



IRF23/3335

## Gateway determination report – PP-2023-2903

Various heritage amendments to Schedule 5 of  
Wollondilly Local Environmental Plan 2011

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal.**

### Relevant reports and plans

Wollondilly Heritage Planning Proposal report (Dec 2023)

Wollondilly Heritage Planning proposal maps (2023)

Heritage Assessment – Mount Taurus (28 August 2023)

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Maldon Bridge Road and Staff Road Maldon – Heritage Peer Review (19 Sep 2023)

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Staff Road Workers Houses – Heritage Assessment (12 April 2023)

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Wollondilly Heritage Study Addendum - Appin Road Conservation Area (27 Oct 2023)

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Wollondilly Shire LGA Appin, Thirlmere, Warragamba, Menangle – Heritage Study (April 2021)

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Wollondilly Shire-Wide Heritage Study Report (Aug 2023)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

LGA	Wollondilly
PPA	Wollondilly Shire Council
NAME	Schedule 5 amendment to the Wollondilly LEP to include new local heritage items and conservation areas and amend existing items throughout the LGA.
NUMBER	PP-2023-2903
LEP TO BE AMENDED	Wollondilly Local Environmental Plan 2011
ADDRESS	Various subject sites throughout the Wollondilly LGA. Refer to Appendices C and D of the Planning Proposal for a comprehensive list of subject sites.
RECEIVED	<b>22/12/2023</b>
FILE NO.	IRF23/3335
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

## 1.2 Objectives of planning proposal

The Planning Proposal contains an objective and intended outcomes that adequately explain the intent of the proposal.

The objective of the Planning Proposal is to amend Schedule 5 of the Wollondilly LEP 2011 to implement the recommendations of the Shire-Wide Heritage Study, earlier Stage 1 Heritage Study and other studies. This will update the heritage listings for the Shire and ensure Wollondilly's heritage places are properly identified, documented and managed.

The Department notes that some proposed amendments, if finalised, will require changes to the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Greater Macarthur Growth Area Heritage Map).

The objectives of this Planning Proposal are otherwise clear and adequate.

## 1.3 Explanation of provisions

The Planning Proposal seeks to amend Schedule 5 of Wollondilly LEP 2011 and heritage mapping by including:

- 52 new heritage items; and
- 3 new Landscape Conservation Areas.

The planning proposal also seeks the revision of the existing items in Schedule 5 and in some cases the heritage mapping, including:

- 4 items being amalgamated into 2 related items;
- 48 amendments to existing heritage items including change to item name, address, property description, classification or mapping;
- Increase the extent of the Picton Conservation Area; and
- Addition of 'Local' significance grading to all existing Conservation Areas.

Table 2 (pg. 8-9) of the Planning Proposal contains a comprehensive summary of all the proposed amendments.

The Planning Proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The Planning Proposal covers multiple subject sites throughout the Wollondilly LGA.

Appendices C (pg. 32-36) and D (pg.38-47) of the Planning Proposal contain a comprehensive list of all subject sites proposed for amendment.

## 1.5 Mapping

The Planning Proposal includes proposed LEP mapping amendments, which are suitable for community consultation. All proposed mapping amendments are contained in Appendices L and M of the Planning Proposal. As noted above, some changes to the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Greater Macarthur Growth Area Heritage Map) will be required, such as to facilitate the proposed Appin Massacre Cultural Landscape conservation areas.

## 1.6 Background

The background to this Planning Proposal is as follows:

- Council's previous heritage study was undertaken in 1992, and after 30 years, the heritage study and listings were considered due for a compressive review.
- In July 2021, Council was awarded grant funding to develop a Shire-wide heritage study.
- In January-March 2022, Council undertook a pre-study community engagement project, in which a number of potential heritage items were nominated by the community for further consultation.
- A heritage study project was divided into two stages based on development pressures. Stage 1 covered Appin, Thirlmere, Warragamba and Menangle was undertaken in 2020-2021. Stage 2 covered the remainder of the Shire was undertaken in 2022-2023.
- This Planning Proposal seeks to implement the recommendations of these heritage studies.

## 2 Need for the planning proposal

A Planning Proposal is the appropriate way to implement the recommended outcomes of the heritage study. It is considered that amending the Wollondilly LEP (and WPC SEPP where relevant) to revise and add new listings to Schedule 5 is the best means of achieving the objective and intended outcomes.

## 3 Strategic assessment

### 3.1 District Plan

The various subject sites are all within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Planning Proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the Planning Proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. Table 3 includes an assessment of the Planning Proposal against relevant directions and actions.

**Table 3 District Plan assessment**

District Plan Priorities	Justification
<b>Planning Priority W6</b> - Creating and renewing great places and local centres and respecting the District's heritage	<p>The Planning Proposal seeks to list multiple new sites throughout the Wollondilly Shire as local heritage items to ensure the character of the area is maintained. The proposal also seeks to amend the attributes (size, description etc.) for a number of heritage items to maintain the accuracy of the LEP.</p> <p>The Planning Proposal is consistent with this priority as the listing in Schedule 5 of the LEP would facilitate conservation of the Shire's environmental heritage and provide ongoing protection of its values.</p>

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in Table 4 below:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>Wollondilly 2040, the LSPS for the whole LGA, aims to optimise opportunities, preserve the area's unique features and strengthen the character of the Shire's towns and villages. The Planning Proposal is consistent because it:</p> <ul style="list-style-type: none"> <li>Reviews the heritage schedule within the LEP and identifies new heritage</li> </ul>

items for protection;

- Promotes the importance of the conservation of environmental heritage as of significant importance to the local community.

In this regard, the Planning Proposal aligns with Planning Priority 7 - Cultivating a Creative and Cultural Destination Connecting People with Places.

### 3.3 Local planning panel (LPP) recommendation

On 7 December 2023, the Local Planning Panel addressed the draft Planning Proposal. They resolved to support that the Planning Proposal proceed, noting the following considerations:

- The Draft Planning Proposal has strategic planning merit and supports the principle of identifying and protecting items and places with heritage significance in Wollondilly by implementing the recommendations of the heritage studies undertaken to inform the Planning Proposal;
- The following additional land should be included in the proposal:
  - the full road reserve and length of Old Razorback Road; and
  - the full length of the Upper Canal including the open canal and piped sections.
- If the Draft Planning Proposal is supported by Council, that it should not be taken as support for all the proposed changes at this stage and that a final decision will be made after a public exhibition;
- Recommends Council to request authorisation as the Local Plan Making Authority to undertake the plan making functions for this Planning Proposal;
- As the Planning Proposal progresses, staff will further investigate the site-specific merit to any potential changes, and considers that where proposed listings are disputed, staff should undertake site visits and seek independent advice to inform the final recommendation to Council after a public exhibition and prior to finalisation.

### 3.4 Section 9.1 Ministerial Directions

The Planning Proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	<p>This Direction requires that all planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The Planning Proposal meets the directions of the Western City District Plan as a whole.</p>
3.2 Heritage Conservation	Yes	<p>This Direction requires that a Planning Proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.</p> <p>The Planning Proposal is informed by a Heritage Assessment with an analysis of significance undertaken in accordance with the NSW Heritage Office guideline, which concluded that a number of new</p>



		<p>items should be listed as local heritage items, and a number of existing items should be amended and numerous other items be registered on the State Heritage Register and one item to the National Heritage Register.</p> <p>The proposal will facilitate the conservation and protection of these sites and is therefore consistent with this Direction. Consultation with Heritage NSW is recommended.</p>
3.3 Sydney Water Drinking Catchments	Yes	<p>This Direction requires that a Planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected and in accordance with the following specific principles:</p> <ul style="list-style-type: none"> <li>(a) new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality (including groundwater), and</li> <li>(b) future land use in the Sydney drinking water catchment should be matched to land and water capability, and</li> <li>(c) the ecological values of land within a Special Area should be maintained.</li> </ul> <p>Various subject sites/items identified within the Planning Proposal are within the Sydney Drinking Water Catchment.</p> <p>WaterNSW was consulted by Council during preliminary notification as owner of several of the heritage items included in the proposal. WaterNSW provided a submission which makes comment that the proposal is inconsistent with Ministerial Direction 3.3 and have concerns that listing will have implications for items owned by them under SEPP - Transport and Infrastructure and SEPP Biodiversity and Conservation.</p> <p>Council intends on further consultation with WaterNSW to understand their concerns over the proposed listings and understand whether the concerns raised by WaterNSW can be addressed.</p> <p>As a result, the Gateway has been conditioned accordingly to consult with WaterNSW.</p>

### 3.5 State environmental planning policies (SEPPs)

The Planning Proposal is consistent with all relevant SEPPs as discussed in Table 6 below.

**Table 6 Assessment of Planning Proposal against relevant SEPPs**

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Precincts— Western Parkland City) 2021	Yes	The proposal does not contain provisions that will contradict the application of the SEPP.
SEPP Exempt and Complying Development Codes (2008)	Yes	<p>The proposal seeks to amend Schedule 5 Part 1 Environmental Heritage to include multiple new heritage items and amend a number of existing heritage items.</p> <p>The Codes SEPP does not apply to heritage items; therefore, the proposal will not impact the application of the SEPP.</p>
SEPP (Biodiversity and Conservation) 2021	Yes	<p>Several subject sites identified within the Planning Proposal are located within the Hawkesbury-Nepean Water Catchment and the Sydney Drinking Water Catchment.</p> <p>The proposal is seeking to update the accuracy of Schedule 5 of the LEP. These proposed amendments will enhance the environmental protection of items within the aforementioned catchments. The proposal does not contain provisions that will contradict the application of the SEPP.</p>

## 4 Site-specific assessment

### 4.1 Environmental

The Planning Proposal does not seek to facilitate any significant changes to existing land uses. Accordingly, there are unlikely to be significant environmental impacts resulting from the proposal.

### 4.2 Social and economic

Table 7 provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 7 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	The Planning Proposal is likely to have a positive social effect on the local community by preserving unique local character and enhancing placemaking outcomes.
Economic	Several of the identified heritage items/sites are Council owned and managed. This will require Council to maintain its obligation to conserve heritage under the EP&A Act and the Wollondilly LEP. Council has existing economic obligations to many of the identified sites so the proposed amendments are unlikely to cause an adverse economic impact.

## 4.3 Infrastructure

There is no significant infrastructure demand that will result from the Planning Proposal and therefore no infrastructure implications are anticipated from the proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 30 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

### 5.2 Agencies

It is recommended the following agencies be consulted on the Planning Proposal and given 28 days to comment:

- Heritage NSW
- WaterNSW

## 6 Timeframe

Council proposes a 15 month time frame to complete the LEP (January 2024 – April 2025).

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the Planning Proposal is of local significance, the Department would normally recommend that Council be authorised to be the local plan-making authority. However, as several of the heritage

items included in the Planning Proposal are owned and managed by Council, the Department recommends that Council not be authorised to be the local plan-making authority.

## 8 Assessment summary

The Planning Proposal is supported to proceed with conditions for the following reasons:

- It is not inconsistent with regional, district and local plans and their relevant objectives;
- There are no adverse social or economic impacts as a result of the proposed amendments;
- The Planning Proposal has demonstrated potential strategic and site-specific merit, subject to the recommended conditions and agency consultation; and
- The proposal will recognise and provide ongoing protection of the heritage significance of multiple sites throughout the Shire.

## 9 Recommendation

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

1. Consultation is required with the following public authorities:
  - Heritage NSW
  - WaterNSW
2. The Planning Proposal should be made available for community consultation for a minimum of 30 days.
3. The exhibition of the Planning Proposal must commence within 3 months from the date of the Gateway determination.
4. The Planning Proposal must be reported to Council for a final recommendation 9 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the proposal, it is recommended that Council not be authorised to be the local plan-making authority.



29 January 2024

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29 January 2024

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