



New South Wales

## **Wingecarribee Local Environmental Plan 1989 (Amendment No 125)**

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*. (WOL2001158/PC-1)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2007 No 353

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 125)

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### **Wingecarribee Local Environmental Plan 1989 (Amendment No 125)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 125)*.

#### **2 Aims of plan**

The aims of this plan are:

- (a) to rezone the land to which this plan applies from Zone No 1 (c) (Rural (Smallholdings) Zone) and Zone No 5 (a) (Special Uses “A” Zone—Child Welfare) to Zone No 2 (a) (Residential “A” Zone), Zone No 3 (a) (Business Zone), Zone No 5 (a) (Special Uses “A” Zone—School), Zone No 7 (a) (Environmental Protection Zone) and Zone No 9 (b) (Proposed Local Road Zone) under *Wingecarribee Local Environmental Plan 1989*, and
- (b) to permit the erection of 600 dwellings on certain parts of that land, and
- (c) to ensure that there is adequate infrastructure to meet the demands of population and economic growth on that land, and
- (d) to ensure that development on that land incorporates the principles associated with ecologically sustainable development in its planning, design and ongoing operation, and
- (e) to ensure the integration of development on that land into the urban context of the Mittagong township through the provision of connecting pedestrian and cycle networks, and
- (f) to provide opportunities for neighbourhood, retail, community, open space and recreation uses, and
- (g) to provide for houses and residential subdivision in a range of lot sizes, and for a range of housing needs that addresses “life cycle” housing choice, on that land, including opportunities for dual occupancies, multi dwelling housing, seniors housing and shop top housing, and
- (h) to ensure that, in the layout of any subdivision of that land, open spaces, infrastructure and future buildings are designed to

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achieve ecologically sustainable outcomes, including, but not limited to, high energy efficiency, low maintenance, water re-use, minimal use of non-renewable resources and the incorporation of natural systems into stormwater drainage management, and

- (i) to protect and conserve the identified indigenous and non-indigenous heritage values of that land, and to incorporate the recognition of that land's past association with the Aboriginal community into any future development, and
- (j) to retain and enhance remnant indigenous native vegetation on that land, including the incorporation and extension of natural linkages to enhance the site's semi-rural and natural landscape character, and
- (k) to protect natural bushland on that land as areas of natural habitat for native fauna, and
- (l) to protect water quality on that land.

**3 Land to which plan applies**

- (1) Subject to subclause (2), this plan applies to the land to which *Wingecarribee Local Environmental Plan 1989* applies.
- (2) Schedule 1 [2]–[4] to this plan apply to the land shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 125)” 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.

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Wingecarribee Local Environmental Plan 1989 (Amendment No 125)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

***dual occupancy*** means 2 dwellings (whether attached or detached) on one lot of land.

***hostel*** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

***multi dwelling housing*** means 3 or more dwellings (whether attached or detached) on one lot of land.

***residential care facility*** means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

***seniors housing*** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

*shop top housing* means mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor shops or commercial premises.

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

Insert in appropriate order at the end of the definition:

Wingecarribee Local Environmental Plan 1989 (Amendment No 125)

**[3] Part 5 Special provisions relating to development of specified land**

Insert after Division 1 of Part 5:

**Division 1A Renwick site**

**38I Land to which Division applies**

This Division applies to the land shown edged heavy black on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 125)” deposited in the office of the council.

**38J Development and subdivision of land**

The council must not grant consent to the subdivision of, or any other development on, any land to which this Division applies unless the council has considered the following matters in relation to the development:

- (a) the distribution of types of development on the land, including housing types, open space, and the pattern and phasing of development, including any indicative subdivision pattern,
- (b) vehicular, cycle and pedestrian circulation networks,
- (c) particulars of the type, location and phasing of transport infrastructure and utility infrastructure,
- (d) drainage patterns and stormwater and water quality management controls,
- (e) management of flooding, bushfire and land contamination risk, and the identification of flood and bushfire evacuation routes,
- (f) measures to protect threatened species, populations or ecological communities or their habitats and to promote biodiversity conservation,
- (g) measures relating to indigenous and non-indigenous heritage conservation,

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Schedule 1 Amendments

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- (h) urban design principles incorporating guidelines for the design, siting and construction of buildings (if appropriate).

### **38K Dual occupancy and multi dwelling housing development**

- (1) Despite any other provision of this Plan, the council may consent to development for any of the following purposes on land to which this Division applies:
  - (a) in relation to land within Zone No 2 (a) (Residential “A” Zone):
    - (i) dual occupancies, but only if on an allotment of not less than 600 m<sup>2</sup> and not more than 1,999 m<sup>2</sup>, and
    - (ii) multi dwelling housing, but only if within 200 m of Zone No 3 (a) (Business Zone), and
  - (b) in relation to land within Zone No 3 (a) (Business Zone):
    - (i) dual occupancies, but only if on an allotment of not less than 600 m<sup>2</sup> and not more than 1,999 m<sup>2</sup>, and
    - (ii) multi dwelling housing.
- (2) Despite any other provision of this Plan, the council may consent to the subdivision of land to which this Division applies that is within Zone No 2 (a) (Residential “A” Zone) or Zone No 3 (a) (Business Zone) and on which a completed dual occupancy or multi dwelling housing is located.

### **38L Neighbourhood place**

Despite any other provision of this Plan, the council may consent to development for any of the following purposes on land to which this Division applies that is within Zone No 3 (a) (Business Zone):

- (a) dwelling-houses,
- (b) seniors housing,
- (c) shop top housing.

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**[4] Schedule 2 Heritage items**

Omit all the matter in Columns 1–4 relating to both “Institution” and “Renwick” under the heading “**Mittagong**”.

Insert instead in Columns 1–4, respectively:

Institution	“Renwick”, including “Rowe Cottage”, “Suttor Cot- tage”, “Goodlet Cottage”, “Brick silo”, “Pair of mass concrete silos”, “Row of road- side pine trees” and “Silo Precinct”	Bong Bong Road, Mittagong 2680618 Part of Lot 1 DP 1074502, Lot 53 DP 1040663 (Goodlet Cottage), Lot 52 DP 1040663 (Suttor Cottage), Lot 1 DP 846419 (Rowe Cottage)
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