

Department of Planning, Housing and Infrastructure

Our ref: IRF24/2451

Mr Ben Taylor
Chief Executive Officer
Wollondilly Shire Council
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8 July 2025

Subject: Planning proposal (PP-2024-2188) to amend Wollondilly Local Environmental Plan 2011

Dear Mr Taylor

I write in response to the planning proposal forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to insert local provision clause 5.21A into the Wollondilly Local Environmental Plan 2011 to manage development in flood prone areas consistent with the Stonequarry Creek Floodplain Risk Management Study and Plan (2022).

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should not proceed in its current form as it is inconsistent with the Department's Flood Prone Land Package.

This package was updated in July 2021 and includes a mandatory 5.21 Food Planning clause as well as an optional clause 5.22 Special Flood Consideration. The main change of this package was the removal of flood controls from LEPs and places these into DCPs to allow for greater flexibility to update when needed. As this proposal is not consistent with this updated package the Department is not able to support it in its current form.

While optional Standard Instrument LEP clause 5.22 was not adopted by Council in 2021, it is the Department's view that it is the most practical way of managing development between the Flood Planning Area and the PMF and will achieve most of Council's aims identified in the planning proposal. Council's DCP is also best placed to support development controls for additional matters beyond clause 5.22 and could include other parts proposed through clause 5.21A that aren't covered by clause 5.22.

The Department would welcome any opportunity to assist Council in strengthen its flood planning policy and align it with the Department's Flood Prone Land Package. Therefore, the Department

Department of Planning, Housing and Infrastructure

proposes to work with Council to adopt the Standard Instrument clause 5.22 Special Flood Considerations into Council's LEP via a section 3.22 expedited planning proposal. Council is also encouraged to implement any additional flood considerations sought into the Council DCP.

Should you have any enquiries about this matter, I have arranged for Chantelle Chow, A/Director, Southern, Western and Macarthur Region to assist you. Chantelle can be contacted on 9860 1548.

Yours sincerely,

A handwritten signature in grey ink, appearing to read "Monica Gibson".

Monica Gibson

Deputy Secretary

Planning, Land Use Strategy, Housing and Infrastructure

Encl: Gateway determination