



New South Wales

Wingecarribee Local Environmental Plan 2010 (Amendment No 28)

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*.

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

Wingecarribee Local Environmental Plan 2010 (Amendment No 28)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wingecarribee Local Environmental Plan 2010 (Amendment No 28)*.

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 of the land to which *Wingecarribee Local Environmental Plan 2010* applies.

Schedule 1 Amendment of Wingecarribee Local Environmental Plan 2010

[1] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones

Insert after clause 4.2A (3) (a):

- (ab) a lot created under clause 4.2C (3) (a) or clause 4.2C (5) (b), or

[2] Clauses 4.2C and 4.2D

Insert after clause 4.2B:

4.2C Exceptions to minimum subdivision lots sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains land in more than one zone.
- (3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (*resulting lots*) unless:
 - (a) one of the resulting lots will contain:
 - (i) land in Zone RU4 Primary Production Small Lots, in Zone E4 Environmental Living or in a residential zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in all other zones that was in the original lot; and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) For the purposes of calculating an area of land under subclause (3), the area of any access handle used for the purpose of providing vehicular access from the lot to a road is not to be included.
- (5) Despite subclause (3), development consent may be granted to subdivide an original lot if:
 - (a) the lots to be created from the subdivision will each contain land in only one zone, or
 - (b) the lots to be created from the subdivision will each contain land in more than one zone and any land in Zone RU4 Primary Production Small Lots, in Zone E4 Environmental Living or in a residential zone will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (6) A lot created under subclause (5) (b) must not be further subdivided under this clause.

4.2D Exceptions to minimum subdivision lot sizes for certain rural subdivisions

- (1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) This clause applies to the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone E3 Environmental Management.
- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under any existing development consent for the land.
- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
 - (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
 - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
 - (c) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.