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35 Jerilderie Street
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Telephone: 03 5886 1200

28 June 2018

Attention: Amanda Carnegie
Planning Officer

NSW Department of Planning & Environment – Western Region
PO Box 58
DUBBO NSW 2830

Email: westernregion@planning.nsw.gov.au

Dear Amanda

Subject: Murrumbidgee Local Environmental Plan 2013 – Amendment No. 1
Heritage listing of Toganmain Woolshed
Part Lot 1, DP750901, Sturt Highway, Darlington Point
Gateway Determination

At the Ordinary Council meeting held on Tuesday 26 June 2018, Murrumbidgee Council resolved to endorse Amendment No. 1 to the *Murrumbidgee Local Environmental Plan 2013* ("the LEP") and forward a copy of the Planning Proposal (enclosed) to the NSW Department of Planning & Environment requesting the issuing of a Gateway Determination.

More specifically, the Planning Proposal seeks to include the Toganmain Woolshed building located on land described as Part Lot 1, DP750901, Sturt Highway, Darlington Point within Schedule 5 of the LEP as a local heritage item.

The attached Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning's *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

Accordingly, Murrumbidgee Council requests a Gateway Determination on the Planning Proposal from the Minister for Planning in accordance with Section 3.34 of the EP&A Act. Please find enclosed a copy of the Council resolution and Planning Proposal report.

It is also requested that Murrumbidgee Council receive written authorisation to exercise delegation and the functions of the Minister for Planning under section 3.36 of the EP&A Act.

Murrumbidgee Council considers the Planning Proposal to be a 'low impact proposal' for the purposes of public exhibition and would be seeking a public exhibition period for a minimum of 14 days only, due to the positive social and economic impacts of the proposal and the need to avoid any further delays in applying for heritage grant funding opportunities.

Please find enclosed the following documents to assist NSW Department of Planning and Environment deliberations on this matter:

- Officers Report to Council;
- Council Resolution;
- Planning Proposal: Toganmain Woolshed Precinct
- Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions; and
- Request for Initial Gateway Determination.

If you have any queries regarding the Planning Proposal, please do hesitate to contact me on (03) 5886 1200 or susana@murrumbidgee.nsw.gov.au.

Yours faithfully



Susan Appleyard

Director of Environmental Services
Murrumbidgee Council

Encl

Request for Initial Gateway Determination

Instructions to Users

1. When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified in this form.
2. Please send this completed form and one (1) electronic copy and two (2) hard copies of the completed Planning Proposal and other information as applicable, to your local Regional Office.
3. This document is a locked word document, please check boxes and type directly into the hi-lighted grey areas of this form.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Murrumbidgee Council

Contact Person: Susan Appleyard/Matt Johnson

Contact Phone and Email: (03) 58861200 susana@murrumbidgee.nsw.gov.au or (02) 6021 0662 or matt@habitatplanning.com.au

Planning Proposal Details - Attachments

1. **LAND INVOLVED** *[If relevant - e.g. Street Address and Lot and Deposited Plan]*
Part Lot 1, DP750901 Sturt Highway, Darlington Point

Attached/Completed *[Check the box]*

2. **MAPS** *[If applicable – provide 1 electronic and 2 hard copies]*

☒ Location map showing the land affected by the proposed draft plan in the context of the LGA *[tagged 'location map']*

☐ Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s *[tagged 'comparative existing/proposed zoning']*

3. **PHOTOS and other visual material** *[if applicable]*

☒ Aerial photos of land affected by the Planning Proposal

☒ Photos of land involved and surrounding land uses

4. **COMPLETE PLANNING PROPOSAL** *[provide 1 electronic and 2 hard copies]*

☒ *Council's must address all relevant matters in a planning proposal – including the Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land) as set out in the Department of Planning publications; a 'Guide to preparing local environmental plans' and a 'Guide to preparing a planning proposal'. These requirements must be completed prior to submitting the Planning proposal to the Regional Office.*

5. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL**

☒ Council has considered the written planning proposal prior to sending it to the Department of Planning

☒ Council has resolved to send the written planning proposal to the Department of Planning *[attach Council's resolution]*

Susan Appleyard

Signed for and on behalf of the Relevant Planning Authority

DATE 28/06/2018



ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Murrumbidgee

Name of draft LEP: Murrumbidgee Local Environmental Plan 2013 (Amendment No. 1)

Address of Land (if applicable): Part Lot 1, DP750901, Sturt Highway, Darlington Point

Intent of draft LEP: Amend the Murrumbidgee Local Environmental Plan 2013 by including the subject land within schedule 5 of the LEP as local heritage item "I4" and include the subject land on the relevant Heritage Maps.

Additional Supporting Points/Information:

The proposed Amendment seeks to include the subject land within schedule 5 of the LEP as a local heritage item to ensure its ongoing protection.

The Planning Proposal has been prepared based on the recommendations of the ordinary council meeting held on Tuesday 24 October 2017. At that meeting, Council resolved, amongst other matters, in relation to Item No. 227/10/17 that:

"The Toganmain Woolshed Precinct, the subject of the Development Application 23-17/18, be listed as an item of Environmental Heritage in Schedule 5 of the Murrumbidgee Local Environmental Plan 2013, by way of Amendment No. 1 to the Plan. The amendment is to be subject to a separate report to council".

Accordingly, the subject Planning Proposal has been prepared and endorsed by Council.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Yes		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Yes			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Yes		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Yes		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Yes		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Yes		
Is the planning proposal proposed to rectify an anomaly in a classification?		Yes		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Yes		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Yes		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Yes		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Yes		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Yes		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		Yes		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		Yes		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		Yes		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Yes		

Does the planning proposal create an exception to a mapped development standard?		Yes		
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		Yes		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.