



Planning,
Industry &
Environment

IRF21/2168

Gateway determination report – PP-2021-3616

To add heritage items to Schedule 5 of the Tenterfield
LEP 2013

May 21



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2021-3616

Subtitle: To add heritage items to Schedule 5 of the Tenterfield LEP 2013

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	3
1.5	Mapping.....	3
2	Need for the planning proposal	4
3	Strategic assessment	4
3.1	Regional Plan	4
3.2	Local.....	4
3.3	Section 9.1 Ministerial Directions	4
3.4	State environmental planning policies (SEPPs)	5
4	Site-specific assessment	5
4.1	Environmental, Social and economic	5
5	Consultation.....	5
5.1	Community	5
5.2	Agencies.....	5
6	Timeframe	5
7	Local plan-making authority	5
8	Assessment summary	5
9	Recommendation.....	6

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
New England North West Regional Plan (NENWRP) 2036
Tenterfield Local Strategic Planning Statement (LSPS) 2040
Tenterfield Community Strategic Plan
Tenterfield Heritage Strategy 2018-2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	TENTERFIELD
PPA	Tenterfield Shire Council
NAME	Housekeeping amendment to add heritage items to Schedule 5 of the Tenterfield LEP 2013
NUMBER	PP-2021-3616
LEP TO BE AMENDED	Tenterfield Local Environmental Plan (LEP) 2013
ADDRESS	Various across the LGA
DESCRIPTION	Various across the LGA
RECEIVED	25/05/2021
FILE NO.	IRF21/6316
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objective of the planning proposal is to include seven additional heritage items in Schedule 5 of the Tenterfield LEP 2013.

1.3 Explanation of provisions

The planning proposal clearly outlines the proposed amendments to the Tenterfield LEP 2013.

The proposed items to be included in Schedule 5 are included in the planning proposal and reproduced below in Table 3.

Table 3 Reproduced from Planning Proposal - Proposed new heritage items to be included in Schedule 5 of the Tenterfield LEP 2013

(Source: Planning Proposal PP-2021-3616 – V1.1 27 April 2021)

	Locality	Name of Item	Address	Property Description	Significance	Proposed Item Number
1	Liston	St John the Baptist Church including original movable fittings and lights	5119 Mount Lindesay Road, Liston	Lot 7, Section 13, DP 758616	Local	I139

	Locality	Name of Item	Address	Property Description	Significance	Proposed Item Number
2	Mole River	'Trenayr' Farm Building Complex & Tobacco Barns	2021 Mole River Road, Mole River	Lot 10 DP751508 & Lot 70 DP 705816	Local	I140
3	Tenterfield	Pin Oak Trees, Town Entries: Clarence & Cowper Streets	Clarence Street Bruxner Highway	Road Reserves of Clarence Street and Cowper Streets	Local	I141
4	Tenterfield	House 'Tallula'	92 Duncan Street	Lot 8 DP 711846	Local	I142
5	Torrington	All Saints Church Torrington including Bell, Interior Fabric and moveable items	2735 Torrington Road	Lot 328 DP 751488	Local	I143
6	Willsons Downfall	Cemetery	Off Mount Lindesay Road, Willsons Downfall	Lots 7008 & 7009 DP 1055391 Lot 1 DP 161580 Lot 1 DP 668360 Lot 7003 DP 1032092	Local	I144
7	Timbarra	Survey Tree	Cnr Timbarra Road & Tablelands Road	Road Reserve adjacent to Lot 47 DP 751496	Local	I145

In relation to the proposed listings:

- It is unclear whether Mole River 'Trenayr' Farm Building Complex & Tobacco Barns is to be identified as Part Lot 10 and/or Part Lot 70. It is recommended the property description for this item be updated to consistently refer to either 'Part' lot or not; and amend Lot 70 to read DP705186; throughout the planning proposal;
- It is recommended that Tenterfield – Pin Oak Trees at the town entrances be listed as separate items to allow for individual item numbering on the relevant maps. These items are on opposite sides of the town of Tenterfield (Figure 1) and will be identified on different map tiles, which could cause confusion if identified as the same item number. The planning proposal should be updated to identify these items separately throughout; and
- Willsons Downfall Cemetery property description should be amended to read Lot 1 DP1161580 throughout the planning proposal.

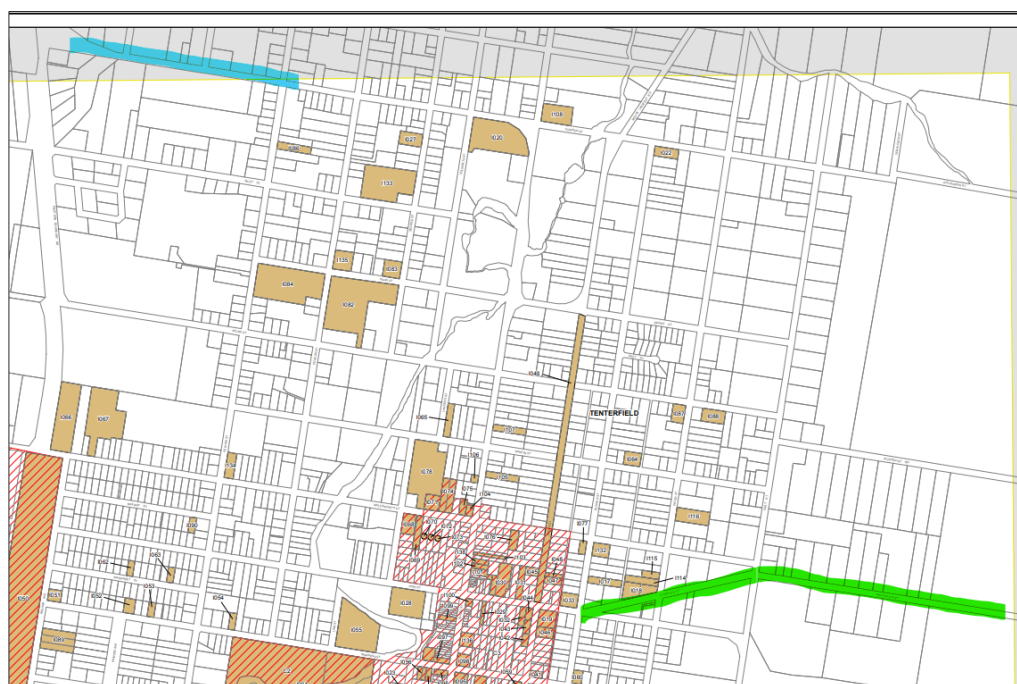


Figure 1 – Table 3 Proposed Item I141 HER_003BA Cowper Street (blue) and Clarence Street (green)

1.4 Site description and surrounding area

There are seven items proposed to be included in Schedule 5 of the Tenterfield LEP 2013 and the locations across the LGA are shown in Figure 2.

The planning proposal includes property descriptions and aerial images showing the location of all items. The heritage inventories outlining the statement of significance and relevant photos of the items are also included with the planning proposal.

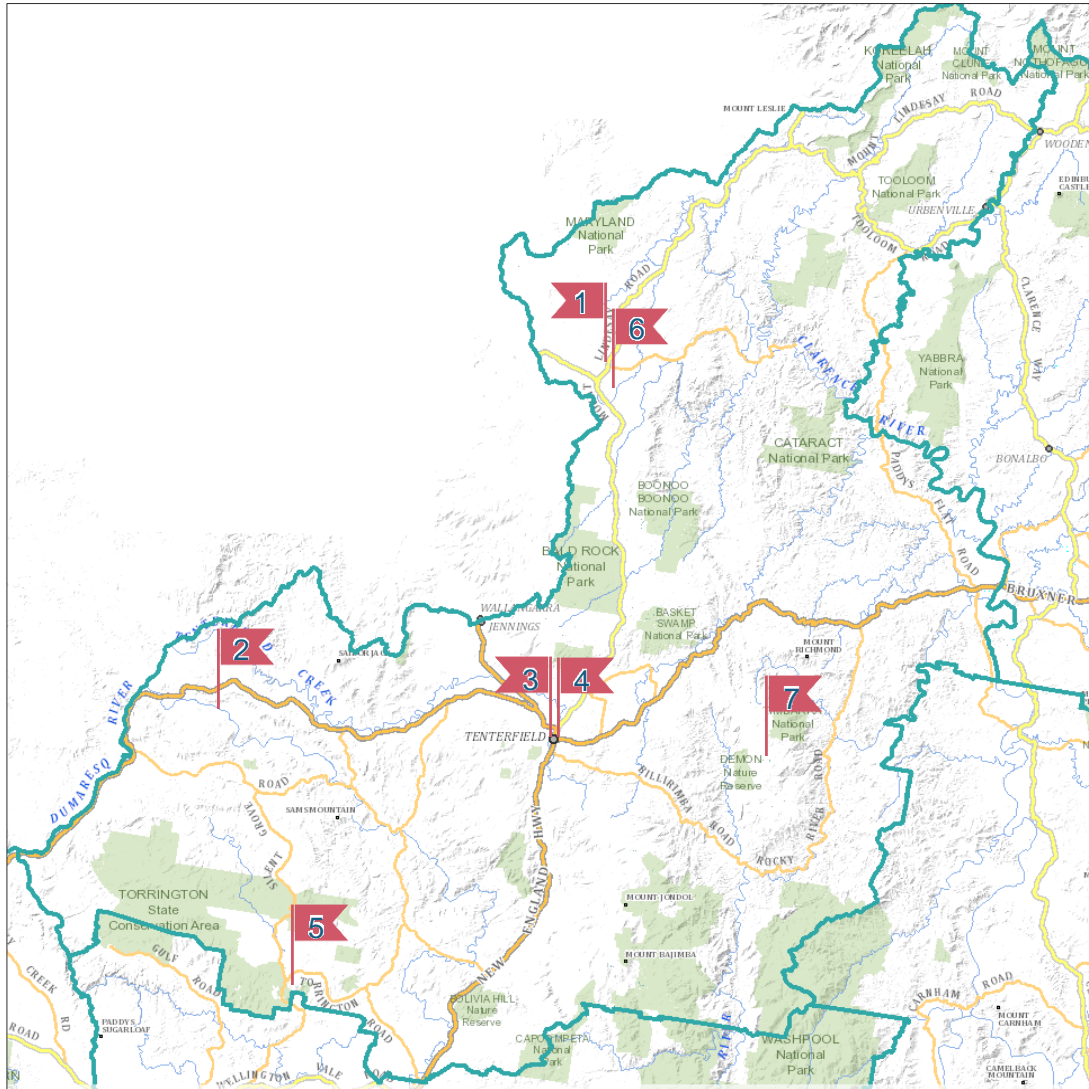


Figure 2 – Location of proposed heritage items across the Tenterfield LGA (corresponding to Table 1 item numbers)

1.5 Mapping

The planning proposal includes individual images of the proposed items. This is considered suitable for community consultation purposes.

Maps consistent with the 'Standard Technical Requirements for Spatial Datasets and Maps' will also need to be prepared before the making of the LEP amendment.

The Tenterfield LEP 2013 maps that will be required to be updated include:

- HER_002
- HER_003
- HER_003B
- HER_003BA
- HER_004

- HER_007

The planning proposal Part 4 Mapping should be updated to include Map HER_003B as Item I141: Tenterfield – Pin Oak Trees at the town entrances; specifically, Cowper Street is located on this map tile.

2 Need for the planning proposal

The proposal is not the result of any strategic study or report. The proposal is considered to be consistent with the objectives of the Tenterfield Heritage Strategy 2018-2021 whereby the identification and listing of heritage items in the Tenterfield LEP 2013 is encouraged. The proposal is considered to be the best way of achieving the objectives of the planning proposal.

3 Strategic assessment

3.1 Regional Plan

The proposal is not inconsistent with the NENWRP 2036. In particular the proposal helps support Direction 24: Protect the region's historic heritage assets.

3.2 Local

The proposal is not inconsistent with the Tenterfield Community Strategic Plan (CSP), nor the Tenterfield LSPS 2040, and is supportive of Planning Priority 6: Strong connection to country and our heritage. It is recommended however that prior to community consultation the proposal be updated to address its consistency with the LSPS.

3.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with relevant section 9.1 Directions except for the following:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Planning for Bushfire Protection	Inconsistent	<p>This Direction applies as the planning proposal affects land that is identified as being bushfire prone. Consultation with the NSW Rural Fire Service is required within the terms of the Direction.</p> <p>Consistency with this Direction will remain unresolved until consultation has been undertaken and the Secretary's agreement provided.</p>

3.4 State environmental planning policies (SEPPs)

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

4 Site-specific assessment

4.1 Environmental, Social and economic

There is no known critical habitat or threatened species, populations or ecological communities or their habitats currently identified that would be affected by the proposal.

Council has identified the protection of local heritage as a part of their communities' strategic direction whereby identifying items of significance, nominating and protecting, enhancing and promoting tourism opportunities, all provide a tangible link to the past, a sense of belonging and benefits for their communities. It is therefore considered a significant social benefit for the community and local economy by adding the nominated heritage items to the Schedule 5 of the Tenterfield LEP 2013.

5 Consultation

5.1 Community

Council has advised that it intends to exhibit the proposal for a period of not less than 28 days. It is considered however, that the community consultation period should be 14 days as the proposal is a low impact proposal.

Council has also advised that all relevant documents will be available on Council's website, notified in a local newspaper, Council's local news leaflet and correspondence forwarded to all owners. This is considered appropriate.

5.2 Agencies

It is recommended that consultation be undertaken with the following agencies:

- NSW Rural Fire Service (as required by s9.1 Direction 4.4)

6 Timeframe

The proposal includes a project timeline which estimates completion of the LEP amendment by November 2021.

It is considered that a six month timeframe for completion of the LEP amendment is appropriate.

7 Local plan-making authority

Council has not requested that it be issued with an authorisation to exercise plan making functions. As the proposal deals only with matters of local significance it is considered appropriate that Council be provided authorisation to act as the local plan-making authority.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is not inconsistent with the North Coast Regional Plan or Council's strategic planning framework; and
- the proposal is not inconsistent with the Tenterfield Heritage Strategy 2018-2021.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- update the property description for Mole River 'Trenayr' Farm Building Complex & Tobacco Barns to consistently refer to 'Part' lot or not throughout the planning proposal; and amend Lot 70 to read DP705186;
- list Tenterfield – Pin Oak Trees at the town entrances, as separate items with different item numbers and updated throughout the planning proposal;
- amend Willsons Downfall Cemetery property description to Lot 1 DP1161580 throughout the planning proposal;
- update Part 4 Mapping to include the proposed amended map tile HER_003B; and
- include relevant discussion of the Tenterfield LSPS.

9 Recommendation

It is recommended the Director, as delegate of the Secretary:

- **note** that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the Director, as delegate of the Minister:

- **note** the planning proposal (**Attachment A**);
- **determine** that the planning proposal should proceed subject to the following conditions:
 1. Prior to public exhibition the planning proposal is to be updated to:
 - update the property description for Mole River 'Trenayr' Farm Building Complex & Tobacco Barns to consistently refer to 'Part' lot or not throughout the planning proposal; and amend Lot 70 to read DP705186;
 - list Tenterfield – Pin Oak Trees at the town entrances, as separate items with different item numbers and updated throughout the planning proposal;
 - amend Willsons Downfall Cemetery property description to Lot 1 DP1161580 throughout the planning proposal;
 - update Part 4 Mapping to include the proposed amended map tile HER_003B; and
 - include relevant discussion of the Tenterfield LSPS.
 2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service.
 3. The planning proposal should be made available for community consultation for a minimum of 14 days.
 4. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
 5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
- **sign** the Gateway determination (**Attachment B**) noting that Tenterfield Shire Council is the local plan making authority and the letter to Council (**Attachment C**).



1/6/21

Craig Diss
Manager, Local and Regional Planning
Northern Region



7/6/2021

(Signature)

(Date)

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Assessment officer

Helen Willis
Para Planner, Local and Regional Planning
Northern Region