

## **Planning Proposal 2013-02**

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**

<b>Proposal</b>	To <i>Tenterfield Local Environmental Plan 2013</i> .
<b>Property Details</b>	The Planning Proposal applies to specific land within the RU5 Zone within the village of Tenterfield as identified in the attachments.
<b>Applicant Details</b>	Tenterfield Shire Council
<b>Land owner</b>	Various
<b>Brief history</b>	Planning Proposal 2013-02 has been prepared to identify Heritage conservation areas, place additional items of environmental heritage in Schedule 5 of <i>Tenterfield LEP 2013</i> and to correct errors contained within the existing Heritage Schedule.

## **Part 1 – Objectives or Intended Outcomes**

The objective of this planning proposal is to continue to recognise and actively develop the cultural strengths and unique heritage of Tenterfield through the following:

- Adoption of three (3) Heritage Conservation areas within Tenterfield, comprising the Railway precinct, the Showground precinct and the Town Centre Heritage Conservation Area; and
- Inclusion of an additional eleven (11) heritage items: and
- Correction of errors and oversights in the current Heritage Schedule.

## **Part 2 – Explanations of Provisions**

The proposed outcome will be achieved by:

- Amending Tenterfield LEP 2013 through the inclusion of mapped Heritage Conservation Areas in accordance with the proposed Heritage Conservation Area map as identified in attachment 1 and 1a.
- Amending Tenterfield LEP 2013 through the inclusion of an additional eleven (11) items of environmental heritage to Schedule 5 as identified in attachment 2.
- Amending Tenterfield LEP 2013 to correct errors and oversights to items of environmental heritage in Schedule 5 in accordance with attachment 3.

## **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 the Tenterfield Shire Council Heritage Management Plan 2002, which specifically identifies the three (3) conservation areas contained within this planning proposal. The Management Plan was adopted by Council in November 2002 and has been in operation since this time.

Inclusion of the Heritage Conservation Areas and identified amendments was considered and endorsed by Council's Heritage Advisory Committee meeting of 5 June 2013 after consideration of Council's Heritage Advisor's report in relation to the matter.

At its meeting of 28 August 2013, Council endorsed the Heritage Advisory Committee's recommendations and resolved to proceed with the preparation of the Planning Proposal to undertake the objectives as outlined above. Further, the Planning Proposal is considered to be consistent with Council's Heritage Strategy 2011-2014.

The planning proposal also includes an item of environmental heritage which is currently the subject of an Interim Heritage order under Section 57 of the Heritage Act 1977.

#### **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 Heritage Conservation Areas, additional heritage items and to correct existing errors and oversights, 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 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" and has a Vision "To recognise and actively develop our cultural strengths and unique **heritage**." The following is an extract from the Community Strategic Plan identifying the relevant directions Council and the Community seeks;

## PRIORITY FOCUS 1: Our Towns, Villages & Economic Growth

<b>DIRECTION 1.3 –</b> The individual unique qualities and strong sense of local identity of Tenterfield's towns and villages is respected and recognised		
<b>No</b>	<b>Strategies</b>	<b>Key Partners</b>
1.3a	Encourage community involvement in defining and shaping the character and identity of individual communities throughout the Shire	DoP, Community
1.3b	Use planning and heritage policies and controls to protect and improve the unique built environment	NSW Heritage Council, DoP
1.3c	Maintain a distinct sense of identity for individual towns and villages	DoP

<b>DIRECTION 1.4 –</b> Buildings are well designed, safe and accessible and the new is balanced with the old		
<b>No</b>	<b>Strategies</b>	<b>Key Partners</b>
1.4a	Protect and maintain heritage significant buildings while ensuring they are fit for use	DoP, NSW Heritage Council
1.4b	Ensure planning controls for new buildings and upgrades deliver good design outcomes, in which heritage characteristics are recognised	DoP, NSW Heritage Council

<b>DIRECTION 1.6 –</b> Our places and spaces will be attractive, liveable, sustainable and grow the Shire		
<b>No</b>	<b>Strategies</b>	<b>Key Partners</b>
1.6a	Maintain and enhance the liveability of Tenterfield Shire as a place to live, work and find a lifestyle of choice	DoP, Government agencies
1.6b	Ensure that planning provisions support and promote sustainable land use and management	DoP
1.6c	Provide for a variety of housing choices which recognises changing household structure and promotes sustainability and affordability	DoP
1.6d	Ensure Tenterfield's main street is well designed, attractive and supports our unique identity	NSW Heritage Council, RTA

## PRIORITY FOCUS 5: Our Sport, Recreation & Culture

Preserve and promote our heritage

<b>DIRECTION 5.5 – Our cultural heritage is recognised, protected and respected</b>		
<b>No</b>	<b>Strategies</b>	<b>Key Partners</b>
5.5a	Support programs and activities that recognise and celebrate our indigenous culture	NSW Heritage Council
5.5b	Support programs and activities that recognise and celebrate our post-colonial culture	NSW Heritage Council

### **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 direction 2.3 Heritage Conservation.

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

Identification of the Heritage Conservations Area has been in place in the form of "*Tenterfield Shire Council Heritage Management Plan 2002*" since 2002, individual additional listings have undergone recent consultation with landowners and corrections of errors and oversights have no negative social or economic effects.

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

## 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 Planning Proposal identifies three (3) distinct areas as Heritage Conservation areas and are identified in Attachments 1 and 1a. Upon receipt of a successful Gateway Determination Council will proceed to compile mapping consistent with the requirements of *Standard technical requirements for LEP maps*.

#### Part 5 – Community Consultation

Council has undertaken individual written notification to landowners whose items are proposed to be added to the Heritage Schedule of the LEP. It is further anticipated that broader 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 9 December 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.	11 December 2013 – 24 December 2013 (extension in to January possible given no January Council meeting)
Consideration of submissions, report Planning Proposal post exhibition	To Council meeting 26 February 2014
Date of submission of proposal to Parliamentary Counsel to finalise the LEP.	5 March 2014

### **Conclusion**

The planning proposal is considered to be consistent with relevant statutory and policy provisions and seeks to include Heritage Conservation Areas, additional heritage items and correct errors and oversights in Tenterfield Local Environmental Plan 2013, consistent with previously adopted Management Plans, Strategies and recommendations from Council's Heritage Advisor and Heritage Advisory Committee.

### **Contact Details**

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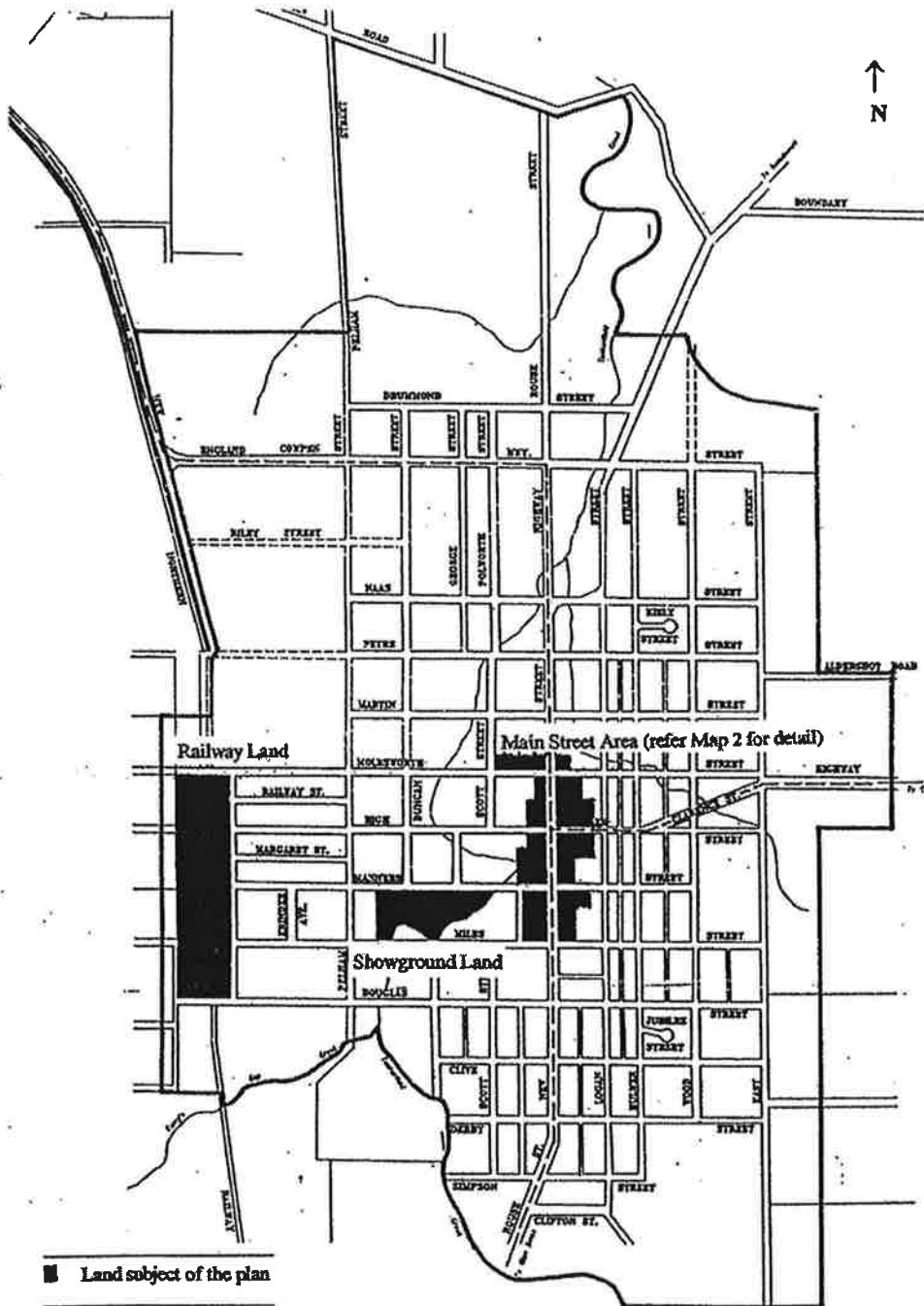
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**Attachment 1 – Heritage Conservation Areas identifying Railway Precinct Land and Showground Precinct Land (refer to Attachment 1a for Town Centre Heritage Conservation Area)**



**TOWN OF TENTERFIELD**



**Attachment 1a – Town Centre Heritage Conservation Area**



**Attachment 2 – Additional Items for Schedule 5 Environmental heritage**

<b>Locality</b>	<b>Item</b>	<b>Address</b>	<b>Property Description</b>	<b>Significance</b>
Bolivia	House (former original Hotel)	6218 New England Highway	Lot 109 DP 751498	Local
Deepwater	Deepwater Station Shearing Shed	242 Torrington Road	Pt Lot 69 DP 751536	Local
Jennings	Hotel "Jennings Hotel"	Duke Street	Lot 1 & 2 Sec 5 DP 758540	Local
Legume	Former School Buildings	9320 Mt Lindesay Road	Lot 253 DP 751039	Local
Tenterfield	House (former Terminus Hotel)	52 Molesworth Street	Lot 1 DP 1146947	Local
Tenterfield	House	152 Molesworth Bulwer Street	Lot 4 Sec 59 DP 758959	Local
Tenterfield	Park "Bruxner Park"	Rouse Street	Lot 21 Sec 12 DP 758959	Local
Tenterfield	House – "Bivouac" (JF Thomas)	40 George Street	Lot 5 DP 1069716	Local
Tenterfield	House	116 Rouse Street	Lot 12 DP 1087108	Local
Tenterfield	House	16 Naas Street	Lot 4 DP 815691	Local
Tenterfield	"Kniepp Building" Façade	317 Rouse Street	Lot 3 DP 730691	Local

**Attachment 3 – Items requiring correction of errors – Schedule 5 Environmental Heritage**

Locality	Item	Address	Property Description	Significance	Item No
Mole River	Charcoal Chimney Stacks	<del>2496</del> 4296 Bruxner Highway	Pt Lot 56 DP 751508	Local	1009
Tenterfield	House "Bivouac"	50 George Street	Lot 3 DP 777530	Local	1027
Tenterfield	Former Exchange Hotel	212 Rouse Street	<del>Lot 910</del> <del>DP 1036927</del> Lot 1 DP 1167482	Local	1097