

**DRAFT
PLANNING PROPOSAL**

**A PROPOSAL TO AMEND WELLINGTON LEP 2012
TO INCORPORATE AMENDMENTS TO THE LOT SIZE MAP TO
ADDRESS SOME ANOMALIES AND TO IDENTIFY EXISTING
HOLDINGS.**

DECEMBER 2014

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	The Proposal	1
2	OBJECTIVES OR INTENDED OUTCOMES	2
3	EXPLANATION OF THE PROVISIONS	2
4	JUSTIFICATION	4
4.1	Section A – Need for the Planning Proposal	4
4.2	Section B – Relationship to strategic planning framework	4
4.3	Section C – Environmental social and economic impact	4
4.4	Section D – State and Commonwealth interests	4
5	COMMUNITY CONSULTATION	4
6	CONCLUSION	5

1 INTRODUCTION

1.1 The Proposal

Wellington Council is developing a Rural Land Use Strategy to review its rural land use planning needs for the coming 20 years.

As part of the research for that strategy 14 anomalies were identified where the existing holding status of certain land as defined in clause 4.2B (3) (d) of the Wellington LEP 2012 was unclear.

In addition Council has decided to explore the possibility of simplifying the Existing Holding (EH) provisions with lot sizing of appropriate sizes on the lot size map.

Current provisions require cumbersome searching of historical title and ownership data which is wasteful of Council planning resources and confusing for the public.

2 OBJECTIVES OR INTENDED OUTCOMES

- To address 14 anomalies where past Council advice has indicated EH status but where the position is not clear with respect to the requirements of LEP 2012.
- To replace the cumbersome and confusing EH provisions of LEP 2012 with simple amendments to the Lot Size Map.
- To retain the equity of persons who own land which currently qualifies as an existing holding during the transition to a map definition.

3 EXPLANATION OF THE PROVISIONS

The current Wellington LEP 2012 defines an existing holding as follows:

Clause 4.2B (5) states:

existing holding means land that

(a) was a holding on 26 June 1987, and

(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since 26 June 1987, and includes any other land adjoining that land acquired by the owner since 26 June 1987.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

Currently, to define an Existing Holding (EH) is a significant task requiring a search back into the ownership history of the land and the adjoining lands. This is consuming Council's planning resources and making it complex and uncertain for people to be able to readily define if a dwelling is permissible on land where the area is less than the current lot size.

This Planning Proposal aims to map the vacant Existing Holdings on the Lot Size Map at a lot size which would make a dwelling permissible with Consent but not allow any additional dwellings beyond that already possible under the 2012 LEP.

Council has completed a mapping exercise and estimates there are approximately 172 Existing Holdings below lot size. Given the complexity of the task and the conservative approach to the mapping, it is likely some Existing Holdings may have been missed in the mapping work. To address this, the planning proposal recommends 3 actions:

1. That the draft maps be exhibited and widely publicised so people who consider they have an existing holding can make submission if they feel they have a case and are not included in the draft maps.
2. That the current provisions defining an existing holding as of 26 June 1987 be retained with a grandfather clause that sees this path for definition of an existing holding removed after five years. Effectively that provision allows a further 5 years for people who may miss the exhibition to apply for a dwelling if they can prove EH status by historic title records.
3. The lot size map, at the conclusion of the 5 year period, will be the single and simple definition of where vacant existing holdings exist.

In addition, Council is aware of 14 parcels where the Existing Holding status has been previously confirmed by Council but where, under the new and clearer definitions of LEP 2012 there is an anomaly. It is proposed to also lot size these 14 parcels to confirm that a dwelling is permissible with Consent.

4 JUSTIFICATION

4.1 Section A – Need for the Planning Proposal

A Planning Proposal is needed if the existing holding clause provisions are to be phased out by the lot size map and if the 14 anomalies are to be rectified / made unambiguous as to their dwelling permissibility.

The public exhibition process required as part of this Planning Proposal will also be an opportunity for community feedback and review of the recommended areas, before any final decision is made.

4.2 Section B – Relationship to strategic planning framework

The proposed changes to the existing holding provisions do not conflict with the strategic planning framework for the Central West region.

No dwelling opportunities beyond those already permissible in the current LEP, would be created. The planning administration would be simplified and public confusion about where dwellings are permitted on land below the current standard 400 ha provision across the RU1 zone would be removed.

Given the Proposal does not change the dwelling status of lands in the Wellington LEP 2012, but rather only clarifies the location of such lands, there is no conflict with any s117 Direction of the Minister or with any applicable State Environmental Planning Policy.

4.3 Section C – Environmental social and economic impact

No adverse environmental impact would result from this proposal. The proposal merely seeks to clarify and simplify provisions for land where a dwelling is currently permissible with consent.

There will be social benefits with the proposal in that a much higher level of certainty will be created as to where lands are located where dwellings are permissible. Council will have administrative savings in the day-to-day management of planning advice.

4.4 Section D – State and Commonwealth interests

The proposal to clarify existing dwelling permissibility is not seen to invoke any issues of State or Federal significance. See also 4.2 for compliance with state and regional policies.

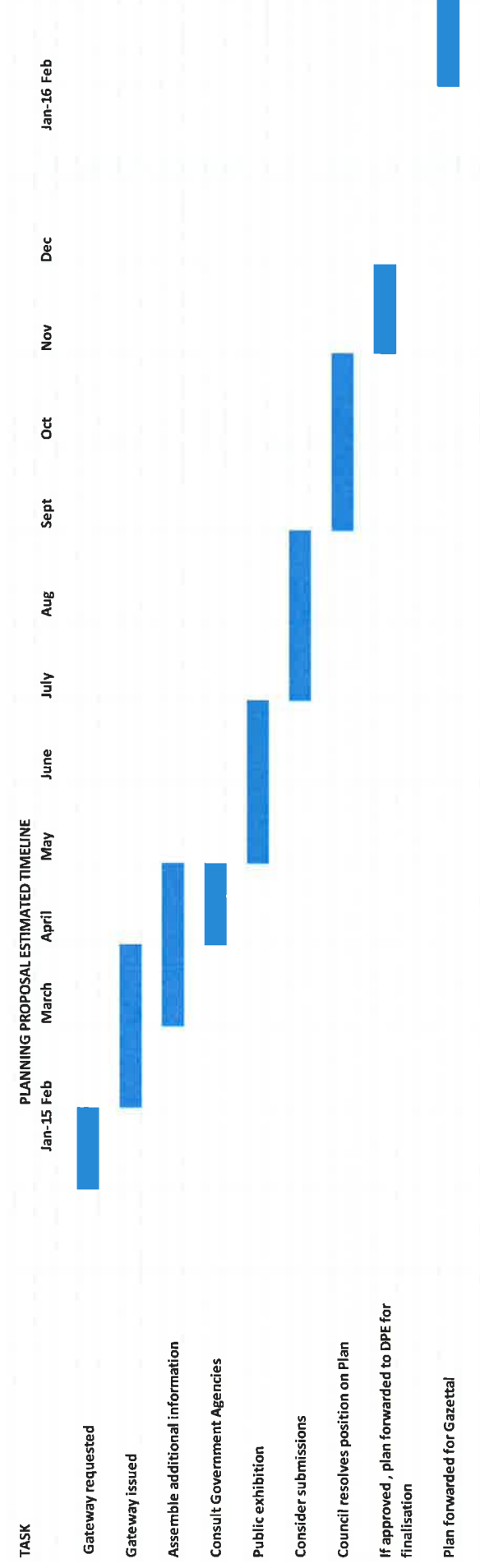
5 COMMUNITY CONSULTATION

It is recommended this planning Proposal be publicly exhibited for 4 weeks. The exhibition should include appropriate advertising in the local press and Council's web page. A copy of the exhibition package should be made available in each of the affected villages as well as at Council's Wellington office.

Particular publicity should be aimed at people who own vacant rural land below the 400 ha lot size to encourage them to review the draft maps and to make submission if they feel their land is not included and justifies inclusion.

6 PROJECT TIMELINE

An estimate of the timeline to complete this planning Proposal, should it be supported through to gazettal, is presented on the following page.



7 CONCLUSION

The replacement of the current cumbersome existing holding provisions with simple definition on the Lot size map will simplify Council's planning administration and greatly reduce the current public confusion and doubt as to which lands below the 400 ha lot size can be considered for a dwelling, subject to consent.

In addition, 14 parcels currently the subject of confusion or anomaly over existing holding status would be clarified.

No new dwelling opportunities would be created beyond those already permissible in the Wellington LEP 2012.

A copy of the proposed draft amendments to the Lot Size Map accompanies this Planning Proposal text.

RECOMMENDED DRAFT CHANGE TO CLAUSE 4.2B (5) OF WELLINGTON LEP 2012

That the following wording be added at the end of clause 4.2B (5):

Subclause 4.2B (5) will lapse five years from the date of the coming into force of the amendment to the Wellington LEP 2012 that created this Clause.