
13.4 Planning Proposal to Amend Certain Clauses in WLEP 2010

Reference: 5901
Report Author: Senior Strategic Land Use Planner
Authoriser: Coordinator Strategic Land Use Planning
Link to Community Strategic Plan: Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to seek a resolution of Council to amend draft clauses 4.1A and 4.1AA in Wingecarribee Local Environmental Plan (WLEP) 2010 to remove any inconsistencies with a recent amendment to Clause 4.1 of the Standard Instrument.

The Coordinator Strategic Land Use Planning addressed Council on this matter.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

MN 184/18

MOTION moved by Cllr G McLaughlin and seconded by Cllr G Markwart

THAT a Planning Proposal be prepared under s.3.33 of the Environmental Planning & Assessment Act 1979 to amend draft clauses 4.1A and 4.1AA to the WLEP 2010 as set out in the report, as follows:

- **4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones**

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:

- (a) Zone RU1 Primary Production,**
- (b) Zone RU2 Rural Landscape,**
- (c) Zone RU4 Primary Production Small Lots,**
- (d) Zone E3 Environmental Management,**
- (e) Zone E4 Environmental Living,**
- (f) Zone R5 Large Lot Residential.**

but does not apply to a subdivision by the registration of a community plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause applies despite clause 4.1.

Note. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.

- **4.1AA Minimum subdivision lot size for community title schemes**

(1) The objective of this clause is as follows:

(a) to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:

- (a) Zone RU1 Primary Production,**
- (b) Zone RU2 Rural Landscape,**

(c) Zone RU4 Primary Production Small Lots,

(d) Zone E3 Environmental Management,

(e) Zone E4 Environmental Living,

(f) Zone R5 Large Lot Residential.

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause applies despite clause 4.1.

PASSED

VOTING ON THE MOTION

For the motion:

Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Deputy Mayor I M Scandrett

Against the motion:

Nil