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Department Generated Correspondence (Y)

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Our ref: PP_2011_WOLLY_009_00 (11/13040)
Your ref: 6326

Mr J L (Les) McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr McMahon,

Re: Planning Proposal to apply a Landscape Conservation Area around the existing Menangle Heritage Conservation Area

I am writing in response to your Council's letter dated 21 July 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Wollondilly Local Environmental Plan 2011 to apply a Landscape Conservation Area around the existing Menangle Heritage Conservation Area.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

It is noted the initial heritage assessment attests that the landscape surrounding the Menangle Heritage Conservation Area contributes to its heritage values, and therefore the setting of the village should be protected. The Department also acknowledges the intent of the proposal to protect the rural character of the landscape surrounding the Menangle Heritage Conservation Area and supports, in principle the rationale to conserve the character of the rural landscape pending potential future growth and development within the vicinity of the village.

However, the department considers that it is premature to issue a Gateway determination at this stage until a detailed heritage study is undertaken to further assess the heritage value of the subject area. In preparing the study Council should clearly identify the heritage value of the land, the characteristics of the landscape that Council intends to preserve and detailed consideration of how Council intends to achieve its objectives. The study should pay particular attention to the proposals inconsistency with section 117 Direction 3.1 Residential Zones and should justify the impact of the proposal on potential future residential growth in the area and the potential and intended impact of a landscape conservation area on the built form.

Should you have any queries in regard to this matter, please contact Mato Prskalo of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

29/8/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_009_00): to apply a Landscape Conservation Area around the existing Menangle Heritage Conservation Area.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wollondilly Local Environmental Plan 2011 to apply a Landscape Conservation Area around the existing Menangle Heritage Conservation Area should not proceed for the following reasons:

1. The initial heritage assessment is considered insufficient as it does not provide satisfactory consideration of the heritage significance of the proposed landscape conservation area and the values and heritage characteristics of the land to justify the progression of the proposal at this stage. Council should prepare a detailed heritage study, which identifies the heritage values (including visual corridors and views, rural landscape setting and the historical significance) of the area and how Council intends to preserve these values. In doing so, the study should refine the boundary of the proposed conservation area having consideration to landscape value identified by the heritage study.
2. Following completion of the heritage study, further consideration is to be given to address and justify the inconsistencies of the proposal against section 117 Direction 3.1 Residential Zones. In doing so, particular attention is to be given to the impact of the landscape conservation area on potential future residential growth such as land adjoining Menangle village to the north, which has been identified as potential residential growth under Council's Wollondilly Growth management Strategy 2011.

Dated 29th day of August 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure