



New South Wales

Wingecarribee Local Environmental Plan 2010 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MARK PEPPING

As delegate for the local plan-making authority

Wingecarribee Local Environmental Plan 2010 (Amendment No 45)

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1 Name of Plan

This Plan is *Wingecarribee Local Environmental Plan 2010 (Amendment No 45)*.

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

4 Maps

The maps adopted by *Wingecarribee Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Wingecarribee Local Environmental Plan 2010

[1] Land Use Table

Omit “Educational establishments;” from item 4 of the matter relating to Zone B5 Business Development.

[2] Land Use Table, Zone SP3 Tourist

Insert in alphabetical order in item 3:

- Agricultural produce industries;
- Extensive agriculture;
- Intensive plant agriculture;

[3] Land Use Table, Zone SP3 Tourist

Omit “Farm buildings;” from item 4.

[4] Clause 4.1AA

Omit the clause. Insert instead:

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential,but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause applies despite clause 4.1.

4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,

- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone R5 Large Lot Residential.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes Development Act 2015*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

Note. Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that strata subdivision of a building in certain circumstances is specified complying development.

[5] 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) (ab):

- (ac) a lot resulting from a subdivision permitted under clause 4.6, or

[6] Clause 4.2B Boundary changes between lots in certain rural, residential and environment protection zones

Insert “if each lot is at least 2 hectares before the subdivision—” before “a lot” in clause 4.2B (3) (c).

[7] Clause 7.3 Earthworks

Omit “800” from clause 7.3 (2) (a). Insert instead “600”.

[8] Clause 7.3 (2A)

Insert after clause 7.3 (2):

(2A) Despite subclause (2), development consent is required for earthworks:

- (a) carried out on land identified as “Flood Planning Area” on the Flood Planning Area Map, or
- (b) involving an area greater than 2,500 square metres on land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies.

[9] Clause 7.9 Flood planning

Omit the definition of *Flood Planning Area Map* from clause 7.9 (5).

[10] Dictionary

Insert in alphabetical order:

Flood Planning Area Map means the Wingecarribee Local Environmental Plan 2010 Flood Planning Area Map.