

13 February 2012

Mr Brett Whitworth  
Regional Director  
Department of Planning and Infrastructure  
PO Box 5475  
Wollongong NSW 2520

**Clause 22 (1) (b) Snowy River Rural LEP 2007 – existing holding sunset clause.**

Dear Brett

As you are aware Snowy River Rural Local Environmental Plan 2007 (*“the rural LEP”*) contains provisions in the form of a sunset clause that effectively remove preserved development rights from existing holdings that existed at 26 September 1985.

Clause 22 (1) (b) was inserted at the direction of the Department of Planning prior to gazettal of the rural LEP (see correspondence WOL2000627) to bring this into operation from April 2012.

As the date for operation of the sunset clause approaches, Snowy River Shire is requesting that the NSW Department reconsider its position. The reasons for this request are as follows;

- The current uncertainty being experienced by landowners who wish to preserve their existing development rights;
- The costs of addressing the impacts associated with preserving these development rights via development consent and substantial commencement;
- The possibility that changes in NSW Government have seen a revision of this position since the Council received the directions.

In light of the above, would the Department consider favourably removal of the sunset provisions as contained within Clause 22 (1) (b) through the formal submission by the Council of a planning proposal to amend the Rural LEP?

The Council requests an answer in haste as the April 13 deadline approaches.

Yours sincerely

Charles Litchfield  
Executive Manager Planning and Environment  
Snowy River Shire Council  
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