



New South Wales

Wingecarribee Local Environmental Plan 1989 (Amendment No 108)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(W91/00856/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

2001 No 334

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 108)

Wingecarribee Local Environmental Plan 1989 (Amendment No 108)

1 Name of plan

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 108)*.

2 Aims of plan

This plan aims:

- (a) to clarify that development of land within Zone No 2 (a2) under *Wingecarribee Local Environmental Plan 1989* for the purposes of home occupation is exempt development within the meaning of that plan, and
- (b) to permit the erection of a single dwelling-house, with the consent of Wingecarribee Shire Council, on certain land fronting Kangaloon Road, Glenquarry.

3 Land to which plan applies

- (1) This plan, in so far as it gives effect to the aim expressed in clause 2 (a), applies to all land situated within the Wingecarribee local government area.
- (2) This plan, in so far as it gives effect to the aim expressed in clause 2 (b), applies to Lot 1 DP 787665, Kangaloon Road, Glenquarry, as shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 108)” deposited in the office of Wingecarribee Shire Council.

4 Amendment of Wingecarribee Local Environmental Plan 1989

The *Wingecarribee Local Environmental Plan 1989* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Zone objectives and development control table

Omit “Home occupations.” from Item 2 of the matter relating to Zone No 2 (a2) in the Table to the clause.

Insert instead “Exempt development as defined in clause 6A; recreation gardens.”.

[2] Clause 73

Insert in appropriate order:

73 Special provisions—certain land fronting Kangaloon Road, Glenquarry

- (1) This clause applies to Lot 1 DP 787665, Kangaloon Road, Glenquarry, as shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 108)”.
- (2) A person may, with the consent of the council, carry out development on land to which this clause applies for the purpose of the erection of a single dwelling-house.
- (3) In determining an application for consent for the erection of a single dwelling-house on the land to which the clause applies, the council must take into account whether adequate provision has been made:
 - (a) to ensure a neutral or beneficial effect on the quality of surface or ground waters, and
 - (b) to ensure that no on-site effluent disposal area will be located within 150 metres of the Wingecarribee River or within 100 metres of any creek or watercourse, whether perennial or intermittent, and
 - (c) to ensure that vehicular access to Lot 1 DP 787665, Kangaloon Road has a minimum sight distance of 190 metres in both directions, and
 - (d) for the restoration of riparian land.

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Schedule 1 Amendments

- (4) The council must not grant consent to the erection of a single dwelling-house on the land to which the clause applies unless:
 - (a) the council is satisfied that the proposed development will not have an adverse impact on the prominent landscape features of the site and the surrounding area, and
 - (b) the particular scenic and cultural values of the rural landscape will be maintained to the satisfaction of the council, and
 - (c) the ground floor of the dwelling-house is not above 670 AHD, and
 - (d) the dwelling-house is located so that it is not silhouetted above the natural horizon of the land, when viewed from Kangaloon Road.
- (5) For the purposes of subclause (6), *riparian corridors* consist of strips of land to which this clause applies (along both sides of the length of each watercourse) that have a minimum width of 20 metres (excluding the width of the watercourse) when measured landward horizontally from the top of the bank and at right angles with the general flow direction of the watercourse.
- (6) The council must not grant consent to the erection of a residential or an ancillary building within the riparian corridors on land to which this clause applies.

[3] Schedule 7 Exempt development

Insert “, 2 (a2)” after “2 (a1)” wherever occurring.

BY AUTHORITY