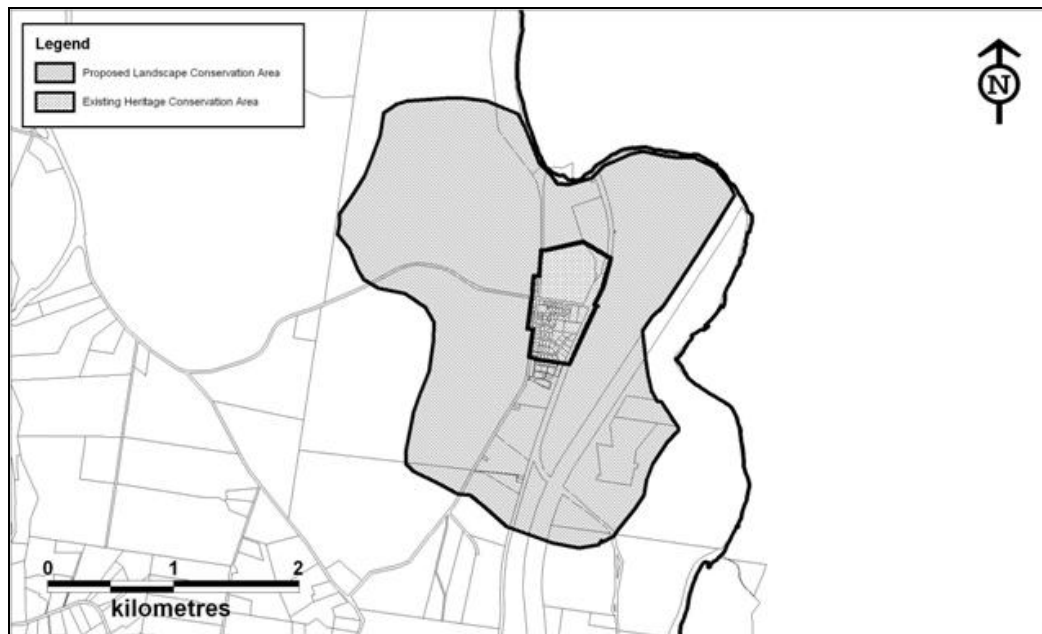


PE6

Draft Planning Proposal – Menangle Landscape Conservation Area

249JSEL

TRIM 6326



Planning & Economy

APPLICANT: Wollondilly Shire Council
OWNER: Various

REPORT

EXECUTIVE SUMMARY

- At its Meeting of 21 February 2011 Council resolved to prepare a planning proposal for a Menangle Landscape Conservation Area surrounding the existing Conservation Area of the town.
- That draft planning proposal was forwarded to the Minister for Planning and Infrastructure for a Gateway determination on 21 July 2011.
- On 29 August, Council was informed that the Gateway had determined that the planning proposal should not proceed until a detailed heritage study was undertaken to further assess the heritage value of the subject area.
- A heritage report has been undertaken and will be used to inform revisions to the draft planning proposal.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that a revised version of the planning proposal for the Menangle Landscape Conservation Area be forwarded to the Department of Planning & Infrastructure, along with the now completed heritage report, for a Gateway determination.

BACKGROUND

In February 2010 Council received a planning proposal for Employment Lands in vicinity of Moreton Park Road, Menangle. The proposal was to allow for the provision of employment lands on the Hume Highway / Main Southern Railway Line corridor.

At its meeting of August 16 August 2010 Council considered a report on the planning proposal and resolved:

“That Council not endorse the planning proposal at this stage and therefore not forward the proposal to the NSW Minister for Planning for a gateway determination.”

In response to this the Minister for Planning appointed the Sydney West Joint Regional Planning Panel (SWJRPP) as the relevant planning authority (RPA) for the proposal. A revised planning proposal was then submitted to the SWJRPP and Council was asked to provide comments.

In response to the appointment of the JRPP as the Relevant Planning Authority, Council resolved the following at its meeting of 21 February 2011:

“That due to the threat posed to Menangle village by the JRPP being appointed to reconsider the employment lands proposal adjacent to the village, that Council forward a planning proposal to the Department of Planning to amend Draft LEP 2009 by expanding the conservation area that applies to the village of Menangle so as to protect its curtilage of rural views and landscapes, similar to the approach that has been applied to the historic village of Berrima.”

At its meeting of 16 May 2011 Council considered a report on the revised planning proposal being considered by the SWJRPP. This report recommended the following:

That this report and any attached resolution be forwarded to the JRPP as Council’s official comments on the planning proposal.

That the JRPP be requested not to forward the planning proposal to the Minister for a Gateway determination.

That Council write to Brad Hazzard, Minister for Planning and Infrastructure and the local member for Wollondilly, Jai Rowell seeking a review of the previous decision made by the (then) Minister for Planning to appoint the JRPP as the relevant planning authority for this matter.

The planning proposal for the Menangle Landscape Conservation Area was forwarded to the Department of Planning and Infrastructure (DP&I) on 21 July 2011.

On 29 August 2011 the DP&I informed Council that the Gateway had determined that the planning proposal should not proceed in its current form, stating:

“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 proposal’s 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.”

The full Gateway determination is included as **Attachment 1** to this report.

In response to this Gateway determination Council commissioned heritage consultants MUSEcape Pty. Ltd. to undertake a detailed heritage report to address the issues raised. This report was delivered to Council in mid-June 2012 and recommended the following to conserve the natural and cultural heritage values of the Menangle Landscape Conservation Area:

1. Listing of Menangle Landscape Conservation Area (*as shown in **Attachment 2** to this report*) in Schedule 5 to Wollondilly Local Environmental Plan 2011.
2. Consideration of appropriate land use zones within, and in the vicinity of the Menangle Landscape Conservation Area
3. Amendment to the provisions of Wollondilly DCP 2011 such that they apply to Menangle Landscape Conservation Area.
4. Controls on subdivision to conserve historic settlement patterns (as shown in **Attachment 3** to this report) with possible sympathetic clustering of new development near the railway station and retention of large rural lots through the remainder of the area.
5. Consideration of subdivision in less visually sensitive areas as shown in **Attachment 4** to this report.
6. Development of complementary detailed design guidelines for new development and for sympathetic alterations and additions to existing buildings including adaptive re-use within the Menangle Landscape Conservation Area. Guidelines are to address siting, built form, materials, exterior finishes and landscaping similar to Article 22.2 of the Burra Charter of Australia ICOMOS and are to be added to Wollondilly DCP 2011.
7. Undergrounding of power lines wherever possible to reduce visual clutter and so as not to detract from visual landscape qualities.

8. Development of an Interpretation Plan for the Menangle Landscape Conservation Area and the Menangle Conservation Area that complies with the Interpretive Policy and Guidelines of the Heritage Council of NSW and current best practice in interpretation generally and provides culturally appropriate means of communicating significance to the community.
9. Integration of interpretation of Menangle Landscape Conservation Area and the Menangle Conservation Area with other places associated with the Macarthur family's agricultural enterprises in the Wollondilly, Camden and Campbelltown local government areas, both government-owned and privately-owned.
10. Additional provisions in Wollondilly DCP 2011 which discourage the introduction of discordant elements in the cultural landscape such as the following:
 - dense screens of fast growing conifers;
 - large farm sheds, particularly those of non-traditional design and with visually intrusive exterior finishes, in visually prominent locations;
 - solid fences such as metal panel types.
11. Additional 'urban - rural' interface design guideline provisions in Wollondilly DCP 2011 which encourage the following:
 - open form fencing with high ratio of voids to solids e.g. rural-style post and wire fencing;
 - perimeter roads separating urban land from rural land.
12. Controls in Wollondilly DCP 2011 for the location, size and design of way-finding, informational, interpretive and advertising signage to prevent a proliferation of unnecessary signs or insensitive signs.

Recommendations 6, 7, 10, 11 and 12 could be addressed in Development Control Plan provisions of the Conservation Area.

The full text of MUSEscape's heritage report has been provided under separate cover, and is available on request.

The recommendations of this report address the inconsistency with the Section 117 direction "3.1 Residential Zone)" by allowing development to occur within the existing Menangle Heritage Conservation Area of the village. This would avoid the sterilisation of already residential zoned land within the Heritage Area or prevent the rezoning of land for residential uses within the village itself, whilst allowing for the protection of the landscape surrounding the village.

CONSULTATION

Preliminary Consultation – Council’s Resolution 29/2011 made on 21 February 2011 precluded the non-statutory preliminary notification period undertaken by Council in preparing a planning proposal.

Gateway Determination – The Gateway determination received on 29 August 2011 from the DP&I informed Council that the proposal should not proceed in its present form. The Department requested that Council undertake a detailed heritage report to inform revisions to the planning proposal.

Public Exhibition – If the now revised planning proposal receives a positive Gateway determination a formal Public Exhibition period will be undertaken as part of the consultation process.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

Environment

- A community that is surrounded by a built and natural environment that is valued and preserved
- A community that has opportunities to engage with and actively care about their natural environment

The planning proposal is for the protection of a valued landscape which provides a context and setting for Menangle Village and reflects the historic land use and settlement patterns of the locality.

Governance

- A community that is supported through engagement, collaboration and partnerships across government agencies and private business
- A transparent, effective and sustainable Council

This process shall allow opportunities for Council to consult and engage with the community and Government Departments on determining the most appropriate outcome.

POLICIES & LEGISLATION

- *Environmental Planning and Assessment Act, 1979*
- *Environmental Planning and Assessment Regulation, 2000*
- *Standard Instrument (Local Environmental Plans) Order, 2006*
- *Wollondilly Local Environmental Plan, 2011*

RELEVANT CONSIDERATIONS

The following is a summary of the instructions from the Gateway notice dated 28 August, 2011 along with comments to demonstrate how these instructions have now been addressed:

Gateway instruction 1: Identify the heritage value of the land (including visual corridors and views, rural landscape setting and historical significance)

The heritage study analyses and identifies:

- documentary evidence translated into places within the landscape
- National, State and Local themes related to examples within the study area
- physical evidence remaining in the landscape
- cultural landscape units
- views and visual absorption methods

And uses this information to make an Assessment of Significance.

The Assessment of Significance concludes a Landscape Conservation area is significant for the following reasons:

- culturally, for its evidence of early 19th century rural settlement, the Macarthur family's Camden Park rural enterprise and the routes of major road and rail links
- environmentally, for its association with topography, soils and the availability of water which facilitated to early establishment of agriculture
- socially, for its association with the extended families of Macarthur, Stanham and Onslow as well as convict and tenant associations linked to the farming and development of the land along the lines of an English Country Estate
- aesthetically, for the visual setting provided by surrounding ridgelines and cultivated flatter areas and the compact nature of the existing Menangle village
- aesthetically, for the inclusion of a collection of heritage items of outstanding quality; and
- it includes Aboriginal places of heritage significance.

Gateway instruction 2: Refine the boundary of the proposed conservation area

The heritage report refines the boundary of the proposed Landscape Conservation Area as shown in Figure 88 and in Attachment 2 to this report. The revised area includes the land surrounding the former Macarthur property known as 'Gilbulla' which is separately listed as a heritage item in the LEP and has strong links to the Macarthur family history, the Camden Park Estate, aesthetic value and cultural and religious associations.

Gateway instruction 3: Identify the characteristics of the landscape to be preserved

The report gives examples of evidence within the landscape which contribute to heritage significance. These examples are listed in Section 3.2 to the report. The report also recommends that the following characteristics of the landscape be maintained:

- a curtilage to the existing Menangle Conservation Area;
- a landscape unit which incorporates the examples listed in Section 3.2 which are worthy of protection and retention as a collective group;
- a historical settlement pattern reflected in maintaining the rural landscape surrounding the village and controlling the siting of new subdivision and significant development to less visually sensitive areas (as shown in Figure 90 to the report); and
- consideration of Environmental Management and Environmental Conservation Zones in more visually significant locations as shown in the report.

The report also recommends consistency in the protection of landscape elements across the neighbouring local government areas of Camden and Campbelltown. This is outside the scope of the current Planning Proposal but is a matter that can be considered in the future.

Gateway instruction 4: Consideration of how Council intends to achieve its objectives of protecting the landscape

The objective of a Landscape Conservation area is to protect the rural character and setting of the existing Menangle Conservation Area and, in doing so, protect the significance of a collection of places of heritage significance and make this landscape readily interpreted by visitors and the resident community.

The report recommends Council achieve this by:

- amending Wollondilly Local Environmental Plan, 2011 to list Menangle Landscape Conservation Area in Schedule 5;
- consider introducing Environmental Management and Environmental Protection Zones within and in the vicinity of the Menangle Landscape Conservation Area;
- control new subdivision to less visually sensitive areas
- add provisions to Wollondilly Development Control Plan, 2011 to apply to development within the Menangle Landscape Conservation Area; and
- develop an Interpretation Plan for culturally appropriate means of communicating the heritage significance of the locality to the community.

Gateway instruction 5: Address the proposal's inconsistency with Section 117 Direction 3.1 Residential Zones and justify the impact of the proposal on potential future residential growth in the area and the potential intended impact of a landscape conservation area on the built form

The objectives of Direction 3.1 are:

- “(a) to encourage a variety and choice of housing types to provide for existing and future housing needs;
- “(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- “(c) to minimise the impact of residential development on the environment and resource lands.”

The revised draft Planning Proposal does not discourage variety and choice in housing types. However, any proposal for a change in zoning and / or construction of new housing will need to be compatible with the heritage values identified in the heritage report and Wollondilly DCP 2011. Infrastructure and services are limited to the existing urban zoned land and potential extension of infrastructure and services are dependent upon arrangements satisfactory to service providers. The intent of the Landscape Conservation Area is to ensure residential development (and any other form of development) within the Landscape Conservation Area is compatible with the heritage significance of the locality and its current features. Therefore, overall the draft Planning Proposal is consistent with the objectives of Direction 3.1.

When Direction 3.1 applies, the relevant planning authority must include provisions that encourage the provision of housing that will:

- “(a) broaden the choice of building types and locations available in the housing market; and
- (b) make more efficient use of existing infrastructure and services; and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.”

The draft Planning Proposal does not restrict the choice of building types permissible. However, there will be additional provisions to ensure that future buildings are compatible with the heritage significance of the locality. The draft Planning Proposal does not change the current locations for permissible building types but does provide guidance for consideration of future zoning changes to accommodate new residential zones in less visually sensitive areas.

Infrastructure and services use shall remain unchanged by the draft Planning Proposal.

The heritage report which informs the creation of a Landscape Conservation Area has capacity for consideration of future housing in less visually sensitive areas while also reducing the potential consumption of this sensitive urban fringe location for housing by balancing heritage significance with the need for limited future growth. The DCP provisions shall facilitate good design.

The revised draft Planning Proposal will include provisions consistent with Direction 3.1 as well as being compatible with the heritage significance of the locality.

When Direction 3.1 applies, a Planning Proposal must:

- “(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it); and
- (b) not contain provisions which will reduce the permissible residential density of the land.”

There are existing provisions in Wollondilly LEP 2011 that ensure residential development is not permitted until land is adequately serviced.

There are no provisions in the revise draft Planning Proposal which reduce permissible residential density nor change minimum lot sizes.

Listing Menangle Landscape Conservation Area in Schedule 5 to Wollondilly LEP 2011 triggers the consideration of the heritage significance of this area with the assessment of any future Planning Proposal and Development Application.

The Landscape Conservation Area will require any proposal for potential future residential growth to have consideration for, and potentially be compatible with, the recommendations of the heritage report. The heritage report identifies two areas; one surrounding Menangle Railway Station and one to the north east of the village on the eastern side of the rail line. The Landscape Conservation Area does not prevent potential future residential growth.

The Landscape Conservation Area will trigger the need to consider clause 5.10 Heritage Conservation to WLEP 2011 with the preparation and assessment of any development application. The heritage report recommends the existing controls in Wollondilly DCP 2011 which currently apply to Menangle Conservation Area be extended to the Landscape Conservation Area. As these existing controls relate to development of urban character it is necessary to introduce new objectives and controls for rural development to address all new elements of the built form. These details shall be provided by Council's Heritage Consultant and shall be included in the revised draft Planning Proposal.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

CONCLUSION

The Draft Planning Proposal shall be amended to seek to create the Menangle Landscape Conservation Area as shown in **Attachment 5**. The draft Planning Proposal will be revised to incorporate the Heritage Report prepared by MUSEcape Pty Ltd and to include new provisions in Wollondilly DCP 2011 as recommended by Council's Heritage Advisor. The revised Planning Proposal will address all matters raised in the Gateway notice dated 29 August 2011 and can be sent back to the Minister for a new Gateway determination.

ATTACHMENTS

1. Gateway determination from the Department of Planning & Infrastructure.
2. Map – Recommended Menangle Landscape Conservation Area as proposed by detailed heritage report.
3. Photograph showing historic settlement patterns in Menangle village.
4. Map – Potentially Less Visually Sensitive Areas.
5. Map – Final Revised Menangle Landscape Conservation Area as recommended by this report.

RECOMMENDATION

1. That the draft planning proposal be revised:
 - to accommodate the report titled ‘Menangle Landscape Conservation Area – Assessment of Significance and Proposed Boundaries’ by MUSEcape Pty Ltd; and
 - to address the matters raised in the Gateway notice dated 29 August 2011.
2. That the revised planning proposal for the Menangle Landscape Conservation Area be forwarded to the Department of Planning & Infrastructure, along with the now completed heritage report, for a Gateway determination.
3. That the Menangle community be informed of Council’s decision.



Planning & Infrastructure



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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 29/8/11
Deputy Director General
Plan Making & Urban Renewal

Planning & Economy



Planning & Infrastructure

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:

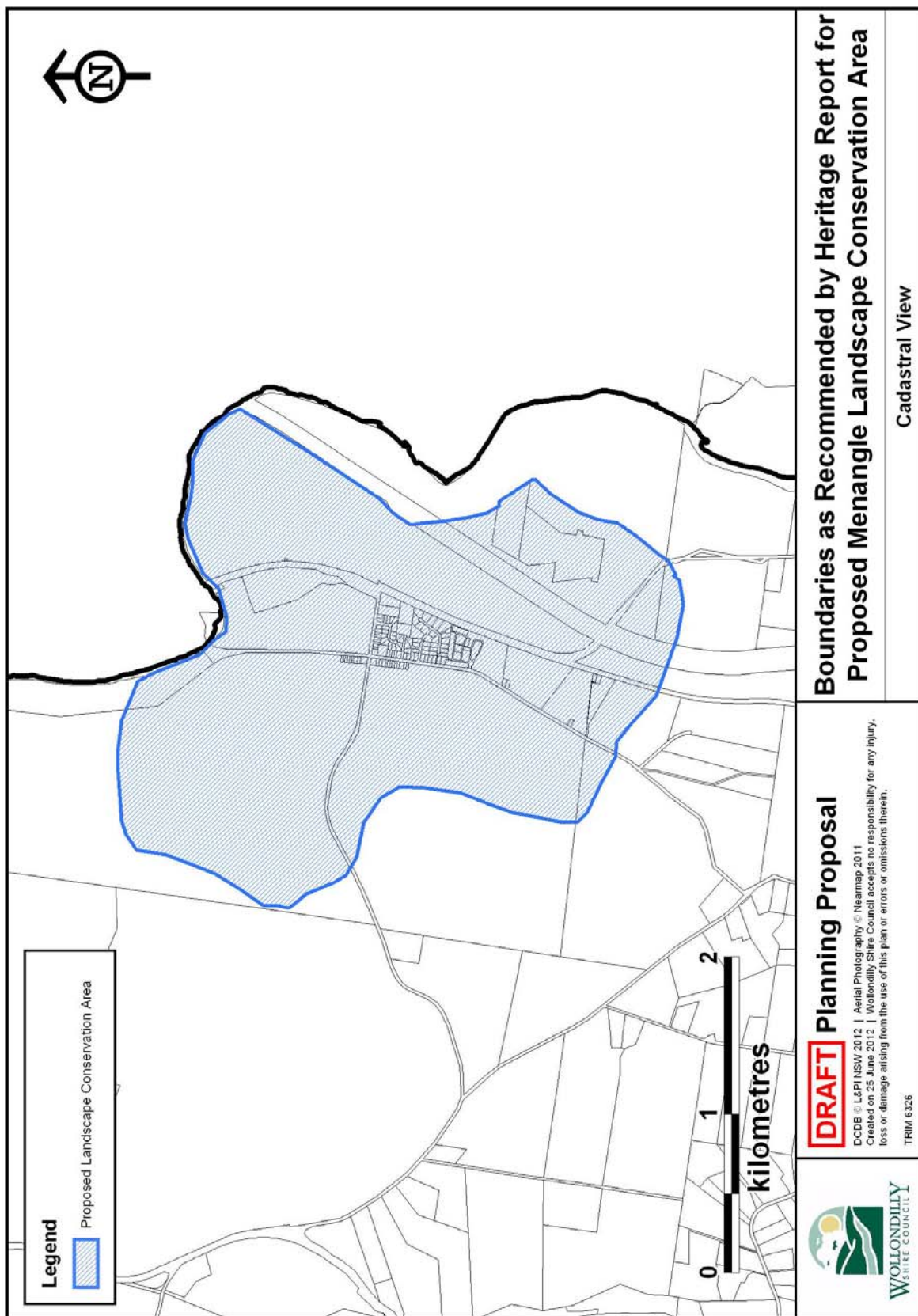
1. The initial heritage assessment is considered insufficient as it does not provide satisfactory consideration of the heritage significance of the proposed landscape conservation area and the values and heritage characteristics of the land to justify the progression of the proposal at this stage. Council 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

Wollondilly PP_2011_WOLLY_009_00 (11/13040)

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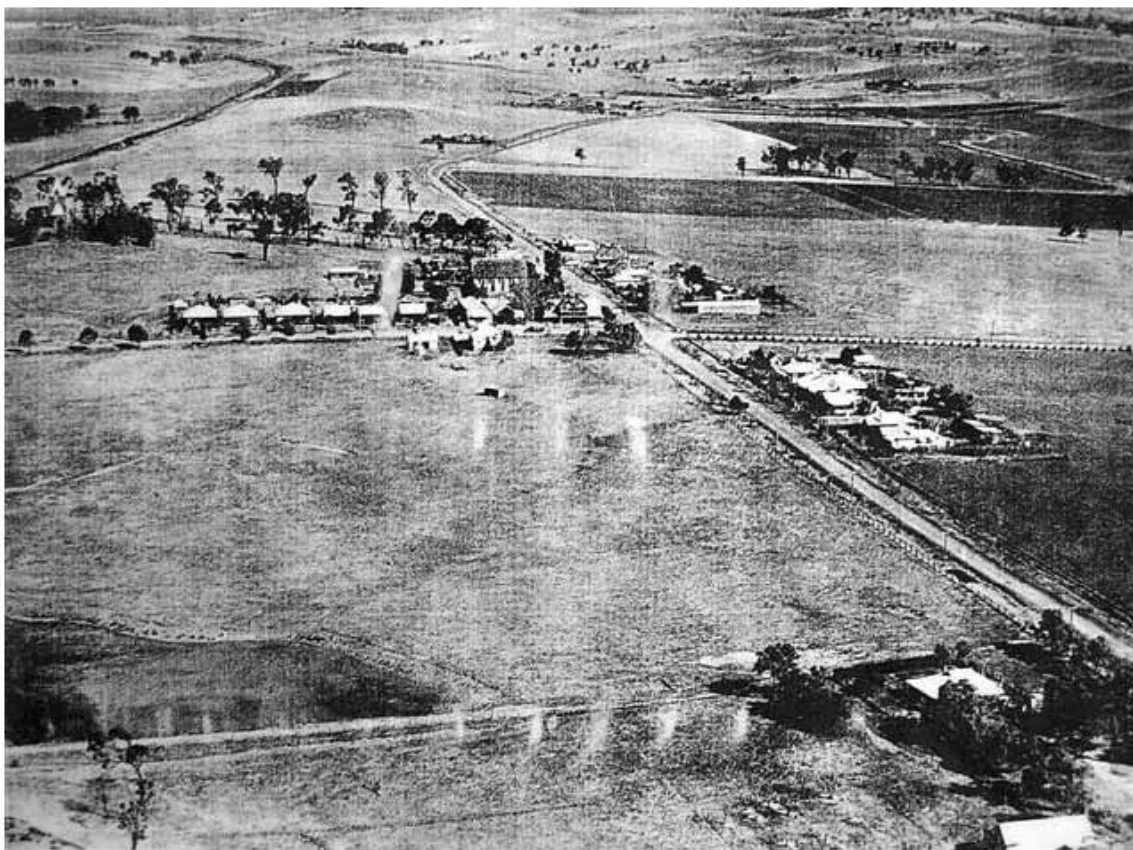
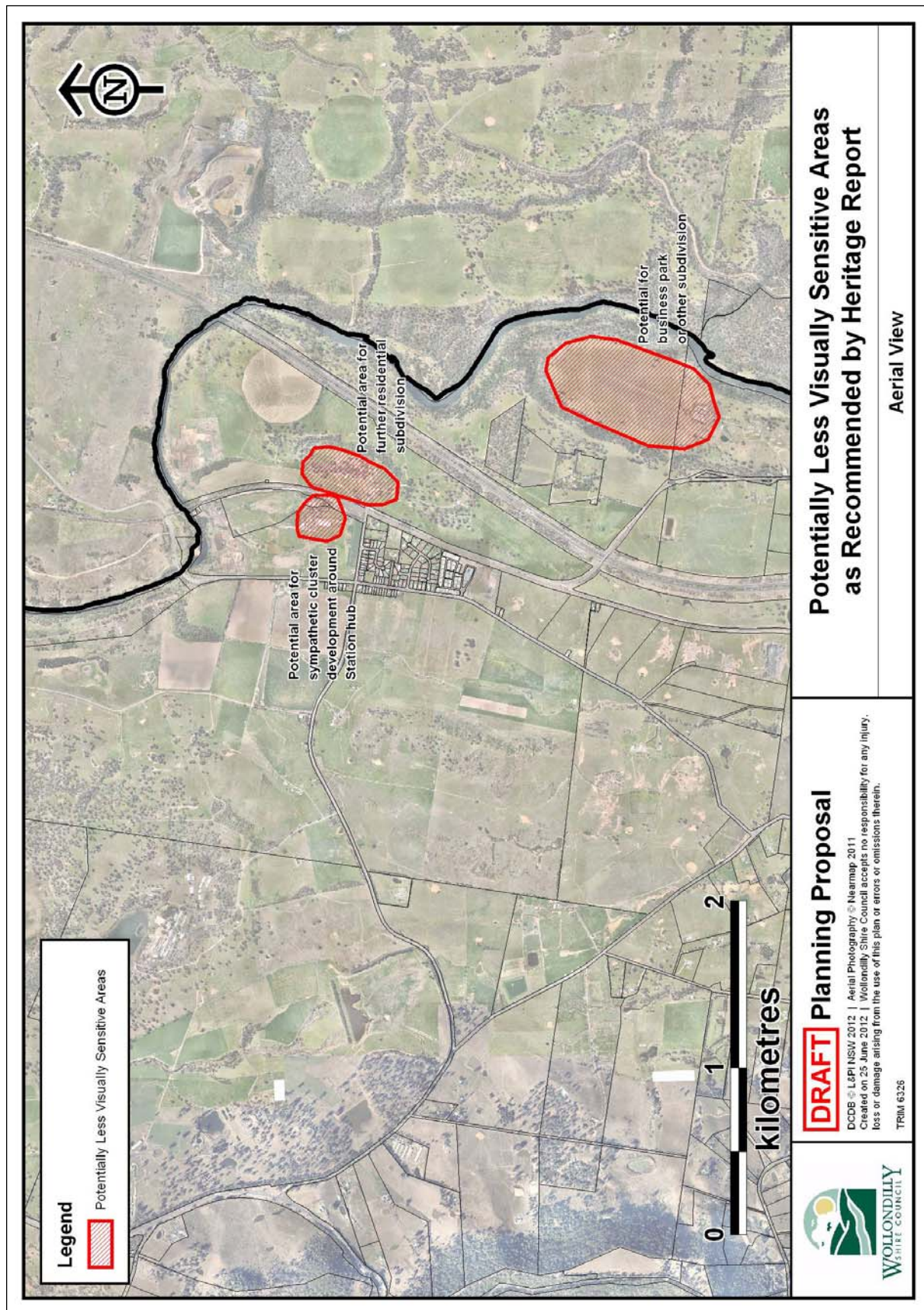
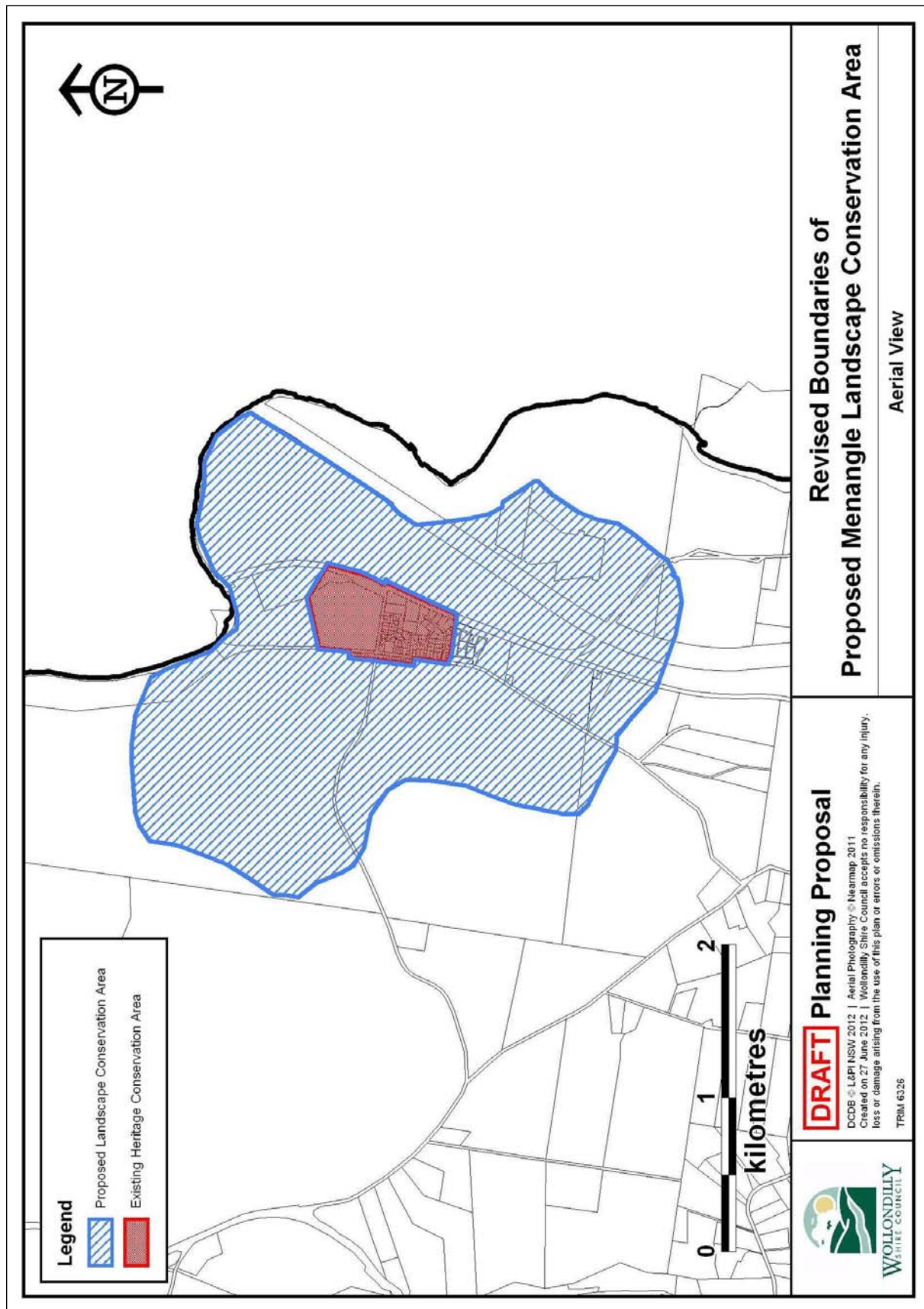


Figure 89 This aerial photograph shows the historic subdivision pattern of the village of Menangle post 1896. While there has been extensive residential subdivision south of Station Street in recent years, such subdivision north of Station Street would have a negative impact on the perception of the village as an historic settlement. If implemented the approved residential strip subdivision along the northern side of Station Street would obscure the ability to read the historic cultural landscape. Visitors approaching from the north would be confronted by back fences, garden sheds and play equipment.



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