



Planning & Infrastructure

Office of the Director General

Mr J L (Les) McMahon
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Our ref: PP_2012_WOLLY_007_00 (11/13040)
Your ref: TRIM 6326 JRMS

Dear Mr McMahon,

Planning proposal to amend the Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 21 September 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 apply a Landscape Conservation Area to land surrounding the existing Menangle Heritage Conservation Area.

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.

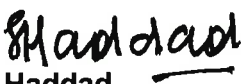
I have also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible to meet the 12 month timeframe. 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 NSW 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 Mato Prskalo of the regional office of the department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director General

23/11/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_007_00): to amend Wollondilly Local Environmental Plan 2011 to apply a Landscape Conservation Area to land surrounding Menangle.

I, the Acting 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 apply a Landscape Conservation Area to land surrounding the existing Menangle Heritage Conservation Area should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to amend the planning proposal to exclude land identified for employment purposes under the planning proposal prepared by Elton Consulting for land in Moreton Park Road, Menangle.
2. 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 must be made publicly available for **28 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Sydney Catchment Authority
 - Transport for NSW – RailCorp
 - Transport for NSW – Roads and Maritime Services
 - Adjoining LGAs

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.

4. Further to Condition 3 above, Council is to consult with:
 - (a) the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, and
 - (b) the Heritage Office of the Office of Environment and Heritage and demonstrate consistency with S117 Direction 2.3 Heritage Conservation.

Council is to amend the planning proposal, if necessary, to take into consideration any comments made prior to the commencement of public exhibition.



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5. Further to Condition 3 above, Council is to consult Transport for NSW – Railcorp, Transport for NSW – Roads and Maritime Services and the Sydney Catchment Authority regarding the implications for their properties under the heritage provisions of State Environmental Planning Policy (Infrastructure) 2007. Council is to amend the planning proposal, if necessary, to take into consideration any comments made prior to the commencement of public exhibition.
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 **12 months** from the week following the date of the Gateway determination.

Dated **23rd** day of **November** 2012.

Sam Haddad

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure