

cw-CS3 Planning Proposal to amend WLEP 2010 to facilitate subdivision through the insertion of two new clauses.

Reference: 5901
Responsible Officer: Group Manager Strategic and Assets

PURPOSE

The purpose of this report is to present to Council recommendations with regard to inserting two (2) clauses into Wingecarribee Local Environmental Plan (WLEP) 2010.

The Group Manager Strategic & Assets addressed Council on this matter
The Acting General Manager addressed Council on this matter

At this juncture, time 7.00pm being Clr H R Campbell rejoined the meeting.
At the juncture, time begin 7.02pm, Clr T D Gair rejoined the meeting.

CW 16/14

The Committee on a **MOTION** moved by Clr G McLaughlin and seconded by Clr I M Scandrett **RECOMMENDED:**

1. **THAT** a Planning Proposal to insert the following two (2) clauses into Wingecarribee Local Environmental Plan 2010 be prepared and forwarded to the NSW Department of Planning and Infrastructure for a Gateway Determination under section 55 of the Environmental Planning and Assessment Act 1979:

Local Clause 1 - Minimum subdivision lot sizes for split zones

- 1) **The objectives of this clause are as follows:**
 - a) **to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1**
 - b) **to ensure that the subdivision occurs in a manner that promotes suitable land use and development.**
- 2) **This clause applies to each lot (an original lot) that contains land in more than one zone.**
- 3) **Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the resulting lots) unless:**
 - a) **one of the resulting lots will contain:**
 - I. **land in a residential zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and**
 - II. **all of the land in all other zones that was in the original lot, and**
 - b) **all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.**

- 4) *For the purposes of calculating an area of land under subclause (3), any access handle used for the purpose of providing vehicular access from the lot to a road is not to be included.*
- 5) *Despite subclause (3), development consent may be granted to subdivide an original lot if:*
 - a) *the lots to be created from the subdivision will each contain land in one zone, or*
 - b) *the lots to be created from the subdivision will each contain land in more than one zone and any land in a residential zone that will have an area not less than the minimum size shown on the Lot Size Map in relation to that land.*
- 6) *A lot created under subclause (5) (b) must not be subdivided under this clause.*

Local Clause 2 - 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 or dual occupancies.*
 - 2) *This clause applies to land in the following zones:*
 - a) *Zone RU1 Primary Production,*
 - b) *Zone RU2 Rural Landscape,*
 - c) *Zone E3 Environmental Management.*
 - 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 or a dual occupancy).*
2. ***THAT*** *the proponents whose submissions initiated the Proposal to include the subject clauses into WLEP2010 be advised of Council's decision.*

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

PASSED

Councillor	For	Against
Clr J G Arkwright	X	
Clr H R Campbell	X	
Clr J R Clark	X	
Clr T D Gair	X	
Clr G McLaughlin	X	
Clr G M Turland	X	
Clr I M Scandrett	X	
Clr J Uliana	A	
Clr L A C Whipper	X	