



ABN 81 011 241 552

# Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 10, Crookwell NSW 2583

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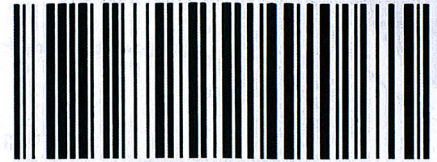
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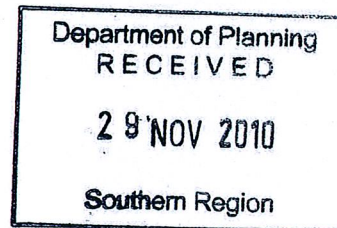


PWG000389

**Environment and Planning Department**  
Please quote when responding: F10/221

25 November 2010

Department of Planning  
Southern Region  
PO Box 5475  
Wollongong NSW 2520



Attention: Mr Brett Whitworth, Regional Director

Dear Sir

## Upper Lachlan Local Environmental Plan 2010 – Proposed Section 73A Amendment

Upper Lachlan Local Environmental Plan 2010 (LEP 2010) was published on the NSW legislation website on 9 July 2010 and took effect from that day. A review of Schedule 5 – Environmental Heritage has identified a number of misdescriptions, incorrect references, spelling errors and the like, of the listed items. It is considered that an amendment to Schedule 5 could be undertaken as a Section 73A amendment.

At its Ordinary meeting held 18<sup>th</sup> November 2010, Council resolved to endorse the proposed amendments to Schedule 5 Environmental Heritage in accordance with detail contained in the report to Council. A copy of the report to Council is attached.

### Planning Proposal

A Planning Proposal has been prepared in accordance with the Department of Planning guidelines and this proposal is attached.

### Proposed amendments to local environmental plan

The proposed amendments to LEP 2010 only relate to Schedule 5 – Environmental Heritage and the relevant Heritage Maps. The enclosed Council report details the proposed amendments. It should be noted that it is only those items that are to be amended that are referenced in the report.

Details of the relevant Heritage maps affected by these changes will be sent under separate cover.

Should you have any enquiries regarding this matter, please do not hesitate to contact Mrs Jacqueline Impey on 48 301020.

Yours faithfully

  
JK Bell  
General Manager  
encl.

**Author:** Senior Strategic Planner

**Subject:** Upper Lachlan Local Environmental Plan 2010 – Planning Proposal, Section 73A amendment – Heritage

**File No:** F10/23

**Précis:** The purpose of this report is to identify changes required to Schedule 5 of LEP 2010 and to seek Council endorsement to proceed with an amendment to LEP 2010.

**Budget:** Council in-house staff project

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## **6. UPPER LACHLAN ENVIRONMENTAL PLAN 2010 – SCHEDULE 5 AMENDMENTS**

### **Background**

Upper Lachlan Local Environmental Plan 2010 was published on the NSW legislation website on 9 July 2010 and took effect from that day. A review of Schedule 5 – Environmental Heritage, of the published plan, has identified a number of misdescriptions, incorrect references, spelling errors and the like, of listed items.

This report provides details of the review and recommends a submission to the Department of Planning seeking an amendment to Upper Lachlan Local Environmental Plan 2010 in accordance with Section 73A of the *Environmental Planning and Assessment Act 1979*.

### **Proposed amendment under Section 73A**

Given the nature of the amendments required it is proposed to seek an amendment under Section 73A of the *Environmental Planning and Assessment Act 1979*. An extract of the Act is provided:

#### ***Division 5 Review and amendment of environmental planning instruments***

#### ***73A Expedited amendments of environmental planning instruments***

- (1) *An amending environmental planning instrument may be made under this Part without compliance with the provisions of this Part relating to the conditions precedent to the making of the instrument if the instrument, if made, would amend or repeal a provision of a principal instrument in order to do any one or more of the following:*
- (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,*

- (c) *deal with matters that the Minister considers 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.*
- (2) *A reference in this section to an amendment of an instrument includes a reference to the amendment or replacement of a map adopted by an instrument.*

The Department of Planning has advised that a request for amendment under Section 73A requires a Planning Proposal in accordance with the Gateway Process. Accordingly the attachment to this report has been prepared in the format consistent with a Planning Proposal. The proposed amendments to Schedule 5 are provided below:

### Review of Schedule 5 – Environmental Heritage

The following table highlights the corrections required to Schedule 5, indicating the current and proposed wording (red font) for those items requiring amendment. Only those items requiring amendment have been reproduced in the table.

### Schedule 5 Environmental heritage – Part 1 Heritage Items

| Suburb      | Item name                                                                                                                                       | Address            | Property description  | Significance | Item No. |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|--------------|----------|
| Bannaby     | Hillas Farm Homestead and Outbuildings                                                                                                          | Bannaby Road       | Lot 1, DP 598080      | Local        | I1       |
| Bannaby     | Hillas Farm Homestead and Outbuildings                                                                                                          | 47 Hanworth Road   | Lot 1, DP 598080      | Local        | I-1      |
| Bigga       | Bigga General Cemetery                                                                                                                          | North east of town | Lot 7003, DP 4026239  | Local        | I5       |
| Bigga       | Bigga General Cemetery                                                                                                                          | North east of town | Lot 7003, DP 1026239  | Local        | I-5      |
| Binda       | Markdale—Main Homestead and surrounds, the stone cottages and surrounds, stables, shearers' quarters, shearers' foreman's quarters and slab hut | 262 Mulgowrie Road | Part Lot 2, DP 753045 | Local        | I14      |
| Binda       | Markdale—Main Homestead and surrounds, the stone cottages and surrounds, stables, shearers' quarters, shearers' foreman's quarters and slab hut | 262 Mulgowrie Road | Part Lot 2, DP 753045 | Local        | I14      |
| Binda       | Post Office and Store                                                                                                                           | Queen Street       | Lot 11, DP 580600     | Local        | I16      |
| Binda       | Post Office and Store (former)                                                                                                                  | Queen Street       | Lot 1, DP 789104      | Local        | I-16     |
| Breadalbane | Church of St Silas                                                                                                                              | Old South Road     | Lot 5, DP 569308      | Local        | I22      |
| Breadalbane | Church of St Silas                                                                                                                              | Old South Road     | Lot 5, DP 569308      | Local        | I22      |
| Breadalbane | Breadalbane Hotel                                                                                                                               | Cullerin Road      | Lot 1, DP 156582      | Local        | I-22     |

REPORTS TABLED AT THE ORDINARY MEETING OF UPPER LACHLAN SHIRE COUNCIL HELD  
THURSDAY, 18 NOVEMBER 2010 IN CROOKWELL

| Suburb         | Item name                                                | Address                                       | Property description                          | Significance | Item No. |
|----------------|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|--------------|----------|
| Crookwell      | Wheat Sheaf Inn ruins Kyamma"                            | 4147 Goulburn Road                            | Lot 6, DP 883430                              | Local        | I44      |
| Crookwell      | Wheat Sheaf Inn ruins                                    | "Kyamma"<br>4147 Goulburn Road                | Lot 6, DP 883430                              | Local        | I-44     |
| Crookwell      | Sud Murphey's Inn Millhouse (formerly Millhouse Inn)     | 10-12 Goulburn Street                         | Lot 1, DP 126542; Lot 2, Section 8, DP 758308 | Local        | I66      |
| Crookwell      | Spud Murphy's Inn (formerly Millhouse Inn)               | 10-12 Goulburn Street                         | Lot 1, DP 126542; Lot 2, Section 8, DP 758308 | Local        | I-66     |
| Crookwell      | Commercial Hotel                                         | 34 Goulburn Street                            | Lot 2, DP 915567                              | Local        | I46      |
| Crookwell      | Commercial Hotel                                         | 34 Goulburn Street                            | Lot 2, DP 800629                              | Local        | I-46     |
| Crookwell      | Westpac Bank (formerly Bank of NSW)                      | 106-108 Goulburn Street corner Spring Streets | Lot 1, DP 314755                              | Local        | I57      |
| Crookwell      | Westpac Bank (formerly Bank of NSW)                      | 106-108 Goulburn Street corner Spring Street  | Lot 1, DP 314755                              | Local        | I-57     |
| Crookwell      | Crookwell District Hospital                              | 13-17 Kialla Road                             | Lot 1, DP 1018699                             | Local        | I64      |
| Crookwell      | Crookwell District Hospital                              | 13-17 Kialla Road                             | Lot 1, DP 1149308                             | Local        | I-64     |
| Dalton         | Oddfellows Hall                                          | Chapel Street                                 | Lot 11, Section 5, DP 758335                  | Local        | I74      |
| Dalton         | Oddfellows Hall (former) (formerly Good Templars Hall)   | Chapel Street                                 | Lot 9, Section 6, DP 758335                   | Local        | I-74     |
| Grabben Gullen | Albion Hotel                                             | Britannia Street [Gunning Road]               | Lot 3, DP 1082543                             | Local        | I86      |
| Grabben Gullen | Albion Hotel                                             | Britannia Street (Grabben Gullen Road)        | Lot 3, DP 1082543                             | Local        | I-86     |
| Gunning        | St Edmund's Church Rectory and Uniting Church            | Biala Street                                  | Lot 1, DP 195327                              | Local        | I88      |
| Gunning        | St Edmund's Church Rectory and Anglican Church           | 28 Biala Street                               | Lots 12-16, Section 7, DP 758493              | Local        | I-88     |
| Gunning        | Anglican Church and Surrounding church buildings         | 28 Biala Street                               | Lots 12-16, Section 7, DP 758493              | Local        | I87      |
| Gunning        | Uniting Church and Surrounding church buildings          | 48 Biala Street                               | Lot 1, DP 195327                              | Local        | I-87     |
| Gunning        | Building known as Aratula Inn (formerly the Do Duck Inn) | 22 Hume Street                                | Lot B, DP 403000; Lot 1, DP 821730            | Local        | I93      |
| Gunning        | Building known as the Do Duck Inn                        | 22 Hume Street                                | Lot B, DP 403000;                             | Local        | I-93     |

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Mayor

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General Manager

REPORTS TABLED AT THE ORDINARY MEETING OF UPPER LACHLAN SHIRE COUNCIL HELD  
THURSDAY, 18 NOVEMBER 2010 IN CROOKWELL

| Suburb         | Item name                                                   | Address                      | Property description                                                    | Significance     | Item No.         |
|----------------|-------------------------------------------------------------|------------------------------|-------------------------------------------------------------------------|------------------|------------------|
|                | (formerly Aratula Inn)                                      |                              | Lot 1, DP 821730                                                        |                  |                  |
| Gunning        | Gunning General Cemetery                                    | 45-47 Wombat Street          | Lots 1, 2, 3 and 4, DP 758493                                           | Local            | I99              |
| Gunning        | Gunning General Cemetery                                    | 45-47 Wombat Street          | Lots 1-4, Section 25, DP 758493; Lot 7012, DP 1002613; Lot 2, DP 634719 | Local            | I-99             |
| Taralga        | Stonequarry General Cemetery                                | 39 Golspie Road              | Lot 1, DP 1013713                                                       | Local            | I129             |
| Taralga        | Stonequarry General Cemetery                                | Stonequarry Road             | Lots 1-9, DP 724374; Lot 7300, DP 1142282                               | Local            | I-129            |
| Taralga Lot D, | Anvil Hotel (site)                                          | 26-28 Macarthur Street       | Lot D DP 158224; Lot 42, Section 6, DP 976169                           | Local            | I132             |
| Taralga        | Anvil Hotel (site)                                          | 26 Macarthur Street          | Lot 42, Section 6, DP 976169                                            | Local            | I-132            |
| Taralga        | Royal Hotel                                                 | 24 Orchard Street            | Lot 28, DP 601100                                                       | Local            | I140             |
| Taralga        | Taralga Hotel                                               | 24 Orchard Street            | Lot 28, DP 601100                                                       | Local            | I-140            |
| Taralga        | Taralga Courthouse                                          | 27 Orchard Street            | Lot 2, DP 782783                                                        | Local            | I143             |
| Taralga        | <del>Taralga Courthouse</del>                               | <del>27 Orchard Street</del> | <del>Lot 2, DP 782783</del>                                             | <del>Local</del> | <del>I-143</del> |
| Taralga        | Post Office                                                 | 29 Orchard Street            | Lot 258, DP 750017                                                      | Local            | I146             |
| Taralga        | Post Office                                                 | 29 Orchard Street            | Lot 1, DP 1023164                                                       | Local            | I-146            |
| Taralga        | Goodhew Bros store (café)                                   | 33 Orchard Street            | Lot 2, DP 995232                                                        | Local            | I148             |
| Taralga        | Goodhew Bros store (café)                                   | 33A Orchard Street           | Lot 2, DP 995232                                                        | Local            | I-148            |
| Taralga        | Wesleyan/ Methodist Church (former)                         | 85-87 Orchard Street         | Lot 1, DP 661143                                                        | Local            | I154             |
| Taralga        | Wesleyan/Methodist Church (former)                          | 85-87 Orchard Street         | Lot 1, DP 661143                                                        | Local            | I-154            |
| Taralga        | Taralga Public School—Buildings B00A (1916) and B00D (1858) | 95-97 Orchard Street         | Lot 53, Section 8, DP 976169; Lot 1, DP 369109                          | Local            | I156             |
| Taralga        | Taralga Public School—Buildings B00A (1927) and B00D (1878) | 95-97 Orchard Street         | Lot 53, Section 8, DP 976169; Lot 1, DP 369109                          | Local            | I-156            |
| Tuena          | Goldfield's Inn Hotel                                       | Bathurst Road                | Lot 3, Section 16, DP 759000                                            | Local            | I163             |
| Tuena          | Goldfield's Inn Hotel                                       | 1 Bathurst Street            | Lot 3, Section 16, DP 759000                                            | Local            | I-163            |
| Tuena          | Parson's General Store                                      | Bathurst Road                | Lot 2, DP 1003534                                                       | Local            | I164             |
| Tuena          | Parson's General Store                                      | Bathurst Street              | Lot 2, DP 1003534                                                       | Local            | I-164            |

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Mayor

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General Manager

REPORTS TABLED AT THE ORDINARY MEETING OF UPPER LACHLAN SHIRE COUNCIL HELD  
THURSDAY, 18 NOVEMBER 2010 IN CROOKWELL

| Suburb         | Item name                         | Address                         | Property description                                                                        | Significance | Item No. |
|----------------|-----------------------------------|---------------------------------|---------------------------------------------------------------------------------------------|--------------|----------|
| Tuena          | St Margaret's Presbyterian Church | Bathurst Road                   | Lot 2, Section 20, DP 759000                                                                | Local        | I165     |
| Tuena          | St Margaret's Presbyterian Church | Bathurst Street                 | Lot 2, Section 20, DP 759000                                                                | Local        | I-165    |
| Tuena          | St Mark's Anglican Church         | Bathurst Road                   | Lot 1, DP 868984                                                                            | Local        | I166     |
| Tuena          | St Mark's Anglican Church         | Bathurst Street                 | Lot 1, DP 868984                                                                            | Local        | I-166    |
| Tuena          | St Mary's Catholic Church         | Bathurst Road                   | Lot 4, Section 17, DP 759000                                                                | Local        | I167     |
| Tuena          | St Mary's Catholic Church         | Bathurst Street                 | Lot 4, Section 17, DP 759000                                                                | Local        | I-167    |
| Tuena          | Tuena Public School (former)      | Bathurst Road                   | Lot 1, Section 16, DP 759000 and Lot 2, DP 1045238                                          | Local        | I168     |
| Tuena          | Tuena Public School (former)      | Bathurst Street                 | Lot 1, Section 16, DP 759000; Lot 2, DP 1045238                                             | Local        | I-168    |
| Tuena          | Culverts                          | Tuena/ Abercrombie Road         | N 6233072.60 m, E 159201.73 m, N 6233506.15 m, E 159031.93 m, N 6233697.90 m, E 159053.59 m | Local        | I162     |
| Tuena          | Culverts                          | Abercrombie Road                | N 6233072.60 m, E 159201.73 m, N 6233506.15 m, E 159031.93 m, N 6233697.90 m, E 159053.59 m | Local        | I-162    |
| Wombeyan Caves | Wombeyan Caves Area               | Wombeyan Caves Road via Taralga | Wombeyan Caves                                                                              | Local        | I171     |
| Wombeyan Caves | Wombeyan Caves Area               | Wombeyan Caves Road             | Wombeyan Caves                                                                              | Local        | I-171    |

The following information is provided in support of the changes to listed item numbers 14 and 156:

- Item No. 14 (Markdale). During public exhibition of the Draft LEP two submissions were received from the owner of this property in regard to the listing. The Draft LEP was amended in light of a report submitted by a Registered Architect on behalf of the owner. A submission has been received (September 2010) which raises further questions in regard to the current LEP heritage listing of this property. Consequently, the owner was given the option of a further proposed amendment or removal of the listing and was requested to contact Council prior to the Council meeting. The owner has requested removal of the listing of Markdale from Schedule 5 of the LEP.
- Item No. 156 (Taralga Public School). Correspondence was been received from the NSW Department of Education and Training regarding recent research which amended the dates of completion of the subject buildings.

The use of a capital 'I' in front of each heritage item to represent item number has caused some confusion for Council officers and the general public alike. The numbers read for example, I1 or I11, which could read as 11 or 111. It is also difficult to read on the Heritage maps. It is proposed to request that the Department of Planning reconsider the use of the capital 'I' in front of the item number and remove it or instead require a space and hyphen between the letter and the number, that is, I-1 to clarify the numbers.

### **Conclusion**

The proposed amendments to Schedule 5 Environmental heritage provide Council will the opportunity to correct and clarify the heritage listings for items across the Shire. The amendments do not propose any new listings and include corrections identified as a result of a review of Schedule 5 which included information supplied by members of the community. To enable amendments to Schedule 5 Environmental heritage of the Upper Lachlan Local Environmental Plan 2010 in accordance with Section 73A of the *Environmental Planning and Assessment Act 1979*, Council is requested to endorse the following recommendations.

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### **Recommendation:**

- a) That Council endorse the proposed amendments to Schedule 5 Environmental heritage contained in this report and the supporting Planning Proposal as attached.
  - b) That Council officers submit the request for amendment to Upper Lachlan Local Environmental Plan 2010 to the Department of Planning in accordance with relevant legislation.
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### **ATTACHMENTS**

1. Planning Proposal – DEP3.

Mrs Jacqueline Impey  
**Senior Strategic Planner**

## Upper Lachlan Shire Council – Planning Proposal

### Upper Lachlan Local Environmental Plan 2010 – Proposed 73A Amendment, Schedule 5 Environmental Heritage

#### Part 1 – Objectives

To enable Schedule 5 Environmental Heritage of the Upper Lachlan Local Environmental Plan 2010 to be amended to reflect correct and updated details in regard to the listed items.

#### Part 2 – Explanation of the Provisions

Amendment of the Upper Lachlan Local Environmental Plan 2010 Schedule 5 – Environmental Heritage and relevant Heritage Maps.

#### *Review of Schedule 5 – Environmental Heritage*

The following table highlights the corrections required to Schedule 5, indicating the current and proposed wording for those items requiring amendment. Only those items requiring amendment have been reproduced in the table.

#### **Schedule 5 Environmental heritage – Part 1 Heritage items**

| Suburb                 | Item Name                                                                                                                                                  | Address                       | Property Description             | Significance     | Item No.        |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------|------------------|-----------------|
| Bannaby                | Hillas Farm Homestead and Outbuildings                                                                                                                     | Bannaby Road                  | Lot 1, DP 598080                 | Local            | I1              |
| <del>Bannaby</del>     | <del>Hillas Farm Homestead and Outbuildings</del>                                                                                                          | <del>47 Hanworth Road</del>   | <del>Lot 1, DP 598080</del>      | <del>Local</del> | <del>I-1</del>  |
| Bigga                  | Bigga General Cemetery                                                                                                                                     | North east of town            | Lot 7003, DP 4026239             | Local            | I5              |
| <del>Bigga</del>       | <del>Bigga General Cemetery</del>                                                                                                                          | <del>North east of town</del> | <del>Lot 7003, DP 1026239</del>  | <del>Local</del> | <del>I-5</del>  |
| Binda                  | Markdale—Main Homestead and surrounds, the stone cottages and surrounds, stables, shearers' quarters, shearers' foreman's quarters and slab hut            | 262 Mulgowrie Road            | Part Lot 2, DP 753045            | Local            | I14             |
| <del>Binda</del>       | <del>Markdale—Main Homestead and surrounds, the stone cottages and surrounds, stables, shearers' quarters, shearers' foreman's quarters and slab hut</del> | <del>262 Mulgowrie Road</del> | <del>Part Lot 2, DP 753045</del> | <del>Local</del> | <del>I14</del>  |
| Binda                  | Post Office and Store                                                                                                                                      | Queen Street                  | Lot 11, DP 580600                | Local            | I16             |
| <del>Binda</del>       | <del>Post Office and Store (former)</del>                                                                                                                  | <del>Queen Street</del>       | <del>Lot 1, DP 789104</del>      | <del>Local</del> | <del>I-16</del> |
| Breadalbane            | Church of St Silas                                                                                                                                         | Old South Road                | Lot 5, DP 569308                 | Local            | I22             |
| <del>Breadalbane</del> | <del>Church of St Silas</del>                                                                                                                              | <del>Old South Road</del>     | <del>Lot 5, DP 569308</del>      | <del>Local</del> | <del>I22</del>  |
| Breadalbane            | Breadalbane Hotel                                                                                                                                          | Cullerin Road                 | Lot 1, DP 156582                 | Local            | I-22            |
| Crookwell              | Wheat Sheaf Inn ruins Kyamma"                                                                                                                              | 4147 Goulburn Road            | Lot 6, DP 883430                 | Local            | I44             |

**Upper Lachlan Local Environmental Plan 2010 – Proposed 73A Amendment**

| Suburb         | Item Name                                                | Address                                       | Property Description                          | Significance | Item No. |
|----------------|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|--------------|----------|
| Crookwell      | Wheat Sheaf Inn ruins                                    | "Kyamma" 4147 Goulburn Road                   | Lot 6, DP 883430                              | Local        | I-44     |
| Crookwell      | Sud Murphey's Inn Millhouse (formerly Millhouse Inn)     | 10-12 Goulburn Street                         | Lot 1, DP 126542; Lot 2, Section 8, DP 758308 | Local        | I66      |
| Crookwell      | Spud Murphy's Inn (formerly Millhouse Inn)               | 10-12 Goulburn Street                         | Lot 1, DP 126542; Lot 2, Section 8, DP 758308 | Local        | I-66     |
| Crookwell      | Commercial Hotel                                         | 34 Goulburn Street                            | Lot 2, DP 915567                              | Local        | I46      |
| Crookwell      | Commercial Hotel                                         | 34 Goulburn Street                            | Lot 2, DP 800629                              | Local        | I-46     |
| Crookwell      | Westpac Bank (formerly Bank of NSW)                      | 106-108 Goulburn Street corner Spring Streets | Lot 1, DP 314755                              | Local        | I57      |
| Crookwell      | Westpac Bank (formerly Bank of NSW)                      | 106-108 Goulburn Street corner Spring Street  | Lot 1, DP 314755                              | Local        | I-57     |
| Crookwell      | Crookwell District Hospital                              | 13-17 Kialla Road                             | Lot 1, DP 1018699                             | Local        | I64      |
| Crookwell      | Crookwell District Hospital                              | 13-17 Kialla Road                             | Lot 1, DP 1149308                             | Local        | I-64     |
| Dalton         | Oddfellows Hall                                          | Chapel Street                                 | Lot 11, Section 5, DP 758335                  | Local        | I74      |
| Dalton         | Oddfellows Hall (former) (formerly Good Templars Hall)   | Chapel Street                                 | Lot 9, Section 6, DP 758335                   | Local        | I-74     |
| Grabben Gullen | Albion Hotel                                             | Britannia Street [Gunning Road]               | Lot 3, DP 1082543                             | Local        | I86      |
| Grabben Gullen | Albion Hotel                                             | Britannia Street (Grabben Gullen Road)        | Lot 3, DP 1082543                             | Local        | I-86     |
| Gunning        | St Edmund's Church Rectory and Uniting Church            | Biala Street                                  | Lot 1, DP 195327                              | Local        | I88      |
| Gunning        | St Edmund's Church Rectory and Uniting Church            | Biala Street                                  | Lots 12-16, Section 7, DP 758493              | Local        | I-88     |
| Gunning        | Anglican Church and Surrounding church buildings         | 28 Biala Street                               | Lots 12-16, Section 7, DP 758493              | Local        | I87      |
| Gunning        | Anglican Church and Surrounding church buildings         | 28 Biala Street                               | Lot 1, DP 195327                              | Local        | I-87     |
| Gunning        | Building known as Aratula Inn (formerly the Do Duck Inn) | 22 Hume Street                                | Lot B, DP 403000; Lot 1, DP 821730            | Local        | I93      |
| Gunning        | Building known as the Do Duck Inn (formerly Aratula Inn) | 22 Hume Street                                | Lot B, DP 403000; Lot 1, DP 821730            | Local        | I-93     |
| Gunning        | Gunning General Cemetery                                 | 45-47 Wombat Street                           | Lots 1, 2, 3 and 4, DP 758493                 | Local        | I99      |

**Upper Lachlan Local Environmental Plan 2010 – Proposed 73A Amendment**

| Suburb         | Item Name                                                   | Address                | Property Description                                                    | Significance | Item No. |
|----------------|-------------------------------------------------------------|------------------------|-------------------------------------------------------------------------|--------------|----------|
| Gunning        | Gunning General Cemetery                                    | 45–47 Wombat Street    | Lots 1–4, Section 25, DP 758493; Lot 7012, DP 1002613; Lot 2, DP 634719 | Local        | I–99     |
| Taralga        | Stonequarry General Cemetery                                | 39 Golspie Road        | Lot 1, DP 1013713                                                       | Local        | I129     |
| Taralga        | Stonequarry General Cemetery                                | Stonequarry Road       | Lots 1–9, DP 724374; Lot 7300, DP 1142282                               | Local        | I–129    |
| Taralga Lot D, | Anvil Hotel (site)                                          | 26–28 Macarthur Street | Lot D DP 158224; Lot 42, Section 6, DP 976169                           | Local        | I132     |
| Taralga        | Anvil Hotel (site)                                          | 26 Macarthur Street    | Lot 42, Section 6, DP 976169                                            | Local        | I–132    |
| Taralga        | Royal Hotel                                                 | 24 Orchard Street      | Lot 28, DP 601100                                                       | Local        | I140     |
| Taralga        | Taralga Hotel                                               | 24 Orchard Street      | Lot 28, DP 601100                                                       | Local        | I–140    |
| Taralga        | Taralga Courthouse                                          | 27 Orchard Street      | Lot 2, DP 782783                                                        | Local        | I143     |
| Taralga        | Taralga Courthouse                                          | 27 Orchard Street      | Lot 2, DP 782783                                                        | Local        | I–143    |
| Taralga        | Post Office                                                 | 29 Orchard Street      | Lot 258, DP 750017                                                      | Local        | I146     |
| Taralga        | Post Office                                                 | 29 Orchard Street      | Lot 1, DP 1023164                                                       | Local        | I–146    |
| Taralga        | Goodhew Bros store (café)                                   | 33 Orchard Street      | Lot 2, DP 995232                                                        | Local        | I148     |
| Taralga        | Goodhew Bros store (café)                                   | 33A Orchard Street     | Lot 2, DP 995232                                                        | Local        | I–148    |
| Taralga        | Wesleyan/ Methodist Church (former)                         | 85–87 Orchard Street   | Lot 1, DP 661143                                                        | Local        | I154     |
| Taralga        | Wesleyan/ Methodist Church (former)                         | 85–87 Orchard Street   | Lot 1, DP 661143                                                        | Local        | I–154    |
| Taralga        | Taralga Public School—Buildings B00A (1916) and B00D (1858) | 95–97 Orchard Street   | Lot 53, Section 8, DP 976169; Lot 1, DP 369109                          | Local        | I156     |
| Taralga        | Taralga Public School—Buildings B00A (1927) and B00D (1878) | 95–97 Orchard Street   | Lot 53, Section 8, DP 976169; Lot 1, DP 369109                          | Local        | I–156    |
| Tuena          | Goldfield's Inn Hotel                                       | Bathurst Road          | Lot 3, Section 16, DP 759000                                            | Local        | I163     |
| Tuena          | Goldfield's Inn Hotel                                       | 1 Bathurst Street      | Lot 3, Section 16, DP 759000                                            | Local        | I–163    |
| Tuena          | Parson's General Store                                      | Bathurst Road          | Lot 2, DP 1003534                                                       | Local        | I164     |
| Tuena          | Parson's General Store                                      | Bathurst Street        | Lot 2, DP 1003534                                                       | Local        | I–164    |
| Tuena          | St Margaret's Presbyterian Church                           | Bathurst Road          | Lot 2, Section 20, DP 759000                                            | Local        | I165     |
| Tuena          | St Margaret's Presbyterian Church                           | Bathurst Street        | Lot 2, Section 20, DP 759000                                            | Local        | I–165    |

| Suburb         | Item Name                    | Address                         | Property Description                                                                        | Significance | Item No. |
|----------------|------------------------------|---------------------------------|---------------------------------------------------------------------------------------------|--------------|----------|
| Tuena          | St Mark's Anglican Church    | Bathurst Road                   | Lot 1, DP 868984                                                                            | Local        | I166     |
| Tuena          | St Mark's Anglican Church    | Bathurst Street                 | Lot 1, DP 868984                                                                            | Local        | I-166    |
| Tuena          | St Mary's Catholic Church    | Bathurst Road                   | Lot 4, Section 17, DP 759000                                                                | Local        | I167     |
| Tuena          | St Mary's Catholic Church    | Bathurst Street                 | Lot 4, Section 17, DP 759000                                                                | Local        | I-167    |
| Tuena          | Tuena Public School (former) | Bathurst Road                   | Lot 1, Section 16, DP 759000 and Lot 2, DP 1045238                                          | Local        | I168     |
| Tuena          | Tuena Public School (former) | Bathurst Street                 | Lot 1, Section 16, DP 759000; Lot 2, DP 1045238                                             | Local        | I-168    |
| Tuena          | Culverts                     | Tuena/ Abercrombie Road         | N 6233072.60 m, E 159201.73 m, N 6233506.15 m, E 159031.93 m, N 6233697.90 m, E 159053.59 m | Local        | I162     |
| Tuena          | Culverts                     | Abercrombie Road                | N 6233072.60 m, E 159201.73 m, N 6233506.15 m, E 159031.93 m, N 6233697.90 m, E 159053.59 m | Local        | I-162    |
| Wombeyan Caves | Wombeyan Caves Area          | Wombeyan Caves Road via Taralga | Wombeyan Caves                                                                              | Local        | I171     |
| Wombeyan Caves | Wombeyan Caves Area          | Wombeyan Caves Road             | Wombeyan Caves                                                                              | Local        | I-171    |

### Part 3 – Justification

#### *Section A*

1. *Is the planning proposal a result of any strategic study or report?*

The planning proposal is part of the strategic investigations that were undertaken as part of the Upper Lachlan Strategy Plan project which informed the Upper Lachlan Local Environmental Plan 2010.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

It is Council's view that there are obvious errors in Schedule 5 of the Upper Lachlan Local Environmental Plan 2010 consisting of misdescriptions, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake and the insertion of obviously missing words. Accordingly, under the circumstances it would be appropriate to undertake the amendment in accordance with Section 73A of the *Environmental Planning and Assessment Act 1979*.

3. *Is there a net community benefit?*

It is considered that there will be a net community benefit from providing an accurate listing of heritage items for the Shire.

#### *Section B – Relationship to strategy planning framework*

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional strategy?*

The planning proposal is consistent with the objectives and actions contained within the Sydney Canberra Regional Strategy.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?*

The planning proposal is consistent with the Upper Lachlan Strategy Plan 2020 Vision which informed the Upper Lachlan Local Environmental Plan 2010.

6. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with the applicable State Environmental Planning Policies which were addressed at the Section 68 stage of the Local Environmental Plan process.

7. *Is the planning proposal consistent with applicable Ministerial Directions?*

The planning proposal is consistent with the applicable State Environmental Planning Policies which were addressed at the Section 68 stage of the Local Environmental Plan process.

### *Section C – Environmental, Social and Economic Impact*

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Due to the nature of the amendments proposed there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no other likely environmental effects as a result of the planning proposal

10. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides a positive social and economic effect by correcting and clarifying the listing of heritage items for the Shire.

### *Section D – State and Commonwealth Interests*

11. *Is there adequate public infrastructure for the planning proposal?*

There is no public infrastructure required for this planning proposal.

12. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

This aspect will be assessed when the proposal is forwarded to the Department of Planning.

### Part 4 – Community Consultation

Extensive community consultation was undertaken as part of the Local Environmental Plan process and it is not the intent of these amendments to change any of the previous findings and recommendations of community consultation undertaken but to clarify and correct the Schedule for accurate reference.