



Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Attention: Mr Steve Gardiner

Dear Mr Johnson

Wollondilly Local Environmental Plan 2011 (Amendment No 28)

I refer to the proposal to amend the Wollondilly Local Environmental Plan 2011 by land zoning, height of building and lots size controls and introducing additional permitted uses and a new local provision for land at 45 Stevens Road, Lot 21 DP 581462, 15 Menangle Road, Lot 201 DP 590247 and 1370 Moreton Park Road, Lot 202 DP 590247, Menangle.

As delegate of the Minister for Planning, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979*, and under section 3.24(5) it will take effect when published on the NSW Legislation website.

The planning proposal was considered by the independent Sydney Western City Planning Panel and the panel recommended the plan be finalised.

In making my decision, I have carefully considered the panel's recommendation, community submissions, agency comments and Council's concerns. I have formed the opinion that the proposal has both strategic and site-specific planning merit. Further, any potential environmental and heritage impacts, delivery of infrastructure and potential design outcomes have been appropriately addressed through the plan making process or can be resolved at the development application stage.

The panel recommended some land near a coal seam gas well be excluded from the plan and I understand Council supported this recommendation. To address this, I have included a site-specific provision in the amending plan that clearly requires any impacts associated with the gas well and proposed development to be considered by Council at the development application stage, allowing flexibility for development and to minimise any risk. I also understand the gas well is proposed to be

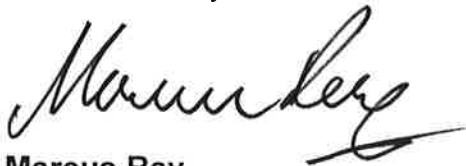
decommissioned in 2023 and the landowner has agreed to defer any residential development within a 200m buffer until the well has been decommissioned. The panel has agreed to this approach.

Council's preference for mapping residual lot size on the minimum lot size map is noted. A site-specific clause has been included as this is considered the most appropriate way to enable the land to be subdivided and remove any unintentional consequence from incorrect identification of lot size prior to detailed subdivision design. The clause will allow Council to consider granting development consent below the minimum lot size on land zoned RU1 Primary Production, but only if it facilitates the urban development on the subject site.

I also understand Council has previously sought to defer notification of the LEP amendment until infrastructure delivery arrangements and the development control plan have been finalised. I would encourage Council to work with the proponent to finalise the development control plan and the local voluntary planning agreement to ensure the provision of appropriate services and infrastructure support the future land release. I would anticipate that Council will be able to finalise the development control plan, prior to the issue of a development consent.

Should you have any enquiries about this matter, I have arranged for Ms Ann-Maree Carruthers, Director, Sydney Region West, at the Department of Planning and Environment to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

19/12/2018