

Tenterfield LEP 2013 Amendment No 1 - Rural Boundary Adjustment Clause for the RU1 Primary Production Zone

Proposal Title : **Tenterfield LEP 2013 Amendment No 1 - Rural Boundary Adjustment Clause for the RU1 Primary Production Zone**

Proposal Summary : **Council is seeking to amend Tenterfield LEP 2013 by inserting a rural boundary adjustment clause that will allow for greater subdivision flexibility in the RU1 Primary Production Zone.**

PP Number : **PP_2013_TENTE_001_00** Dop File No : **13/11456**

Planning Team Recommendation

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

S.117 directions : **1.5 Rural Lands
4.4 Planning for Bushfire Protection**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 6 months;**
- 4. That the RPA consult with the Commissioner of the NSW Rural Fire Services in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
- 5. That the Planning Proposal be amended prior to exhibition so that it only contains a plain English explanation of the intent of the proposed clause;**
- 6. That an authorisation to exercise delegation be issued to Council; and**
- 7. That a revised project time line (that addresses the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.**

Supporting Reasons : **The Planning Proposal will insert a provision into Tenterfield LEP 2013 that will create greater flexibility with respect to the subdivision of rural land whilst reinstating a provision that existed under the provisions of the former Tenterfield LEP 1996.**

Panel Recommendation

Recommendation Date : **18-Jul-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to remove the draft clause and instead provide a plain English explanation of the intention of the proposed provision. The clause will be drafted by Parliamentary Counsel's Office, in consultation with Council, once the proposal is submitted to Parliamentary Counsel for drafting.**
- 2. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the decision to delegate plan making functions for this planning proposal to Council.**
- 3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made**

**Tenterfield LEP 2013 Amendment No 1 - Rural Boundary Adjustment Clause for the RU1
Primary Production Zone**

publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

JEFF HORN

Date:

22/07/13