



New South Wales

# **Wingecarribee Local Environmental Plan 2010 (Amendment No 53)**

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*.

**MONICA GIBSON**

As delegate for the Minister for Planning and Public Spaces

## **Wingecarribee Local Environmental Plan 2010 (Amendment No 53)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Wingecarribee Local Environmental Plan 2010 (Amendment No 53)*.

### **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 land to which *Wingecarribee Local Environmental Plan 2010* applies, including land in the following zones—

- (a) Zone R2 Low Density Residential,
- (b) Zone R3 Medium Density Residential,
- (c) Zone E3 Environmental Management,
- (d) Zone E4 Environmental Living.

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

**[1]    Clause 1.8A Savings provision relating to development applications**

Insert at the end of the clause, after the note—

- (2) If a development application has been made before the commencement of *Wingecarribee Local Environmental Plan 2010 (Amendment No 53)* in relation to land to which that Plan applies and the application has not been finally determined before that commencement, the application must be determined as if that Plan had not commenced.

**[2]    Clause 4.1AA Minimum subdivision lot size for community title schemes**

Insert after clause 4.1AA(2)(d)—

- (e) Zone E3 Environmental Management,  
(f) Zone E4 Environmental Living,

**[3]    Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones**

Insert after clause 4.1A(2)(d)—

- (e) Zone E3 Environmental Management,  
(f) Zone E4 Environmental Living.

**[4]    Clause 4.1A(4)**

Insert after clause 4.1A(3), after the note—

- (4) This clause does not apply in relation to the subdivision of any land by any kind of subdivision under the *Community Land Development Act 1989*.

**[5]    Clauses 4.2E and 4.2F**

Insert after clause 4.2D—

**4.2E    Minimum lot size for dual occupancies**

- (1) The objective of this clause is to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.
- (2) This clause applies to land in the following zones—
- (a) Zone R2 Low Density Residential,  
(b) Zone R3 Medium Density Residential.
- (3) Development consent must not be granted for development for the purposes of a dual occupancy on a lot in a zone to which this clause applies unless the area of the lot is at least 1,000 square metres.

**4.2F    Minimum subdivision lot sizes for dual occupancies in certain zones**

- (1) The objective of this clause is to ensure that dual occupancy development is compatible with the character of existing development within the surrounding area.
- (2) This clause applies to land in the following zones—
- (a) Zone R2 Low Density Residential,  
(b) Zone R3 Medium Density Residential.

- (3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies if the consent authority is satisfied that—
  - (a) there is an existing dual occupancy on the land that was lawfully erected under an environmental planning instrument, or
  - (b) the application for development consent also provides for the erection of a dual occupancy on the land.
- (4) In addition to the matters listed in subclause (3), the consent authority must be satisfied that—
  - (a) the lot size of each resulting lot will be 50% of the minimum lot size shown on the Lot Size Map in relation to the land, and
  - (b) the lot size of each resulting lot will be at least 600 square metres, and
  - (c) there will be no more than 1 dwelling on each resulting lot.
- (5) If an application is made to which subclause (3)(b) applies, the subdivision must not occur before an occupation certificate has been issued for each dwelling forming part of the dual occupancy.