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Doc ID: 852215

ABN: 41992 919 200

3 July 2017

Ms Katrine O'Flaherty
Regional Director, Western
Department of Planning & Environment
PO Box 58
DUBBO NSW 2830

Dear Madam,

**REQUEST FOR GATEWAY DETERMINATION
PLANNING PROPOSAL FOR INCLUSION IN THE
CABONNE LOCAL ENVIRONMENTAL PLAN 2012
OF GUMBLE HALL AS A LOCAL HERITAGE ITEM
PART LOT 1 DP 796803 - GUMBLE ROAD, GUMBLE LOCALITY**

Please find attached a Planning Proposal for inclusion of the Gumble community hall and associated land to be included upon the Cabonne Local Environmental Plan 2012, schedule 5, as an item of local heritage significance. The community hall is located upon Part of Lot 1 DP 796803, being a triangular shaped parcel of land bounded to the east by Gumble Road, and unnamed Crown roads to the south and west.

The subject site was identified during the community consultation for the Cabonne Heritage Study held c2004 as a site of local heritage value. The proposal to list the hall as a heritage item is supported by the Gumble Hall Inc, to ensure the future of the hall for the community's benefit.

Attached is a hard copy and an electronic (CD) copy of the Planning Proposal, along with a copy of the council report and extract from the council minutes supporting the proposal. Also attached is a copy of the department's checklist and evaluation criteria for delegation of plan making.

Council requests consideration of the Planning Proposal under the department's Gateway process. Should you have any further enquiries please contact the undersigned during business hours on 6392 3246.

Yours faithfully,

HJ Nicholls

DIRECTOR ENVIRONMENTAL SERVICES

Encl.

Request for initial Gateway Determination

Instructions to users

When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified on this form. This form and the required information should be sent to your local regional office. Please note one (1) electronic copy and two (2) hard copies of the completed Planning Proposal must be sent to your regional office.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Cabonne Council
Contact person: Heather Nicholls
Contact phone number and email: (02) 6392 3246
heather.nicholls@cabonne.nsw.gov.au

Planning Proposal Details – Attachments

1. Land involved

- Part Lot 1 in DP 796803, being land known as Gumble Hall, Gumble Road, Gumble

2. Maps

- Location maps ✓
- Existing zoning map ✓

3. Photos

- Aerial photo ✓
- Photos showing land and surrounds ✓

4. Complete Planning Proposal (1 electronic and 2 hard copies)

- All matters to be addressed in a planning proposal, including Director General's requirements for the justification of all planning proposals in accordance with a 'Guide to preparing a Planning Proposal' are completed prior to forwarding to the regional office in the first instance. See attached pro forma. ✓

5. Planning Proposal has been supported by council

- Council has considered the written proposal before it is sent to the Department of Planning ✓
- Attached is council's resolution to send the written planning proposal to the Department of Planning. ✓



Signed for and on behalf of Cabonne Council
3 July 2017

Project timeline

The anticipated project timeline for completion of the Planning Proposal is outlined below:

No	Task	Commencement	Completion
1	Gateway determination Obtain Gateway Determination	July 2017	July 2017
2	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the planning proposal in accordance with any conditions of the Gateway Determination	August 2017	September 2017
3	Consider submissions and document finalisation Council staff to consider, respond and report to council on any submissions received and issues raised, and make any relevant changes to the planning proposal. This process will determine amongst other things, the following: • Whether or not to endorse and/or support the planning proposal • Whether or not to endorse the planning proposal (as exhibited); or • Whether or not to endorse the planning proposal (as amended)	October 2017	November 2017
5	Submission to the Department and/or Parliamentary Counsel Council to forward the planning proposal to the department and/or Parliamentary Counsel following public exhibition (including and changes made).	November 2017	December 2017
6	Notification Notification of LEP amendment being made	January 2018	January 2018

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Local Government Area	Cabonne Shire Council
Name of draft LEP	Cabonne Local Environmental Plan 2012 - Amendment 7
Address of land	Part of Lot 1 in DP 796803 being land known as the Gumble Hall, Gumble Road, Gumble
Intent of draft LEP	To amend Cabonne Local Environmental Plan 2012 to include within schedule 5 of the plan, the site of the Gumble Hall as an item of local heritage significance.
Additional Supporting Points / information	Refer to the attached Planning Proposal prepared for Gumble Hall Inc and Mrs R Sherringham and dated June 2017, and also the council planning report and extract from related meeting minutes.

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details in Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table1 – to be completed by the department

Stage	Date/details
Planning Proposal Number	
Date sent to department under s56	3 July 2017
Date considered at LEP Review Panel	
Gateway Determination date	

Table 2 – To be completed by the RPA

Stage	Date/details	Notified Reg off
Dates draft LEP exhibited		
Date of public hearing(if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date council resolved to adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP & E requesting notification		

Table 3 – to be completed by the department

Stage	Date/ details
Notification date and details	

Additional relevant information:

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	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
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?	N			
Heritage LEPs				
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?	Y - add an item - supported by Calonne Heritage Study 2016			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
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?	N	NA		

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Reclassifications

Is there an associated spot rezoning with the reclassification?		NA		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?		NA		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		NA		
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		NA		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NA		

Spot Rezoning

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?	N			
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?	N			
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?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		
Does the planning proposal create an exception to a mapped development standard?	N			

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Section 73A matters

Does the proposed instrument

- 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?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- 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?

(Note – the Minister / GSC (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).

N

N

N

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 Secretary of the Department.
- Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

Handwritten signature
3-7-17

ITEM 17 - REQUEST TO REZONE LAND - GUMBLE HALL**REPORT IN BRIEF**

Reason For Report	To obtain council's determination of a request to prepare a Planning Proposal to effect a spot rezoning of land
Policy Implications	Nil
Budget Implications	Planning Proposal to be prepared by staff and the fee to lodge a Planning Proposal is to be foregone
IPR Linkage	4.5.3.a - Assess and determine development applications, construction certificate applications and Onsite Sewerage Management Systems (OSMS) to meet agreed service levels
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\ZONING\REZONING APPLICATIONS - 786064

RECOMMENDATION

THAT:

1. Council support the request from Planning Potential Urban and Regional Planners on behalf of Gumble Hall Incorporated, and to amend the Cabonne Local Environmental Plan 2012 by including the Gumble Hall, being part of Lot 1 DP 796803, in Schedule 5 of that plan as a local heritage item, and
2. Prepare a Planning Proposal to amend schedule 5 of the Cabonne Local Environmental Plan 2012 by including in schedule 5 of that plan the land containing the Gumble Hall, Gumble Road, Gumble, and
3. The Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979, and
4. A further report be provided to council following the public exhibition period to provide details of any submissions received.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council has received correspondence from planning consultants Planning Project on behalf of Gumble Hall incorporated seeking council support to negotiate a variation to the Cabonne Local Environmental Plan 2012 to enable a subdivision of a 133ha rural allotment to excise the land containing the Gumble Hall.

Background

The Gumble Hall was established c1920s and has served the community of the Gumble area since that time. The hall is located upon private land, currently in the ownership of Mrs Ruth Sherringham. The hall has been the subject of a 99-year lease between the owners of the rural property and a private hall trust. The lease is to expire in 2021.

subdivision provisions that would address subdivision as proposed, being a subdivision of rural land for a purpose other than agriculture.

The former Cabonne Local Environmental Plan 1991 contained local provisions that addressed subdivision of rural land for purposes other than agriculture. Whilst a legal mechanism to enable a subdivision that created an allotment containing the Gumble Hall had been available for many decades, the opportunity to subdivide had not been taken advantage of by the land owners and trustees. Various discussions had taken place with the parties, particularly in the years leading up to the introduction of the current LEP, and the parties were aware of the legislative changes that the current LEP brought.

However, with the lease due to expire in 5 years, the hall trustees wish to secure the future of the hall for the benefit of the local community. To this end the committee is seeking council support to achieve their aim.

The planning consultant has requested that council resolve to prepare a Planning Proposal to amend the Cabonne Local Environmental Plan 2012 by introducing a new clause that permits subdivision of rural land for an established lawful purpose, other than agriculture. The consultant has provided several examples of similar clauses that have been included in NSW Local Environmental Plans.

Preliminary discussions with the regional office of the Department of Planning have not been supportive of the clause variation, but have suggested that an effective alternative that council may consider would be the inclusion in the Cabonne Local Environmental Plan 2012 of the Gumble Hall as a heritage item. Once included in schedule 5 of the LEP certain heritage incentive clauses would apply. The heritage incentive clauses enable council consideration of land use and activities that otherwise would not be permitted, if such actions / land use are identified as the only way to ensure the conservation of the heritage item.

The Gumble Hall was identified by the community during the council's community based heritage study consultation of the early 2000s as an item of local heritage significance. The building was not included in the Cabonne Local Environmental Plan 2012 heritage items. It remains as a nominated item requiring further investigation / or owner's consent to enable its inclusion in the LEP. Recent discussions with council's Heritage Advisor indicate support for inclusion of the hall as a local heritage item, based on its social significance to the local community.

It is suggested that the strategy indicated by the Department of Planning to include the Gumble Hall on the Cabonne LEP as a local heritage item would provide the necessary identification of, and protection of the hall for the benefit of the local community, whilst enabling the subdivision of the hall from the agricultural holding. The subdivision of the land would enable the transfer of the hall to the private trustees for the ongoing care and maintenance of the community hall. By achieving a local heritage classification, the land owner may be able to apply for State grants and funding under various heritage and cultural programs. Assistance would also be available through council's

ITEM - 17 REQUEST TO REZONE LAND - GUMBLE HALL

MOTION (Walker/Nash)

THAT:

1. Council support the request from Planning Potential Urban and Regional Planners on behalf of Gumble Hall Incorporated, and to amend the Cabonne Local Environmental Plan 2012 by including the Gumble Hall, being part of Lot 1 DP 796803, in Schedule 5 of that plan as a local heritage item, and
2. Prepare a Planning Proposal to amend schedule 5 of the Cabonne Local Environmental Plan 2012 by including in schedule 5 of that plan the land containing the Gumble Hall, Gumble Road, Gumble, and
3. The Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979, and
4. A further report be provided to council following the public exhibition period to provide details of any submissions received.

16/10/31 Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clrs Hayes and Treavors – apologies) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Wilcox, Durkin, Walker, Davison and Culverson.

Against: Nil

**ITEM - 18 REQUEST FOR ADDITIONAL BUDGET - PLANNING LEGAL
EXPENSES**

MOTION (Wilcox/Durkin)

THAT Council:

1. Approve additional funding of \$30,000 be allocated towards council's legal costs in defending planning appeals; and
2. Resolve that the expenditure is required and warranted to enable adequate representation in legal matters.

16/10/32 Carried

**ITEM - 19 ADDITIONAL FUNDING TO COMPLETE WORKS AT THE
COMMUNITY RECYCLE CENTRE AT THE MANILDRA WASTE**

noted that Council has not formally resolved to not be involved in land development projects and that the Molong Limestone Quarry funds would be required for remediation after the lease has lapsed.

MOTION (Wilcox/Nash)

THAT Council:

1. Note the variances in this report be updated to Council's 2016/2017 Budget; and
2. Resolve that the changes are required and warranted for the continued management of council's functions.

16/10/29

Carried

**ITEM - 16 DEVELOPMENT APPLICATION 2016/153 GREENHOUSES
AND PACKING SHED UPON LOT 496 DP 1095508 LAND ALSO
KNOWN AS 621 CANOBOLAS RD, CANOBOLAS**

Proceedings in Brief

The Mayor noted that there were persons in the gallery in relation to this item. He reminded Councillors that the matter had been considered at a previous meeting and a site inspection undertaken. Additionally aerial images had been provided and were tabled.

MOTION (MacSmith/Nash)

THAT Development Application 2016/153 for horticulture, erection of two (2) greenhouses and packing shed upon Lot 496 DP 1095508, land also known as 621 Canobolas Rd, Canobolas be approved subject to the attached draft conditions of consent.

16/10/30

Carried

The Chair called for a Division of Council as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion (noting the absence of Clrs Hayes and Treavors – apologies) as follows:

For: Clrs Gosper, Dean, Nash, MacSmith, Walker, Davison and Culverson.

Against: Clrs Wilcox and Durkin.

It was noted the time being 3:15pm the Mayor declared an interest (identified as a non-significant, non-pecuniary interest) in the following item due to his son in law being a member of the Gumble Hall Committee but did not leave the Chambers.

13 June 2017

General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866

council@cabonne.nsw.gov.au

Assess:
31152

Doc Id # 849272

CABONNE COUNCIL	
FEE PAID:	\$3000-00
DATE PAID:	14/6/17
REG No:	48282
ALLOCATION No:	12205020.123

Image Quality Verified
Ref: OL/PP/GumbleHall
Date 15/6/17

Dear Sir

RE: Planning Proposal – Addition of a Heritage Item (Gumble Hall) to Schedule 5 of the Cabonne Local Environmental Plan 2012

At Council's Ordinary Meeting of 25 October, 2016, the Council considered a report on a Planning Proposal to amend the Cabonne Local Environmental Plan 2012 (LEP 2012).

Council Minute No: 16/10/31 resolved:

1. Council support the request from Planning Potential Urban and Regional Planners on behalf of Gumble Hall Incorporated, and to amend the Cabonne Local Environmental Plan 2012 by including the Gumble Hall, being part of Lot 1 DP 796803, in Schedule 5 of that plan as a local heritage item; and
2. Prepare a Planning Proposal to amend schedule 5 of the Cabonne Local Environmental Plan 2012 by including in schedule 5 of that plan the land containing the Gumble Hall, Gumble Road, Gumble; and
3. The Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway determination in accordance with section 56 of the Environmental Planning and Assessment Act, 1979; and
4. A further report be provided to Council following the public exhibition period to provide details of any submissions received.

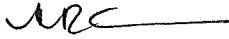
The enclosed Planning Proposal seeks to amend Schedule 5 – Environmental Heritage of the Cabonne Local Environmental Plan 2012 (LEP 2012) to:-

- Add Gumble Hall as a new heritage item to Schedule 5 of the Cabonne LEP 2012; and
- Update the LEP 2012 Heritage Map Series – Map Sheet HER _ 002 to include the new heritage item.

Please forward the submitted Planning Proposal to Department of Planning for Gateway Determination as per Council's resolution of 25 October, 2016.

Should you require any further information or clarification, do not hesitate to contact me on 0431700081 or by email at amanda@planningpotential.com.au

Regards



Amanda Rasmussen MPIA
Director / Principal Planner
Planning Potential

Att: Planning Proposal – Gumble Hall addition of a heritage item to schedule 5
Attachment 1: Council Report and Minute
Attachment 2: Statement of Significance – Gumble Hall
Attachment 3: Heritage Inventory Sheet
Attachment 4: Historical Documentary Evidence