



New South Wales

# **Wingecarribee Local Environmental Plan 2010 (Amendment No 18)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**MARK PEPPING, GROUP MANAGER STRATEGIC AND ASSETS,  
WINGECARRIBEE SHIRE COUNCIL**  
As delegate for the Minister for Planning and Infrastructure

## **Wingecarribee Local Environmental Plan 2010 (Amendment No 18)**

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### **1 Name of Plan**

This Plan is *Wingecarribee Local Environmental Plan 2010 (Amendment No 18)*.

### **2 Commencement**

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

### **3 Land to which Plan applies**

This Plan applies to all land to which *Wingecarribee Local Environmental Plan 2010* applies.

## **Schedule 1      Amendment of Wingecarribee Local Environmental Plan 2010**

### **Clause 4.2B**

Insert after clause 4.2A:

#### **4.2B      Boundary changes between lots in certain rural, residential and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E2 Environmental Conservation,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 adjoining lots, being land to which this clause applies, if the subdivision is of a lot that is less than 2 hectares and will not result in any of the following:
  - (a) an increase in the number of lots,
  - (b) an increase in the number of dwelling houses, secondary dwellings or dual occupancies on, or dwelling houses, secondary dwellings or dual occupancies that may be erected on, any of the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
  - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.

- (5) This clause does not apply:
  - (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.