

Greater Sydney, Place and Infrastructure

IRF20/914

Gateway determination report

LGA	Wollondilly
PPA	Wollondilly Shire Council
NAME	Heritage Housekeeping
NUMBER	PP_2020_WOLLY_002_00
LEP TO BE AMENDED	Wollondilly LEP 2011
ADDRESS	Multiple addresses across the LGA
DESCRIPTION	N/A
RECEIVED	27 February 2020 (Additional information received 3 June 2020 and 8 July 2020)
FILE NO.	IRF20/914
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to conserve the cultural heritage of Wollondilly Shire by amending property identification information in Schedule 5 (the heritage schedule) and relevant heritage and land zoning maps of the Wollondilly Local Environmental Plan (LEP) 2011. The planning proposal (**Attachment A**) amends various sites across the Wollondilly Local Government Area (LGA) including:

- Updating 106 heritage listed items that require amendments for which 37 of these items require changes to the heritage map;
- Amending the heritage map to expand the Menangle Landscape Conservation Area to include additional land for conservation (**Attachment A2**); and
- Amending the land zoning maps to more accurately reflect the existing uses of St Luke's Church (Wilton) and St Mark's Church (Picton).

1.2 Site description

The planning proposal applies to various sites in the Wollondilly LGA. A detailed schedule of individual sites, site addresses and Lot and DP numbers are in **Attachment D**.

1.3 Existing planning controls

Schedule 5 of the Wollondilly LEP 2011 consists of a detailed list of heritage items within the LGA. Details include the address, lot and DP number, item number and item name. The proposed LEP map amendments are in **Attachment E**.

1.4 Summary of recommendation

It is recommended that the planning proposal proceeds with conditions. The key documents provide support for the planning proposal which aims to conserve and enhance heritage items listed in Schedule 5 of Wollondilly LEP.

The Department is satisfied that Council has provided sufficient justification for the minor inconsistencies however a Gateway condition is recommended for Council to amend the planning proposal to ensure the addresses and property descriptions are correct in accordance with the additional information provided to the Department on 3 June 2020 (**Attachment F**).

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are:

- To correct and clarify many errors in Schedule 5 of the heritage list and related Heritage maps in Wollondilly LEP 2011;
- To ensure that Wollondilly's heritage items are correctly identified and protected in Wollondilly LEP 2011, to maintain the character of Wollondilly's towns and villages; and
- To correct a misconception of the use of two churches within the LGA in the land zoning map.

The objectives are clear and specific enough to describe the intended outcomes of the proposal.

2.2 Explanation of provisions

The proposed outcome will be achieved by amending the Wollondilly LEP 2011 through the following provisions:

- Amending Schedule 5 Environmental Heritage to correct/update either the item name, property description, property address, and/or heritage significance (106 items);
- Amending the Heritage Map to correct/update the area identified on the Heritage Map for each item listed in Schedule 5 (37 items);
- Amend the Heritage Map to expand the Menangle Landscape Conservation Area to include all land originally identified for protection; and
- Amending the Land Zoning Map to include an additional land use annotation on land zoned SP2 Infrastructure to accurately reflect the current land of two heritage items.

The explanation of provisions is appropriate in terms of conveying to the community what amendments are being proposed.

2.3 Mapping

The LEP maps that show the current and proposed mapping changes are included in **Attachment E**.

The planning proposal will require amendments to:

- 37 heritage items on the Wollondilly LEP 2011 heritage map;
- Expand the Menangle Landscape Conservation Area by 50ha on the heritage map; and
- Two separate heritage items to be altered as 'SP2 Place of Public Worship' rather than 'SP2 Cemetery' on the land use map.

The proposed maps are consistent with mapping standards in Part 4 of A Guide to Preparing LEPs and are considered to be suitable for public exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The proposal has been prepared to address several errors in Schedule 5 of the Wollondilly LEP 2011 and related maps. The proposed amendments include:

- Correcting the listed property description and/or addresses;
- Removal of items following demolition;
- Inclusion of additional properties that an item is located on;
- Correcting the listed heritage significance of the item;
- Correcting the information produced on the Heritage Map regarding an item;
- Removal of the item if it is now listed within the Growth Centres SEPP; and
- Amending the listed zone description on the land zoning map.

The proposal also seeks to amend the descriptions in the Land Zoning maps of Wollondilly LEP 2011 for two heritage listed items under Schedule 5 as well as an expansion of the Menangle Landscape Conservation Area. The planning proposal has demonstrated that there is a need for amendments to the Wollondilly LEP 2011 to accurately identify heritage items and the Menangle Landscape Conservation Area on the heritage map. The proposal is the best means of achieving the objectives and outcomes of the amendment.

The Department supports the proposal proceeding to Gateway determination as it will correct and clarify many errors in the heritage list and related heritage maps to ensure that Wollondilly's heritage items are correctly identified and protected in Wollondilly LEP 2011.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level and is a bridge between regional and local planning.

Planning priority W6 of the Western District Plan involves creating and renewing great places and local centres and respecting the District's abundant European and Aboriginal heritage. It gives effect to *Objective 13* of the Greater Sydney Regional Plan which seeks to identify, conserve and enhance environmental heritage.

The proposal is consistent with *Planning Priority W6* as the goal of the proposal is to accurately identify heritage items by correcting errors within the Schedule 5 heritage schedule, Heritage maps, and Land Zoning maps within Wollondilly LEP 2011, where in some cases enhances the protection for items of heritage significance across the LGA.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Wilton 2040

The Wilton 2040 plan provides a framework to guide land release and development opportunities across six precincts.

Three items from the proposal have been identified to be within the Wilton Growth Area. However, the amendments are administrative in nature and will not affect the delivery of Wilton 2040. The proposal is therefore consistent with Wilton 2040.

4.3 Local

Wollondilly 2040 Local Strategic Planning Statement

Wollondilly 2040 is Wollondilly's Local Strategic Planning Statement (LSPS). It outlines their vision for land use planning over the next 20 years and applies to all of Wollondilly Shire.

Wollondilly LSPS: *Planning Priority 8, W6* gives effect to the Western City District Plan through creating and renewing great places and local centres and respecting the District's heritage.

The proposal is consistent with *Planning Priority 8, W6* from the LSPS as it corrects errors within the Schedule 5 heritage schedule, heritage and land zoning maps within Wollondilly LEP 2011, and in some instances enhances the protection of items of heritage significance across the LGA.

Local Planning Panel

The planning proposal was considered by the Wollondilly Local Planning Panel on 26 July 2018. The Panel supported the proposal (**Attachment A6**) and made recommendations on the proposal for Council to address including the following:

- The landowners in the Menangle Landscape Conservation Area extension are to be advised of the proposal – Council staff contacted the relevant landowners;
- All landowners of the land proposed to be included in the proposal should be notified and invited to attend the Council meeting – Council staff notified all affected landowners of the meeting; and
- The Table of Changes to Schedule 5 be reviewed to ensure that places of public worship have a special use zone and the correct land use description, and the reference to curtilage in Item 187 be removed and replaced with a more descriptive reference – Council staff completed this action.

It is concluded that Council has adequately addressed the Panel comments.

4.4 Section 9.1 Ministerial Directions

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The planning proposal seeks to correct errors and misdescriptions in the Wollondilly LEP 2011. As such, it is not proposing to add any new items to the Schedule 5 heritage list but will amend increased certainty and therefore, better protection for existing heritage items and landscapes.

The planning proposal also seeks to expand the Menangle Landscape Conservation Area by 50 ha. The area nominated for expansion was identified in an earlier heritage study however was not included as it was the subject of a planning proposal. The planning proposal has not proceeded.

While the planning proposal is inconsistent with this direction as it seeks to remove some of the local heritage items or properties from Schedule 5, these changes are justified as either the heritage item is demolished, or the heritage item is not located on the identified property.

Accordingly, the Gateway determination recommends that the inconsistency with the Direction is of minor significance.

Direction 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

The objective of this Direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis

The planning proposal is consistent with this Direction as it seeks to make administrative amendments to the heritage schedule of Wollondilly LEP and is unlikely to impact the delivery of the plan for Wilton.

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all applicable State policies.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal is not expected to result in adverse social outcomes as it proposes to accurately recognise and protect local cultural heritage.

5.2 Environmental

No environmental effects are anticipated, as the planning proposal is for inclusion, amendment of the identified items in Schedule 5 of the Wollondilly LEP 2011.

5.3 Economic

There are no economic impacts anticipated due to the planning proposal.

5.4 Infrastructure

The sites are serviced by the necessary infrastructure and utilities.

6. CONSULTATION

6.1 Community

Council proposes to undertake a community consultation period of 28 days. Given the wide-ranging nature of the proposal, this period is considered to be appropriate.

6.2 Agencies

Department of Premier and Cabinet – Heritage NSW will need to be consulted because of the numeracy of heritage item changes proposed in addition to the inclusion of 50ha of land into the Menangle Landscape Conservation.

7. TIME FRAME

Council has provided a timeline indicating the proposal will be completed by February 2021. In the circumstances, it is considered that a 12-month period to complete the proposal is sufficient.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be delegated as the local plan-making authority. Given the minor nature of the planning proposal, Council should be granted the delegation of the plan making authority.

9. CONCLUSION

It is recommended that the planning proposal proceeds with conditions, as it will ensure Schedule 5 Environmental Heritage of Wollondilly LEP 2011 is accurate and serves the purpose of better managing and protecting heritage items.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Direction 2.3 Heritage Conservation is minor.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition Council is to update the planning proposal to ensure the addresses and property descriptions of all proposed amendments are accurate and correct.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the Department of Premier and Cabinet – Heritage NSW under section 3.34(2)(d) of the Act. Department of Premier and Cabinet – Heritage NSW 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.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

5. Given the nature of the planning proposal, Council should be the local plan-making authority.



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