

Tenterfield LEP 2013 Amendment No 3 - Tenterfield Saleyards Buffer Zone

Proposal Title : **Tenterfield LEP 2013 Amendment No 3 - Tenterfield Saleyards Buffer Zone**

Proposal Summary : **To amend Tenterfield LEP 2013 to include a clause that introduces a 1000m buffer zone around the Tenterfield saleyards and provides a number of matters for consideration when assessing relevant development applications.**

PP Number : **PP_2014_TENTE_001_00** Dop File No : **14/07130**

Proposal Details

Date Planning Proposal Received : **30-Apr-2014** LGA covered : **Tenterfield**

Region : **Northern** RPA : **Tenterfield Shire Council**

State Electorate : **NORTHERN TABLELANDS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **All land within 1000m radius of the Tenterfield Saleyards as shown on the relevant map attached to the Planning Proposal**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **0267019687**

Contact Email : **gina.davis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Tamai Davidson**

Contact Number : **0267366000**

Contact Email : **t.davidson@tenterfield.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **The Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Tenterfield LEP 2013.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **N/A**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Tenterfield LGA

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **No inconsistency with any strategy, s117 Direction or SEPP has been identified.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Locality mapping showing the land to which the proposed clause will apply is included in the Planning Proposal and is considered adequate for public exhibition purposes. Prior to seeking a Parliamentary Counsel opinion for the Plan, LEP mapping that includes a new Designated Buffer Map prepared in accordance with the department's technical mapping guidelines will need to be prepared.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 14 day exhibition period for the proposal. Due to the nature of the Planning Proposal, and the number of properties it will affect, it is considered that a 28 day notification period would be more appropriate. It is recommended that Part 5 of the Planning Proposal also be amended to include notification of the proposal on Council's webpage.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:**

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in July 2014. As discussed above, it is recommended that a 28 day exhibition period be undertaken. It is also noted that the current project time line does not include all the required steps should an authorisation to exercise plan making delegations for the proposal be granted to Council. The Planning Proposal will therefore need to be amended to include a revised time line prior to public exhibition. A 9 month time frame to complete of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Tenterfield LEP 2013 was made in April 2013.

Assessment Criteria

Need for planning
proposal :

The proposal to amend the LEP and introduce a heads of consideration provision for a buffer surrounding the Tenterfield Saleyards is not the subject of a specific strategic study or report.

The proposed heads of consideration clause aims to limit land use conflict around the Tenterfields saleyards and protect the long term viability of the saleyards due to its local economic importance.

The clause will apply to land in the RU1 Rural Primary Production Zone and to part of 5 lots in Zone RU5 Village. No urban development is currently located within the proposed buffer area that is zoned RU5 Village. The matters identified for consideration under the draft clause included in Attachment 1 of the Planning Proposal are considered to be reasonable and appropriate in this instance.

Consistency with
strategic planning
framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs, s117 Directions and the New England North West Strategic Regional Land Use Plan. Council currently does not have a local growth management strategy approved by the Director General.

Environmental social
economic impacts :

No significant adverse environmental, social or economic impact has been identified as resulting from the proposal.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **9 months** Delegation : **RPA**
LEP :

Public Authority
Consultation - 56(2)
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Planning Proposal Locality Map.pdf	Map	Yes
Council Resolution to prepare Planning Proposal .pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information :

It is recommended that:

- 1) The Planning Proposal be supported subject to conditions;**
- 2) The Planning Proposal be exhibited for a period of 28 days;**
- 3) The Planning Proposal should be completed within 9 months;**
- 4) The Planning Proposal be amended prior to exhibition to:**
 - amend Part 5 of the Planning Proposal to include a 28 day public exhibition period and notification of the proposal on Council's webpage;**
 - include a revised project time line that includes all the required steps should an authorisation to exercise plan making delegations be granted to Council;**
- 5) No consultation with any agencies and organisations be required; and**
- 6) Than an authorisation to exercise plan making delegations be issued to Council.**

Supporting Reasons :

The proposed heads of consideration clause aims to limit land use conflict around the Tenterfield saleyards and is considered important in protecting the long term viability of this local economic asset.

Signature:



Printed Name:

Cray Diss

Date:

2/5/14