | August 2019 |
| Completion of required technical information, studies | Not required |
| Government agency consultation (pre exhibition as required by Gateway Determination) | September 2019 |
| Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required. | October 2019 |
| Commencement and completion dates for public exhibition. | October/November 2019 |
| Post exhibition review - Consideration of submissions, report Planning Proposal post exhibition | December 2019 |
| Council request a draft instrument is prepared under Section 59(1) of the Act – directly to Parliamentary Counsel (concurrent notification to Department of Planning and Environment) | January 2019 |
| Opinion issued by Parliamentary Counsel that the plan can be made | January 2019 |
| Council resolves to adopt and make the draft LEP and notifies the Department of Planning and Environment who arrange for the plan to be notified on the NSW Government legislation website | February 2019 |
| The plan comes into force on the day the LEP is published on the NSW legislation website | February 2020 |

**Conclusion**

The planning proposal is considered to be consistent with relevant statutory and policy provisions and only seeks to amend the RU5 Village zone table to change “crematoriums” from Permitted with Consent to Prohibited and to correct property descriptions in Schedule 5.

**Contact Details**

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