



Planning

COPY

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File ref: 10/22436
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Mr Les McMahon
General Manager
Wollondilly Shire Council
PO Box 21
Wollondilly NSW 2571

Attention: Martin Cooper

Dear Mr McMahon

Re: Request for draft Local Environmental Plans to be transferred into the current Part 3 Plan Making Process

I am writing in response to Council's request for the former LEP plan making provisions to cease to apply to five draft amending plans and for the current provisions of Part 3 of the Environmental Planning and Assessment Act 1979 to apply.

I have determined (as a delegate of the Director General) under clause 12(2) of the Environmental Planning and Assessment Regulation 2000 that the former LEP plan-making provisions cease to apply to three of the draft plans, namely:

- Wollondilly LEP 1991 (Amendment No 73 – Picton Tahmoor Thirlmere New Urban Lands),
- Wollondilly LEP 1991 (Amendment No 75 – Maldon Employment Lands), and
- Wollondilly LEP 1991 (Amendment No 77 – The Oaks).

The current provisions of Part 3 of the Act now apply to these draft plans.

Furthermore, I have, as the delegate for the Minister for Planning, determined under clause 122(2) of Schedule 6 to the Act to dispense with all the conditions precedent up to Section 57 of the Act for the making of these draft LEPs.

Following the completion of any relevant studies and the exhibition process, the draft LEPs may be submitted to the Director General.

Council is to finalise the LEP as follows:

- draft amendment No 73 – Picton Tahmoor Thirlmere - new urban lands: within 9 months of the receipt of this letter;
- draft amendment No 75 – Maldon Employment Lands: within 9 months of the receipt of this letter; and
- draft amendment No 77 – The Oaks: within 9 months of the receipt of this letter.

Council's request for the Department to draft and finalise these LEPs should be made at least 6 weeks prior to the projected publication date.

I note you have also sought advice over amendment of the boundaries of draft Amendment No 73.

I confirm that I have no objection to the plan proceeding for Amendment No 73 provided the relevant government agencies are informed of the proposal's exhibition and are given the opportunity to provide their comment at that time.

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 *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met. In this regard, Council is asked to submit milestone plans for each planning proposal and to provide progress at each milestone that will assist in maintaining the agreed timeframes.

In regard to the other two draft plans, I have carefully considered the circumstances pertaining to each and I have taken the view that it would be more appropriate for these draft plans to lapse and be reconsidered by Council. This would allow a measured review of both matters, and if Council continues to support these proposals, I would welcome submission by Council of fresh planning proposals.

I would also assure Council that the Department remains committed to the planning process for these plans continuing, subject to the satisfactory resolution by Council of the associated outstanding issues.

I have noted that the proponents are disputing the extent of proposed studies to support draft amendment No 74 (Land between Thirlmere and Tahmoor). While this is primarily a matter for Council, the Department's advice has been consistent in this matter. While some studies may be more relevant than others, they are all valid matters for investigation and the Department's position is that issues raised by consulted authorities need to be addressed. The relevance and extent of each study should reflect the likely impact. Sufficient information should be available to ensure the Planning Proposal can be completed within 12 months.

I have also noted that further advice from the Department of Environment Climate Change and Water has been provided to Council in respect of amendment No 76 – Warradale Road, Silverdale. In view of this advice, I would ask that Council review the environmental constraints on the site to ensure that these, and any other factors, do not impede part of the land being developed for residential and industrial purposes. It may be the case that following review, Council may wish to support a reduced urban footprint for development and this may have implications for the viability of the proposal.

Should you have any queries regarding this matter, please contact Peter Goth of the Sydney West Office of the Department on telephone no. 9873 8589.

Yours sincerely


Neil McGaffin
A/Deputy Director General
Plan Making and Urban Renewal
22.12.10