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Our ref: PP_2013_WOLLY_011_00 (13/16785)

Mrs Mary-Lynne Taylor
Sydney West Joint Regional Planning Panel Chair
C/O Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Suzie Jattan

Dear Mrs Taylor,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Station Street, Menangle from RU1 Primary Production to R2 Low Density Residential and B1 Neighbourhood Centre; include a range of minimum lot sizes for residential purposes; and introduce a building height of 6.8m for land proposed to be zoned for residential purposes and 9m for land proposed to be zoned for commercial purposes on the subject site.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is in accordance with the draft South West Subregional Strategy. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. The request for the department to draft and finalise the LEP should be made 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 section 54(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 1534.

Yours sincerely,


Neil McGaffin 9.12.13
Acting Deputy Director General
Planning Operations & Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_011_00): to rezone land at Station Street, Menangle and amend minimum lot size and height of buildings controls on the site.

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the 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 rezone land at Station Street, Menangle from RU1 Primary Production to R2 Low Density Residential and B1 Neighbourhood Centre; include a range of minimum lot sizes for residential purposes; and introduce a building height of 6.8m for land proposed to be zoned for residential purposes and 9m for land proposed to be zoned for commercial purposes on the subject site should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - suitable buffers and urban design features to achieve a practical urban-rural interface
 - flora, fauna and habitat
 - European and Aboriginal heritage (including specification of the restoration works to be undertaken on the existing heritage items and the mechanism for ensuring these works are adequately financed and completed)
 - on-site wastewater management feasibility assessment
 - state and local infrastructure and essential services
 - transport and movement, (including consideration of: (i) concept railway bridge design including consideration of relocation further north to improve road geometry and access for pedestrians; and (ii) traffic study and recommended intersection treatment for Menangle Station / Woodbridge Road intersection and associated road geometry for Moreton Park Road and consider relocation to improve access)
 - soils, geology, salinity, acid sulfate soils and contamination
 - mine subsidence assessment
 - flooding, hydrology, riparian lands and water sensitive urban design
 - bush fire hazard and risk management

Once the above information has been obtained and consultation with public authorities has been undertaken, the planning proposal is to be updated to consider consistency with S117 Directions 2.1 Environment Projection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection and update the proposed concept plan to reflect the outcomes of the work and consultation undertaken.

2. Prior to undertaking public exhibition, the Natural Resources – Water Map (Sheet NRW_010) is to be amended to include any new watercourses, or amendments to existing watercourses, identified by the proposed studies. A flood prone land map is also to be included in the planning proposal, which is at an appropriate scale and clearly identifies the subject lands.
3. Prior to undertaking public exhibition, the planning proposal is to be updated to clarify that:

- references within the planning proposal to 'medium density' development refers to the density of the proposed development rather than a proposal to rezone the land to medium density residential;
 - references within the planning proposal to 'mixed use' development refer to development in the heritage precinct as a whole rather than a proposal to rezone the site for mixed uses purposes; and
 - the Menangle Railway Station is not included in the planning proposal.
4. If the site is to be identified as an Urban Release Area, the Urban Release Area Map is to be amended to include a new sheet (Sheet URA_010). This is to be done prior to undertaking public exhibition.
5. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
- Sydney Water
 - Endeavour Energy
 - Campbelltown City Council
 - Wollondilly Shire Council
 - Australian Rail Track Corporation Ltd
 - Office of Water (S117 Direction 4.3 Flood Prone Land)
 - Transport for NSW (regarding regional infrastructure requirements)
 - NSW Health (regarding regional infrastructure requirements)
 - Roads and Maritime Services (regarding regional infrastructure requirements)
 - Department of Education and Communities (regarding regional infrastructure requirements)
 - Department of Primary Industries - Agriculture (S117 Direction 1.2 Rural Zones)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
 - Hawkesbury – Nepean Catchment Management Authority (S117 Direction 2.1 Environment Protection Zones)
 - NSW Trade and Investment – Mineral Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Consultation with public authorities and the Department is to be undertaken in regards to infrastructure requirements and costing.

7. 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 relevant public authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 9th day of December 2013.



Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure