



Planning & Infrastructure

Ms Ann Prendergast
Acting General Manager
Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 2577

Attention: Susan Stannard

Dear Ms Prendergast

Subject: Planning Proposal for Lot 10, DP 811912, Sally's Corner Road, Exeter

I refer to Council's letter to the Department dated 28 October 2013 submitting the above Planning Proposal under section 55 of the *Environmental Planning and Assessment Act 1979* to amend the Wingecarribee Local Environmental Plan 2010 by altering an existing Schedule 1 use to permit subdivision of the subject land.

As you are aware, Schedule 1 of the LEP permits additional uses of land that are not permitted in the relevant zone. Whilst I understand the reasons for subdividing the subject land, my understanding is that Parliamentary Counsel would be unlikely to support an amendment to Schedule 1 as subdivision is already permitted in the zone, albeit for a larger lot size.

Council's advice is sought on whether it wants to reconsider the Planning Proposal by either resubmitting it to amend the minimum lot size for the subject land or to insert a clause into the LEP to permit the subdivision of land for a purpose other than a dwelling. I have attached two recent examples of clauses included in LEP's that may provide some guidance to Council on this matter.

Should you require any further information or like to discuss further, please do not hesitate to contact Meredith McIntyre on 6229 7912.

Yours sincerely

Brett Whitworth
Regional Director
Southern Region

14 November 2013

COPY SENT

TO: WINGECARRIBEE SHIRE	
LOCATION: MAILING	
REF: 5901/30	
DATE: 18 NOV 2013	
OFFICER: B. Kennedy	ACTION: ✓
Susan Stannard	✓



Whole title | Parent Act | Historical versions | Historical notes | Search title | Maps

Singleton Local Environmental Plan 2013

Current version for 6 September 2013 to date (accessed 31 October 2013 at 10:32)

Part 4 » Clause 4.1B

<< page >>

4.1B Exceptions to minimum 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, dual occupancies or tourist and visitor accommodation.
- (2) This clause applies to land in the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots.
- (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, where the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house, a dual occupancy or tourist and visitor accommodation).
- (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 will not cause a conflict between the use of the land subdivided and the use of the surrounding land in the locality, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

Top of page



[Whole title](#) | [Parent Act](#) | [Historical versions](#) | [Historical notes](#) | [Search title](#) | [Maps](#)

Tamworth Regional Local Environmental Plan 2010

Current version for 9 August 2013 to date (accessed 31 October 2013 at 10:30)

[Part 4](#) » [Clause 4.2A](#)

<< page >>

4.2A Lot size exceptions for certain rural subdivisions

Land in a zone to which clause 4.2 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 permitted under the existing development consent for the land (other than for the purpose of a dwelling house or a dual occupancy).

[Top of page](#)

