

Planning Proposal 2013-01

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 Department of Planning and Infrastructure, and (depending on the Gateway determination) used for public participation on the proposed LEP amendment.

Background

Proposal	To make minor corrections (with no public effect) to <i>Tenterfield Local Environmental Plan 2013</i> .
Property Details	The Planning Proposal applies to all land within the RU1 Primary Production Zone
Applicant Details	Tenterfield Shire Council
Land owner	Various
Brief history	Planning Proposal 2013-01 has been prepared in response to the identification of the lack of a provision which allows for a greater degree of flexibility in relation to rural boundary adjustment subdivision.

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to provide greater flexibility and certainty in relation to subdivision of land for particular purposes through the following:

- Permitting boundary adjustment subdivisions, where one or more allotments is less than 90% of the minimum lot size specified for subdivision subject to the application providing for improved agricultural or environmental outcomes without creating additional opportunities for the establishment of dwelling houses.

Part 2 – Explanations of Provisions

As outlined above, this planning proposal seeks to provide for greater flexibility and certainty in relation to subdivision of land in specific circumstances.

More specifically, it is proposed that Tenterfield Local Environmental Plan 2013 be amended as follows (or in a similar manner to enable the intended outcome of this planning proposal):

Insert the following in part four (4) of the Tenterfield LEP 2013:

Clause XX Boundary adjustments of land in certain rural zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.***
- (2) This clause applies to land in the following zone:***
 - a. Zone RU1 Primary Production***
- (3) Despite Clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that:***
 - a. the subdivision will not create additional lots or the opportunity for additional dwellings.***
 - b. the number of dwellings or opportunities for dwellings on each lot after subdivision will be the same as before the subdivision, and***
 - c. the potential for land use conflict will not be increased as a result of the subdivision.***

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 Tenterfield Local Environmental Plan 1996 and the associated historic assessment of development applications within the shire. It is also consistent with Council's intended outcomes associated with the preparation of Council's Standard Instrument LEP.

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 to include for provisions for exceptions to minimum lot sizes is the only way to achieve the objectives of the planning proposal. If the additional clauses are not added to the LEP taking into consideration the repeal of State Environmental Planning Policy No. 1 (SEPP 1), there will be no avenue for Council to approve certain subdivisions that depart from the minimum lot sizes despite the potentially positive merits of an application.

3. Is there a net community benefit?

There is a net community benefit in permitting for the ongoing consistent application of provisions relating to boundary adjustment subdivisions as permitted under Tenterfield Local Environmental Plan 1996.

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 consistent with the *New England North West Regional Action Plan 2012*.

2. Is the planning proposal consistent with Council's Draft Community Strategic Plan 2013-2023?

One of the directions (3.4) under Draft Community Strategic Plan 2013-2023 is to enhance and protect our biodiversity and natural heritage. The administration and ongoing maintenance of the provisions of the Tenterfield LEP 2013 enforces this strategy.

3. Is the planning proposal consistent with applicable state environmental planning policies?

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

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

The planning proposal is consistent with all applicable section 117 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 planning proposal will allow for practical boundary adjustments that provide for improved agricultural or environmental outcomes without creating additional opportunities for the establishment of dwelling houses which will be able to be approved by Council.

2. 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.

3. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will enable the creation of lots that promote environmental protection and management outcomes. It will also enable boundary adjustments in rural areas to provide for improved agricultural or environmental outcomes.

Overall, the planning proposal is considered likely to achieve positive social and economic effects, particularly through the improved flexibility and clarity for subdivision in identified circumstances.

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.

2. 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 proposed amendment relates only to the written component of Councils Local Environmental Plan, as such, no mapping is proposed as part of this amendment.

Part 5 – Community Consultation

Council has not undertaken any community consultation concerning this specific planning proposal to date. It is anticipated that this 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, if it is determined that consultation is necessary, 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 31 July 2013
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.	August 2013
Consideration of submissions, report Planning Proposal post exhibition	To Council meeting September 2013
Date of submission of proposal to Department to finalise the LEP.	7 October 2013

Conclusion

The planning proposal is considered to be consistent with relevant statutory and policy provisions and seeks to insert a clause in Tenterfield Local Environmental Plan which provides for boundary adjustments and subdivisions consistent with historic application of the former Tenterfield Local Environmental Plan 1996.

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