



New South Wales

Wingecarribee Local Environmental Plan 1989 (Amendment No 118)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00226/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 178

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 118)

Wingecarribee Local Environmental Plan 1989 (Amendment No 118)

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1 Name of plan

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 118)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies, from Zone No 6 (d) (Proposed Recreation Reservation Zone) to Zone No 7 (a) (Environmental Protection Zone) under *Wingecarribee Local Environmental Plan 1989*, and
- (b) to permit, with the consent of the council, the erection of a single dwelling-house on that land.

3 Land to which plan applies

This plan applies to Lot 6, DP 23766, Ascot Road, Bowral, as shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 118)” deposited in the office of Wingecarribee Shire Council.

4 Amendment of Wingecarribee Local Environmental Plan 1989

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

AHD means Australian Height Datum within the meaning of the *Surveying Act 2002*.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

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[3] Clause 75

Insert after clause 74:

75 Special provision—certain land fronting Ascot Road, Bowral

- (1) This clause applies to Lot 6, DP 23766, Ascot Road, Bowral, as shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 118)”.
- (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 dwelling-house.
- (3) In determining an application for consent for the erection of a dwelling-house on land to which the clause applies, the council must take into account whether adequate provision has been made for:
 - (a) the disposal of all effluent water by means of connection to the council’s reticulated sewerage system, and
 - (b) the restoration of riparian land in terms of soil erosion control and the reinstatement of locally indigenous native vegetation species.
- (4) The council must not grant consent to the erection of a dwelling-house on land to which this clause applies unless:
 - (a) there is to be no more than a single dwelling-house on the land, and

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Schedule 1 Amendments

- (b) the dwelling-house is:
 - (i) to be no higher than a single storey, and
 - (ii) to be setback a minimum of 3 metres from adjoining property boundaries, and
 - (iii) to be located on land that is above the level of the 1% annual exceedance probability flood level, and
 - (iv) to have a floor level that will be a minimum of 678.71 AHD, and
 - (c) a drainage easement has been created in favour of each allotment that is in Zone No 2 (b) (Residential “B” Zone) and that adjoins the land.
- (5) The council must not grant consent to development for the purpose of a residential or ancillary building on land to which this clause applies if that land is within the riparian corridor or is at or below the level of the 1% annual exceedance probability flood level.
- (6) In this clause:
- 1% annual exceedance probability flood level*** means a flood level that has a 1 in 100 chance of being reached in any one given year.
- riparian corridor*** means any land to which this clause applies that is on the southern side of Mittagong Creek and that has a minimum width of 10 metres when measured landward horizontally from the top of the southern bank of the watercourse and at right angles with the general flow direction of the watercourse.

BY AUTHORITY
