

Planning Proposal 2013-03

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 used for public participation on the proposed LEP amendment.

Background

Proposal	To amend <i>Tenterfield Local Environmental Plan 2013</i> by classifying and reclassifying Council owned land .
Property Details	The Planning Proposal applies to specific Council owned land within the Tenterfield Local Government Area as identified in the attachment.
Applicant Details	Tenterfield Shire Council
Land owner	Tenterfield Shire Council
Brief history	Planning Proposal 2013-03 has been prepared to classify and reclassify land in Schedule 4 of <i>Tenterfield LEP 2013</i> .

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to continue to classify and reclassify Council owned land through the following:

- Classify all Council owned land in line with Council's intentions for its current and future use.

Part 2 – Explanations of Provisions

The proposed outcome will be achieved by:

- Amending Tenterfield LEP 2013 through the inclusion of classifications of Council owned land in Schedule 4 of Tenterfield LEP 2013.

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 19 December 2007 and consequent Public Hearing which was held at the time in accordance with the then requirements of Section 29, 30 34, and 47G of the *Local Government Act 1993* (refer Attachment 1). A Public Hearing was held on 14 February 2008 and a report presented to Council on 27 February 2008 (Attachment 2). Subsequent changes in legislation and the implementation of the Standard Instrument LEP now require Council to repeat this process and a report to Council was presented on 25 September 2013 where it was resolved to prepare a Planning Proposal for Gateway Determination (Attachment 3).

2. 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 administration and ongoing maintenance of the provisions of the Tenterfield LEP 2013 enforces this strategy.

3. Does the planning proposal extinguish any interests in the land and provide justification?

The planning proposal identifies six (6) properties where an interest will change. The identified properties were originally reserved for public purposes, however these purposes are no longer required and include 'public hall,' 'tennis court,' 'public school' as identified in Attachment 3 – report to Council 25 September 2013. Attachment 4 provides details and the justification for each parcel of land and identifies under which part of Schedule 4 the land will sit.

4. 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 classify and reclassify land, is the only way to achieve the objectives of the planning proposal.

Section B – Relationship to strategic planning framework

5. 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*.

6. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Council's adopted Community Strategic Plan's (2013-2023) Mission Statement is "Quality Nature, Quality Heritage and Quality Lifestyle." The Community Strategic Plan (2013-2023) sets out under Direction 3.4 "Land use planning and management enhances and protects biodiversity and natural heritage." The administration and ongoing maintenance of the provisions of the Tenterfield LEP 2013 enforces this strategy

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

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

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

The planning proposal is consistent with section 117 direction number 6.2 Reserving Land for Public Purposes.

Section C – Environmental, social and economic impact

9. 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.

10. 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.

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

Land where an interest will change has been identified as no longer being required for the original intended purpose, many of which were reserved for public halls and schools, where rural settlement has not eventuated and warranted the establishment of such facilities. Current zoning of land adjacent to these sites no longer allows for village style development which would be associated with the identified purposes.

Overall, the planning proposal is considered likely to achieve positive social and economic effects.

Section D – State and Commonwealth interests

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

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

13. 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. However, to assist with the community consultation process, maps providing the contextual location and site in detail have been prepared and are included as Attachment 5.

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. In addition, and in accordance with the requirements of the EP & A Regulation (clause 14) a public hearing is required to be held.

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 21 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.	14 May – 4 June 2014
Notification of Public Hearing (21 days prior to meeting)	11 June 2014
Public Hearing	3 July 2014
Consideration of submissions, report Planning Proposal post exhibition and results of Public Hearing	To Council meeting 23 July 2014
Date of submission of proposal to Parliamentary Counsel to finalise the LEP.	1 August 2014

Conclusion

The planning proposal is considered to be consistent with relevant statutory and policy provisions and seeks to classify and reclassify Council owned land under the provisions of Schedule 4 of Tenterfield Local Environmental Plan 2013, consistent with previously adopted directions.

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