



Mr Charles Litchfield
Executive Manager Planning and Environment
Snowy River Shire Council
2 Myack St
Berridale NSW 2628

Our ref: 12/01036

Dear Mr Litchfield

Clause 22 (1)(b) Snowy River Rural LEP 2007 – Existing holdings sunset clause

I refer to your letter of 13 February 2012 seeking confirmation of the Department's policy on the removal of the sunset provisions relating to the preservation of development rights on existing holdings that existed at 26 September 1985.

The Government has indicated to the Department that a more flexible approach to local planning issues is required. As a result the Department would be happy to consider the continuation of existing holding style provisions in Local Environmental Plans.

Under section 55 of the *Environmental Planning and Assessment Act 1979*, a planning proposal would be needed to initiate the change to clause 22(1)(b) of the Snowy River Rural LEP 2007. Given that it is a shire wide provision, public exhibition will likely be required as part of the process. A planning proposal will need to be prepared in accordance with the Department's 'A guide to preparing planning proposals' for review by the Department's Gateway process.

The Department does, however, encourage Councils to take a strategic approach to rural lands planning and settlement issues, and in particular recognising that the 2008 Central West Rural Lands Inquiry identified rural land use conflict as the greatest risk to rural lands. It is expected that the Council would continue to manage rural land use conflict issues associated with dwellings on existing holdings through its local environmental plan and the Rural Lands SEPP (2008)

Should you wish to further discuss this matter, please contact Nathan Foster, Planning Officer, Southern Region on 4224 9459.

Yours sincerely

15 February 2012

Brett Whitworth
Regional Director, Southern Region