



New South Wales

Wingecarribee Local Environmental Plan 1989 (Amendment No 126)

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*. (WOL2001551/PC)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 518

Clause 1 Wingecarribee Local Environmental Plan 1989 (Amendment No 126)

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1 Name of Plan

This Plan is *Wingecarribee Local Environmental Plan 1989 (Amendment No 126)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Aims of Plan

The aims of this Plan are to amend *Wingecarribee Local Environmental Plan 1989*:

- (a) to rezone the land to which this Plan applies from partly Zone No 1 (a) (Rural "A" Zone) and partly Zone No 1 (c) (Rural (Smallholdings) Zone) to partly Zone No 2 (a) (Residential "A" Zone) and partly Zone No 6 (a) (Open Space (Existing Recreation) Zone), and
- (b) to identify that part of the land that is within Zone No 2 (a) (Residential "A" Zone) as an urban release area, and
- (c) to require satisfactory arrangements to be made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land, with development consent, in an urban release area, where that land is developed intensively for urban purposes, and
- (d) to permit the subdivision of land in an urban release area with development consent, subject to the preparation of a development control plan that provides for:
 - (i) development that incorporates the principles associated with ecologically sustainable development in its planning and design, and
 - (ii) development that integrates into the urban context of the Moss Vale township through the provision of connecting pedestrian and cycle networks, and

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- (iii) residential accommodation on a range of lot sizes and for a range of housing needs that addresses “life cycle” housing choice, and
 - (iv) the layout and design of subdivision, open spaces, infrastructure and future buildings that achieves 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
 - (v) development that maintains or improves water quality within the Wingecarribee River sub-catchment of the hydrological catchment.

4 Land to which Plan applies

- (1) In respect of the aim set out in clause 3 (a), this Plan applies to the land shown edged heavy black and lettered “2 (a)” or “6 (a)” on the map marked “Wingecarribee Local Environmental Plan 1989 (Amendment No 126)” deposited in the office of Wingecarribee Shire Council.
- (2) In respect of the aims set out in clause 3 (b)–(d), this Plan applies to the land shown edged heavy black and hatched on that map.

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Schedule 1 Amendment of Wingecarribee Local Environmental Plan 1989

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[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the supply of gas,
- (d) the disposal and management of sewage.

urban release area means the land shown edged heavy black and hatched on the map marked "Wingecarribee Local Environmental Plan 1989 (Amendment No 126)".

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

Insert in appropriate order:

Wingecarribee Local Environmental Plan 1989 (Amendment No 126)

[3] Part 5A

Insert after Part 5:

Part 5A Urban release areas

78 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban

release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

79 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

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80 Development control plan

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation and the conservation of biodiversity, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas,
 - (e) water cycle management, including water supply, recycled water, stormwater and water quality management controls to achieve a neutral or beneficial effect on water quality,
 - (f) amelioration of natural, environmental and land use hazards, including bush fire, flooding, site contamination, and the noise and vibration associated with the railway,
 - (g) detailed urban design controls for the land in an urban release area, including housing types, open space, an indicative subdivision pattern and the design and construction of buildings,
 - (h) measures to encourage higher density living around transport, open space and service nodes,

- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

81 Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.