

Tenterfield LEP 2013 - Amendment No 2 - Heritage Matters

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 : **This matter has been referred to the LEP Panel for consideration in accordance with the department's plan making protocol. The proposal involves a heritage LEP that is not supported by a local heritage strategy endorsed by the Office of Environment and Heritage or by preliminary comments from the Office of Environment and Heritage. Council has advised that the Planning Proposal has been prepared without consultation with the Office of Environment and Heritage.**

External Supporting Notes :

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? **Yes**

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

* 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 : **The New England North West Strategic Regional Land Use Plan applies to the Tenterfield LGA**

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Mapping of the proposed heritage conservation areas has been included in the Planning Proposal. No mapping of the 11 additional items proposed for inclusion in Schedule 5 Environmental has been provided.**

It is recommended that mapping of the 11 additional items be including in the Planning Proposal prior to public exhibition to help inform the public. It is also recommended that the Planning Proposal be amended prior to public exhibition to include more legible and consistent mapping of the heritage conservation areas to assist the public (particularly in relation to the Town Centre Heritage Conservation Area).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The relevant planning authority has identified a 14 day exhibition period for the proposal. Due to the nature of the Planning Proposal, and the number of properties it will affect, it is considered that a 28 day notification period would be more appropriate. It is recommended that Part 5 of the Planning Proposal also be amended to include notification of the proposal on Council's webpage.**

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.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for finalisation in March 2014. This has however assumed a Gateway Determination date of 9 December 2013 and no consultation with public

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agencies. The Planning Proposal will therefore need to be amended to include a revised time line prior to public exhibition. The proposed 6 month time frame for completion of the proposal may also be difficult for Council to achieve and a 9 month time frame is recommended.

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 to correct errors in the existing LEP heritage schedule and to apply appropriate heritage provisions to historically significant items and areas in the Tenterfield LGA.

The proposed amendments were considered and endorsed by Council's Heritage Advisory Committee on 5 June 2013. The amendments are the result of submissions during the Tenterfield LEP 2013 exhibition period or due to issues identified by the Tenterfield Heritage Advisory Committee.

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.

It is noted that the Planning Proposal states that it is consistent with the Tenterfield Shire Heritage Management Plan 2002 in relation to the 3 proposed heritage conservation areas. Council has confirmed however that the proposed Town Centre Heritage Conservation Area has been significantly enlarged in comparison to the area identified under the 2002 Management Plan (as illustrated in Maps 1 and 1a of the Planning Proposal). Council has advised that the conservation area has been enlarged to cater for a number of historic buildings not included in the original area and to help protect the historic setting and values of the area. While no objection is raised to the enlargement of the Town Centre Heritage Conservation Area for the purposes of public consultation, it is recommended that the Planning Proposal be amended prior to exhibition to more clearly clarify its differences with the Tenterfield Shire Heritage Management Plan 2002.

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 : 14 Days

Timeframe to make LEP : 6 months Delegation : RPA

Public Authority Consultation - 56(2) (d) : Office of Environment and Heritage

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
Tenterfield LEP 2013_Amendment No 2_Proposal covering letter.pdf	Proposal Covering Letter	Yes
Tenterfield LEP 2013_Amendment No 2_Planning Proposal.pdf	Proposal	Yes
Tenterfield LEP 2013_Amendment No 2_Council resolution.pdf	Proposal	Yes
Tenterfield LEP 2013_Amendment No 2_Maps.pdf	Map	Yes
Tenterfield LEP 2013_Amendment No 2_Attachment No 1_Info checklist.pdf	Proposal	Yes
Tenterfield LEP 2013_Amendment No 2_Attachment No 4_Evaluation criteria.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**

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

- 1) The Planning Proposal be supported subject to conditions;**
- 2) The Planning Proposal be exhibited for a period of 28 days;**
- 3) The Planning Proposal should be completed within 9 months;**
- 4) The Planning Proposal be amended prior to exhibition to:**
 - include revised mapping of the heritage conservation areas and the 11 additional items to be included in the Schedule 5 Environmental Heritage;
 - amend the proposal to more clearly clarify the differences between the proposed Town Centre Heritage Conservation Area and the Tenterfield Shire Heritage Management Plan 2002;
 - amend Part 5 of the Planning Proposal to accommodate a 28 day public exhibition period and notification of the proposal on Council's webpage;
 - include a revised project time line (that addresses the Gateway determination date and consultation with public authorities);
- 5) Consultation with the following agencies and organisations should be required prior to public exhibition:**
 - NSW Office of Heritage and Environment - Heritage Branch; and

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6) That an authorisation to exercise plan making delegations be issued to Council.

Supporting Reasons :

The Planning Proposal is needed to recognise and provide appropriate heritage protection to the proposed conservation areas and items and to correct errors in the existing LEP heritage schedule.

Signature:



Printed Name:

Craig Diss

Date:

20/12/13