

Planning Proposal 2014-01

This is a Planning Proposal prepared under section 55 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 Office of Planning and Infrastructure, and used for public participation on the proposed LEP amendment.

Background

Proposal	To amend <i>Tenterfield Local Environmental Plan 2013</i> by the inclusion of a clause that introduces a buffer zone around the Tenterfield Saleyards and provides a number of matters for consideration when assessing a development application within the buffer zone.
Property Details	The Planning Proposal applies to land within the Tenterfield Local Government Area as identified in the attachment within a 1000m radius of the Tenterfield Saleyards. All of the land is zoned RU1 Primary Production, apart from five (5) parcels in the south west sector which are zoned RU5 Village.
Applicant Details	Tenterfield Shire Council
Land owner	Various
Brief history	Planning Proposal 2014-01 has been prepared to introduce a new clause into <i>Tenterfield LEP 2013</i> which provides for heads of consideration when assessing Development Applications within the mapped buffer zone area. The buffer zone does not propose any prohibitions or restrictions which would otherwise be permitted under the provisions of the <i>Tenterfield LEP 2013</i> .

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to include a clause within *Tenterfield LEP 2013* which provides some heads of consideration for Council to consider when assessing Development Applications within the mapped buffer zone surrounding the Tenterfield Saleyards.

Part 2 – Explanations of Provisions

The proposed outcome will be achieved by:

- Amending Tenterfield LEP 2013 through the inclusion of a clause which introduces a buffer zone around the Tenterfield saleyards and provides a number of matters for consideration when assessing a development application within the mapped buffer zone. A draft clause has been included as Attachment 1.

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 consistent with Council's resolution of 26 March 2014 where it was resolved to prepare a Planning Proposal for Gateway Determination (Attachment 2) after consideration of the matter was made by Council's Saleyards Committee on 4 March 2014. The issue of the potential to create a buffer zone around the saleyards was also discussed in the Draft Tenterfield Urban and Rural Land Use Strategy, October 2006 (Parsons Brinckerhoff).

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

Amending Tenterfield Local Environmental Plan 2013 through the inclusion of a buffer zones clause and associated map, is the only way to achieve the objectives of the planning proposal.

Section B – Relationship to strategic planning framework

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

The planning proposal is consistent with the *New England North West Regional Action Plan 2012*.

4. Is the planning proposal consistent with the local council's community plan or other local strategic plan?

Council's adopted Community Strategic Plan (2013-2023) sets out under Direction 3.4 "Land use planning and management enhances and protects biodiversity and natural heritage." The inclusion of a clause that introduces a buffer zone around the Tenterfield saleyards within the provisions of the Tenterfield LEP 2013 enforces this strategy.

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

The planning proposal is consistent with all applicable state environmental planning policies.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with section 117 directions.

Section C – Environmental, social and economic impact

7. 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 land affected by the planning proposal does not contain any habitat and therefore will have no effect.

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

No direct adverse environmental impacts are likely to arise as a result of the planning proposal.

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

Overall, the planning proposal is considered likely to achieve positive social and economic effects, particularly through the additional considerations to be taken in to account in relation to development applications located within the identified buffer zone.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

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

11. 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, and none are considered necessary given the scope of the planning proposal.

Part 4 – Mapping

The land around which the buffer is proposed is known as the Tenterfield Saleyards as described below and it is recommended that a 1000m buffer be created around the site. A draft map is included as Attachment 2.

Site Description	Land Description	Buffer
Saleyards – Tenterfield	Lot B DP 920627 Bellevue Road, Tenterfield	1000m

Part 5 – Community Consultation

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

Community consultation in relation to this planning proposal is considered to only be required to the minimum extent necessary as deemed by the Gateway process. In this regard, it is proposed that there be:

- One notification of the exhibition in a locally circulating newspaper.
- An exhibition period of 14 days.

Part 6 – Project Timeline

Task	Anticipated timeframe
Date of Gateway Determination	By 5 May 2014
Completion of required technical information, studies	No further studies expected.
Government agency consultation (pre exhibition as required by Gateway Determination)	Not Applicable

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.	Not Applicable
Commencement and completion dates for public exhibition.	7/5/14 – 21/5/14
Consideration of submissions, report Planning Proposal post exhibition	To Council meeting June 2014
Date of submission of proposal to Parliamentary Counsel to finalise the LEP.	1 July 2014

Conclusion

The planning proposal is considered to be consistent with relevant statutory and policy provisions and seeks to include a clause which will allow Council to take into consideration the likely impacts on new development within a 1000m radius of the Tenterfield Saleyards.

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Attachment 1

Development within a designated buffer area

- (1) *The objective of this clause is to protect the operational environment of a "stock and sale yard" being the Tenterfield Saleyards.*
- (2) *This clause applies to the land identified as "Tenterfield Saleyards", on the Designated Buffer Map.*
- (3) *Before granting development consent for development on land to which this clause applies, the consent authority must consider the following matters:*
 - (a) *the impact that any noise and other emissions associated with existing land uses would have on the proposed development,*
 - (b) *any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing land use,*
 - (c) *any opportunities to relocate the proposed development outside the land to which this clause applies,*
 - (d) *whether the proposed development would adversely affect the operational environment of any existing development on the land to which this clause applies.*