



Contact: Tessa Parmeter
Phone: (02) 9860 1560
Email: Tessa.Parmeter@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_WOLLY_004_00 (12/12931)
Your ref: 6986 AL:AL

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

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan (LEP) 2011

I am writing in response to your Council's letter dated 2 August 2012 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 (LEP) 2011 to list the former Menangle School of Arts Community Hall and its curtilage at 4 Station Street, Menangle as a local heritage item in Schedule 5 of the LEP and identify the item on the heritage map.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Prior to the commencement of public exhibition, Council is to consult with the Mine Subsidence Board in accordance with Section 117 Direction 4.2 Mine Subsidence and Unstable Land. The Board is to be provided with a clear explanation of the application of Clause 5.10 'Heritage Conservation' on the Menangle School of Arts Community Hall, once the community hall is listed as a local heritage item.

The 'explanation of provisions' in the planning proposal advises that Heritage Map sheet HER_011D will be amended. Council should clarify the changes which are required to this map sheet. If no changes are to be made to HER_011D, reference to this map sheet should be removed.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tessa Parmeter of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,

S Haddad

Sam Haddad
Director-General

23/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_004_00): to amend the Wollondilly Local Environmental Plan (LEP) 2011 to include the former Menangle School of Arts Community Hall as a local heritage item.

I, the Director General, Department of Planning and Infrastructure 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 (LEP) 2011 to list the former Menangle School of Arts Community Hall and its curtilage at 4 Station Street, Menangle as a local heritage item in Schedule 5 of the LEP and identify the item on the heritage map should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to identify the proposed local heritage item on Heritage Map sheet HER_010B. This map is to be placed on public exhibition with the planning proposal to clearly outline the proposed changes to be made to the heritage map.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise whether the proposal is consistent with Direction 1.1 Business and Industrial Zones or whether the Director Generals concurrence in relation to the Direction is being sought. This Direction applies because the site is zoned for business purposes.
3. Council is to consult with the Mine Subsidence Board in accordance with Section 117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage (Heritage Branch)
 - Mine Subsidence Board

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it

may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

23rd

day of

August

2012.

SHaddad

Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure