

Section 3.36 Planning Report

Planning Proposal details:

PP_2018_MBIDG_001_00

Planning Proposal to include Toganmain Woolshed Precinct (Part Lot 1, DP750901, Sturt Highway, Darlington Point) as a heritage item in Schedule 5 of the LEP (Amendment No. 1)

Planning Proposal summary:

Planning Proposal (Department Ref: PP_2018_MBIDG_001_00) to amend Murrumbidgee Local Environmental Plan 2013 to include Toganmain Woolshed Precinct (Part Lot 1, DP750901, Sturt Highway, Darlington Point) as a heritage item in Schedule 5 of the LEP

Date of Gateway determination:

11 July 2018

1.0 Summary

A summary of the key issues associated with the planning proposal are outlined below:

- The planning proposal (refer to Attachment 1) seeks to include the Toganmain Woolshed Precinct (woolshed and associated buildings) at Part Lot 1, DP750901, Sturt Highway, Darlington Point as local heritage item No. 14 within Schedule 5 of the Murrumbidgee Local Environmental Plan 2013.*
- The planning proposal seeks to include this building as a heritage item to ensure its ongoing protection, as well as to apply for relevant heritage grant funding for the ongoing conservation and promotion of this building.*
- An overview of the planning proposal including an explanation of development standards to be amended, rationale for proceeding with the proposal and an initial Council assessment is provided in 'Council Meeting Report, Item No. 15 Murrumbidgee Local Environmental Plan 2013 – Planning Proposal: Heritage Listing of Toganmain Woolshed dated 26 June 2018 (refer to Attachment 2).*
- Public exhibition commenced 22 August 2018 and concluded on 19 September 2018;*
- Eleven submissions (in support) were received during the public exhibition process from a number of public authorities, as well as several members of the general public;*
- No amendments have been made to the planning proposal as a consequence of public exhibition.*

2.0 Gateway Determination

Details about the Gateway Determination (refer to Attachment 3) are outlined below:

- *Gateway Determination issued 11 July 2018;*
- *Timeframe for completion of proposal is to be 12 months from the week following the date of the Gateway Determination;*
- *The Gateway Determination required consultation with the NSW Office of Environment & Heritage (OEH) for a period of 21 days;*
- *All conditions in the Gateway Determination relating to public notice, public exhibition and available information requirements have been complied with.*

3.0 Community Consultation

Details relating to community consultation that occurred in relation to the planning proposal are outlined below:

- *Dates of exhibition from 22 August 2018 to 19 September 2018;*
- *Eleven (11) submissions were received during public exhibition either in support or having no comments with regards to the proposal (refer to Attachment 4);*
- *The only submission that raised any matters for consideration was from Essential Energy in relation to electricity supply and usage. As the proposal does not involve any physical works, matters regarding electricity supply and usage can be best addressed at the time of an individual Development Application for the use of the building.*
- *Only one submission was received from the general public in support of the planning proposal;*
- *As no objections were received a response was not provided;*
- *The planning proposal was not re-exhibited;*
- *All consultation requirements included in the Gateway Determination were complied with;*
- *No amendments have been made to the planning proposal (post public exhibition) as no issues have been raised in objection during public exhibition to warrant any further changes.*

4.0 Views of Public Authorities

The Gateway Determination required consultation with the NSW OEH under sections 2.22 and 3.34(2)(c) of the EP&A Act for a period of 21 days. Consultation was undertaken with this public authority and a response was received on 7 September 2018 in support of the proposed heritage listing (refer to Attachment 4).

Submissions received from other public authorities included:

- *Essential Energy;*
- *Roads and Maritime Services (RMS)*

- Australian Civil Aviation Safety Authority (CASA)
- Department of Primary Industries - Crown Land & Water Division
- NSW EPA
- Murray Darling Basin Authority
- Transport for NSW
- Berrigan Shire Council
- Natural Resources Access Regulator

It is noted that none of these public authorities objected to the proposed heritage listing.

As no objection was received, the planning proposal remained unchanged following public exhibition.

5.0 Consistency with Section 9.1 Directions and other Strategic Planning Documents

Appendices A, B and H of the planning proposal provides a response to applicable strategic planning documents, SEPPs and Section 9.1 Directions that demonstrates how the planning proposal is consistent, justifiably inconsistent or inconsistent.

6.0 Parliamentary Counsel Opinion

A Legal Opinion was sought on the planning proposal by cover letter on 5 November 2018 and issued by Parliamentary Counsel on 5 June 2019.

7.0 Other Relevant Matters

No additional relevant matters are listed for further consideration for the making of the plan.

Murrumbidgee Council notes that the planning seeks to list the Toganmain Woolshed and surrounding buildings as a local heritage item in Schedule 5 of the LEP and seeks to achieve three key goals:

- 1. To achieve heritage listing for the Toganmain woolshed and surrounding buildings (the Toganmain Woolshed Precinct), initially as a Local heritage listing and ultimately as a State and Federal heritage listing;*
- 2. To preserve and enhance the Toganmain woolshed precinct to showcase and interpret the history of large and significant Australian shearing sheds, thus bringing to life the communities they supported and to enhance understanding of relationships with the local environment and transport networks; and*
- 3. To enhance cultural tourism amenity in the Murrumbidgee Shire and hence increase tourist visitor stays and spending in the district.*

The proposed planning proposal is therefore considered appropriate and is worthy of support.

8.0 Mapping

The planning proposal seeks to adopt Heritage Map – Sheet HER_004 (refer to Attachment 5).

The maps and map cover sheet have been prepared by the NSW Department of Planning & Environment in accordance with the Standard Technical Requirements for Spatial Datasets and Maps, Version 2.0 dated August 2017. As these maps were prepared by the Department they have been approved.

9.0 Recommendations

An extract from the Council Meeting Report held Tuesday, 30 October 2018 that were ratified at this same meeting (refer to Attachment 6) confirms that following public notification, that the planning proposal be endorsed as publicly exhibited, without further amendment.

These same Meeting Minutes confirm that, Council also endorses the forwarding of the planning proposal and other relevant information to the Minister for Planning (or a delegate on their behalf) with a request to undertake necessary actions to secure the making of the resultant Amendment No. 1 to the Murrumbidgee Local Environmental Plan 2013.

As the planning proposal is being actioned under delegated authority, please find attached the Legal Instrument and Map Cover Sheet signed by the Minister's delegate (being the General Manager: Murrumbidgee Council) (refer to Attachment 7) to enable notification on the NSW Legislation website.

Note:

All relevant documents referred to in the summary report are listed and attached as follows properly tagged and clearly identified.

- **Attachment 1**
Planning Proposal: Toganmain Woolshed Precinct – Amendment to Schedule 5 of the Murrumbidgee Local Environmental Plan 2013, Part Lot 1, DP750901, Sturt Highway, Darlington Point (April 2018);
- **Attachment 2**
Council Meeting Report & Minutes, Item No. 15 Murrumbidgee Local Environmental Plan 2013 – Planning Proposal: Heritage Listing of Toganmain Woolshed (Amendment No. 1) dated 26 June 2018
- **Attachment 3**
Gateway Determination – Planning proposal
(Department Ref: PP_2018_MBIDG_001_00) – dated 11 July 2018;
- **Attachment 4**
Copies of Submissions Received;
- **Attachment 5**
LEP Maps (including Map Cover Sheet and Adopted Heritage Map);
- **Attachment 6**
Council Meeting Report & Minutes, Item No. 8 Murrumbidgee Local Environmental Plan 2013 – Planning Proposal: Heritage Listing of Toganmain Woolshed (Amendment No. 1)(Consideration of Submissions) dated 30 October 2018
- **Attachment 7**
Parliamentary Counsel Opinion and Legal Instrument and Map Cover Sheet signed by the Minister's delegate (being the General Manager: Murrumbidgee Council).