



New South Wales

Wollondilly Local Environmental Plan 1991 (Amendment No 59)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00174/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 807

Clause 1 Wollondilly Local Environmental Plan 1991 (Amendment No 59)

Wollondilly Local Environmental Plan 1991 (Amendment No 59)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wollondilly Local Environmental Plan 1991 (Amendment No 59)*.

2 Aims of plan

This plan aims to amend *Wollondilly Local Environmental Plan 1991*:

- (a) to rezone part of the land to which this plan applies to Zone No 2 (a) (Residential “A” Zone), and
- (b) to allow the subdivision of the land referred to in paragraph (a) and the erection of any residential building on that land, but only if the underground extraction of coal and other minerals, and the effects of subsidence, are complete, and
- (c) to create a new Zone No 7 (f) (Environmental Protection “F” (Biodiversity Conservation) Zone) to manage land for the principal purpose of biodiversity and to rezone part of the land to which this plan applies to that new zone, and
- (d) to rezone part of the land to which this plan applies to Zone No 9 (b) (Arterial Road Reservation Zone), and
- (e) to permit, with the consent of the Wollondilly Shire Council, the underground extraction of coal and other minerals on the land to which this plan applies, subject to certain conditions, and
- (f) to require, prior to the subdivision of land to which this plan applies into lots of less than 40 hectares, that satisfactory arrangements have been made for the provision of regional transport infrastructure.

3 Land to which plan applies

This plan applies to land within the local government area of Wollondilly Shire, being Lot D, DP 162904, Lot 12, DP 752012, Lots 1 and 2, DP 598534, Lots 1 and 2, DP 819972 and Lot 100, DP 555116, Appin Road, Appin, as shown edged heavy black on the map marked “Wollondilly Local Environmental Plan 1991 (Amendment No 59)” deposited in the office of Wollondilly Shire Council.

4 Amendment of Wollondilly Local Environmental Plan 1991

Wollondilly Local Environmental Plan 1991 is amended as set out in Schedule 1.

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Wollondilly Local Environmental Plan 1991 (Amendment No 59)

Schedule 1 Amendments

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(Clause 4)

[1] Clause 6 Definitions

Insert in appropriate order the definition of *the map* in clause 6 (1):

Wollondilly Local Environmental Plan 1991 (Amendment No 59)

[2] Clause 9 Zones indicated on the map

Insert after the matter relating to Zone No 7 (e):

Zone No 7 (f) (Environmental Protection “F” (Biodiversity Conservation) Zone)—black edging and lettered “7 (f)”.

[3] Clause 10 Zone objectives and development control table

Insert after the matter relating to Zone No 7 (e):

Zone No 7 (f) (Environmental Protection “F” (Biodiversity Conservation) Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to identify and manage land for the principal purpose of biodiversity protection, and
- (b) to conserve, restore and enhance native flora and fauna habitat and the ecological viability of land, and
- (c) to enable the development of land within the zone only where it can be shown that the development will not destroy, damage or compromise the extent, quality or integrity of the ecological attributes of the land.

2 Without development consent

Nil.

3 Only with development consent

Bushfire hazard reduction; environmental protection works; mining; public utility undertakings; removal or destruction of noxious weeds.

4 Prohibited

Any purpose other than a purpose included in Item 3.

[4] Clause 46

Insert after clause 45:

46 Development of certain land at Appin Road, Appin

- (1) This clause applies to Lot D, DP 162904, Lot 12, DP 752012, Lots 1 and 2, DP 598534, Lots 1 and 2, DP 819972 and Lot 100, DP 555116, Appin Road, Appin, as shown edged heavy black on the map marked “Wollondilly Local Environmental Plan 1991 (Amendment No 59)”.
- (2) Despite any other provision of this plan, a person may, with the consent of the council, carry out development on land within Zone No 2 (a) (Residential “A” Zone) or Zone No 7 (f) (Environmental Protection “F” (Biodiversity Conservation) Zone) for the purpose of the underground extraction of coal and other minerals.
- (3) The council must not consent to the subdivision of land within Zone No 2 (a) (Residential “A” Zone) unless arrangements satisfactory to the Sydney Water Corporation have been made for the provision of water supply and reticulated sewerage services to the land.
- (4) The council must not consent to the subdivision of the land within Zone No 2 (a) (Residential “A” Zone) or the erection of any residential building on that land unless it is satisfied that the underground extraction of coal and other minerals and the effects of subsidence are complete.
- (5) The council must not consent to the subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made for contributions to the provision of regional transport infrastructure and services in relation to the land comprising that lot.
- (6) The object of contributions referred to in subclause (5) is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from urban development of land to which this clause applies.
- (7) The reference in subclause (5) to a lot of less than 40 hectares does not include a reference to any such lot that is:
 - (a) identified in the certificate of the Director-General as a residue lot, or

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Schedule 1 Amendments

- (b) proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities or any other public purpose.
- (8) This clause does not apply to a subdivision of land for the purpose of rectifying an encroachment on any existing allotment.
- (9) *State Environmental Planning Policy No 1—Development Standards* does not apply to development to which this clause applies.
- (10) Nothing in this clause permits the subdivision of land or the erection of residential buildings in a zone other than Zone No 2 (a) (Residential “A” Zone).

BY AUTHORITY
