

Tenterfield LEP 2013 Amendment No 4 - Reclassification of Council land

Proposal Title : **Tenterfield LEP 2013 Amendment No 4 - Reclassification of Council land**

Proposal Summary : **Tenterfield LEP 2013 - Amendment No 4 Reclassification of Council land**

PP Number : **PP_2014_TENTE_002_00**

Dop File No : **14/07131**

Proposal Details

Date Planning Proposal Received : **23-Apr-2014**

LGA covered : **Tenterfield**

Region : **Northern**

RPA : **Tenterfield Shire Council**

State Electorate : **NORTHERN TABLELANDS**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **All relevant parcels of land as identified on the maps supporting 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 : **0267366015**

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 : **The Planning Proposal aims to reclassify 35 individual parcels of Council owned land from Community to Operational status. Six (6) of these land parcels will have an interest changed.**

External Supporting Notes : **In accordance with the requirements of the Local Government Act, a public hearing will be held into the reclassification post exhibition.**

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 : **6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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 :

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping supporting the Planning Proposal is considered adequate for exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 21 day consultation period for the proposal. The proposal is not considered to be low impact in nature as it aims to reclassify public land and in accordance with 'A Guide to preparing local environmental plans' a 28 day consultation period is recommended.**

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.**

Whilst the RPA have sought authorisation to exercise their plan making delegations for this proposal, authorisation is unable to be granted as six (6) of the properties identified will have an interest changed by the LEP and the Governor's approval is therefore required.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in August 2014 based on Council receiving written Authorisation for Delegation. It is considered that the project timeline will however need to be amended prior to public exhibition to provide a minimum 28 days for public consultation. It is recommended that a 9 month time frame be granted to complete the Planning Proposal.

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 Planning Proposal is needed as it is the only avenue available to Council to reclassifiy the land from community to operational status.		
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. The RPA have specifically highlighted s117 Direction 6.2 Reserving Land for Public Purposes and states that the proposal is consistent with this direction. The Planning Proposal is considered to be consistent with all applicable s117 Directions. The subject lands cover a variety of landuse zones under Tenterfield LEP 2013. No change in zoning or development standard is proposed or needed in association with the reclassification. Overall the Planning Proposal aims to reclassify thirty five (35) individual parcels of land from Community to Operational. Of this, only six (6) will have a change in interest discharged. This discharging of interests will require the approval of the Governor. In the Planning Proposal submitted by Council, a total of fifty four (54) parcels of land were included in the list of lands to be reclassified. Nineteen (19) of these parcels were proposed to be changed from Opertaional to Community status. As the change of these parcels from Opertaional to Community can be done under the provisions of the Local Government Act 1993 without the need of a LEP amendment, Council has verbally advised that they should be removed from the Planning Proposal as they wish to pursue their reclassification through a separate process under the Local Government Act 1993. In accordance with the requirements of 'A guide to preparing local environmental plans', the Planning Proposal indicates that: 1. it is not the result of any strategic study or report; 2. it is not inconsistent with Council's community strategic plan; 3. interests in some of the lands will be extinguished; and 4. Council is the only landowner. The Planning Proposal has also been prepared in accordance with Practice Note PN09-003 Classification and reclassification of public land through a local environmental plan.		
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 Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :			

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

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

If no, provide reasons : **No consultation with any public authority is needed in relation to the proposed reclassification.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are needed in relation to the proposed reclassification.

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
Attachment 3 - Council Meeting 25 September 2013 - Planning Proposal - Land Classification.pdf	Proposal	Yes
Attachment 4 - Schedule 4 - Land classified or reclassified as operational land.pdf	Proposal	Yes
Attachment 5 - Maps of various land parcels to be classified or reclassified..pdf	Proposal	Yes
Planning Proposal 2014-03.pdf	Proposal	Yes
PP Council Cover Letter.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **6.2 Reserving Land for Public Purposes**

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

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 9 months;**
- 4. That no consultation with public authorities is necessary;**
- 5. That the Planning Proposal be amended by removing reference to those parcels of land where the status will be changed from Operational to Community, prior to public exhibition.**
- 6. That a public hearing on the reclassification of the subject land in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 be held after completion of the public exhibition period;**
- 7. That an authorisation to use plan making delegations for the proposal not be granted to Council as the Governor's approval will be required to discharge interests on some of the lands; and**
- 8. That a revised project time line that includes a 28 day public exhibition period be included in the Planning Proposal prior to public exhibition.**

Supporting Reasons : **The Planning Proposal is needed as it is the only avenue available to Council to reclassify the land from community to operational status.**

Signature:



Printed Name:

Craig Diss

Date:

5/5/14