



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Wingecarribee Local Environmental Plan 2010 (Amendment No 45)

Your ref: PP_2017_WINGE_001_00 Susan Stannard
Our ref: e2018-141.d07 AE

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

3 July 2018

A handwritten signature in black ink, appearing to read 'A. O'Callaghan'.

(A O'CALLAGHAN)
Parliamentary Counsel
3 July 2018



New South Wales


Wingecarribee Local Environmental Plan 2010 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the
Environmental Planning and Assessment Act 1979.

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 4/7/2018
Mark Pepping
Deputy General Manager
Corporate, Strategy and Development
Services
Wingecarribee Shire Council

Signed under delegation for Wingecarribee Shire Council
as delegate for the Minister for Planning

Wingecarribee Local Environmental Plan 2010 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wingecarribee Local Environmental Plan 2010 (Amendment No 45)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Wingecarribee Local Environmental Plan 2010* applies.

4 Maps

The maps adopted by *Wingecarribee Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Wingecarribee Local Environmental Plan 2010

[1] Land Use Table

Omit “Educational establishments;” from item 4 of the matter relating to Zone B5 Business Development.

[2] Land Use Table, Zone SP3 Tourist

Insert in alphabetical order in item 3:

- Agricultural produce industries;
- Extensive agriculture;
- Intensive plant agriculture;

[3] Land Use Table, Zone SP3 Tourist

Omit “Farm buildings;” from item 4.

[4] Clause 4.1AA

Omit the clause. Insert instead:

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) 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 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 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.

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 R5 Large Lot Residential.
- (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 Development Act 2015*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

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.

[5] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones

Insert after clause 4.2A (3) (ab):

- (ac) a lot resulting from a subdivision permitted under clause 4.6, or

[6] Clause 4.2B Boundary changes between lots in certain rural, residential and environment protection zones

Insert “if each lot is at least 2 hectares before the subdivision—” before “a lot” in clause 4.2B (3) (c).

[7] Clause 7.3 Earthworks

Omit “800” from clause 7.3 (2) (a). Insert instead “600”.

[8] Clause 7.3 (2A)

Insert after clause 7.3 (2):

- (2A) Despite subclause (2), development consent is required for earthworks:
 - (a) carried out on land identified as “Flood Planning Area” on the Flood Planning Area Map, or
 - (b) involving an area greater than 2,500 square metres on land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies.

[9] Clause 7.9 Flood planning

Omit the definition of *Flood Planning Area Map* from clause 7.9 (5).

[10] Dictionary

Insert in alphabetical order:

Flood Planning Area Map means the Wingecarribee Local Environmental Plan 2010 Flood Planning Area Map.

Environmental Planning and Assessment Act 1979

Wingecarribee Local Environmental Plan 2010 (Amendment No 45)

Wingecarribee Shire Council
68 Elizabeth Street or PO Box 141
Moss Vale NSW 2577

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map LZN_007I	8350_COM_LZN_007I_020_20150624
Land Reservation Acquisition Map LRA_007B	8350_COM_LRA_007B_020_20150914

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map LZN_007I	8350_COM_LZN_007I_020_20180409
Land Reservation Acquisition Map LRA_007B	8350_COM_LRA_007B_020_20180409

Certified

 4/7/2018

Mark Pepping
Deputy General Manager
Corporate, Strategy & Development Services
Wingecarribee Shire Council

Signed under delegation for Wingecarribee Shire Council
as delegate for the Minister for Planning