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Mr J L (Les) McMahon
General Manager
Wollondilly Shire Council
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Our ref: PP_2012_WOLLY_005_00 (12/14214)
Your ref: 6882 AL:AL

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 16 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 (2011) to identify the former Menangle School Building and associated curtilage as a local heritage item.

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.

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 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

20/9/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_005_00): to identify the former Menangle School Building and associated curtilage as a local heritage item under Wollondilly LEP 2011.

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 (2011) to identify the former Menangle School Building and associated curtilage as a local heritage item should proceed subject to the following conditions:

1. It is noted that the DP number is incorrect and should read "795181" instead of "745181". Council is to amend the planning proposal prior to exhibition to rectify all incorrect references to the DP number.
2. It is noted that the Council report and resolution indicate that the curtilage relating to the former Menangle School Building may extend onto adjoining land, which contains adjoining buildings. Council is to clarify the boundary of the curtilage, including any additional property description and justify the inclusion of any additional land.
3. In relation to the requirements of with S117 Direction 2.3 Heritage Conservation, Council is to demonstrate consistency with Local Planning Direction following consultation with the Heritage Branch of the Office of Environment and Heritage and prior to finalisation of the LEP.
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 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - 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. Further to Condition 5 above, Council is to consult with the Mine Subsidence Board in relation to the requirements of 4.2 Mine Subsidence and Unstable Land. Council is to demonstrate consistency with Local Planning Direction prior to finalisation of the LEP.



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 Council 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 **9 months** from the week following the date of the Gateway determination.

Dated *20th* day of *September* 2012.

SHaddad

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