

Mr Ben Taylor
Chief Executive Officer
Wollondilly Shire Council
62-64 Menangle Street
PICTON NSW 2571



Dear Mr Taylor

Wollondilly Local Environmental Plan 2011 (Amendment No 38)

I refer to the proposal to amend Wollondilly Local Environmental Plan 2011 to permit development of a site at Macquariedale Road and Appin Road, Appin for low and medium density residential development and the environmental management of a biodiversity corridor.

I have considered the reasons for Council's decision not to proceed with the proposal, and can advise that as the Minister for Planning and Public Space's delegate, 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. In making my decision I was aware of Council's concerns regarding the timing for development within the Greater Macarthur Growth Area and have noted the submissions made by the community in relation to this proposal. Since the issue of the Gateway determination in 2011, the proposal has undergone extensive assessment and consultation, with no state agencies objecting to the proposal. Further, the proposed urban footprint of the proposal is consistent with the recently exhibited draft Cumberland Plain Conservation Plan.

The proponent and the Department of Planning, Industry and Environment (the Department) are concurrently finalising a Voluntary Planning Agreement which will see the dedication of 562ha of conservation land to the State. This is a dedication of land of similar size to the Western Sydney Parklands, establishing important conservation lands in perpetuity through biodiversity stewardship agreements. The dedication of lands under the agreement will also ensure the protection of the 39.3 hectares of environment conservation land zoned under Amendment 38.

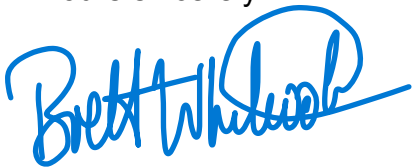
The Department has ensured that the amendment to the Wollondilly Local Environmental Plan 2011 requires high quality design and biodiversity outcomes on the site. The provisions require Council, prior to issuing consent for development on the site, to take into consideration guidelines made by the Secretary. These guidelines will provide further controls for the site, similar to those previously exhibited by Council in the draft site-specific Development Control Plan. The LEP provisions also require Council to obtain the concurrence of the Secretary prior to granting consent to any development on the site. In deciding whether to grant

concurrence, the Secretary must consider potential adverse impact of the proposed development and the cumulative impact of the development, on any threatened species, populations or ecological communities, and steps taken to address those impacts.

In light of these provisions applying to the site, I am satisfied that the proposal can now be finalised.

Should you have any enquiries about this matter, I have arranged for Mr Adrian Hohenzollern, Director Western District, to assist you. Mr Hohenzollern can be contacted on 9860 1505.

Yours sincerely



8 October 2020

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure