



PLANNING PROPOSAL

OPERATIONAL REVIEW OF THE WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012

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EXECUTIVE SUMMARY

The Wellington Local Environmental Plan 2011 was gazetted by the Minister for Planning and Environment on 23 November 2012. The Dubbo Local Environmental Plan 2012 was gazetted on 11 November 2011. Both LEPs were prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006.

The former Wellington and Dubbo City councils were amalgamated by proclamation on 12 May 2016. Following the amalgamation and in accordance with the requirements of the NSW Department of Premier and Cabinet, Council is required to undertake an operational review of the Wellington Local Environmental Plan 2012 as an initial step towards the preparation of a new comprehensive local environmental plan for the Dubbo Regional Local Government Area.

Concurrently, Council is also undertaking an operational review of the Dubbo Local Environmental Plan 2011. The operational review in respect of the Dubbo Local Environmental Plan 2011 forms a separate report for the consideration of the Planning and Development Committee.

The objectives of the operational review are to amend any administrative concerns with the operation of the Wellington Local Environmental Plan 2012 and to provide a level of parity between the provisions of the Wellington LEP 2012 and the Dubbo Local Environmental Plan 2011. It should be noted that this review process and the resultant Planning Proposal are purely of an administrative nature only.

The Planning Proposal includes a number of administrative and other minor amendments to the Wellington Local Environmental Plan 2012 incorporating the following:

- Permissible land use activities;
- Subdivision controls;
- Clause 5.4 Controls relating to permissible uses;
- Part 6 Local provisions;
- Schedule 5 Environmental heritage; and
- Amendments to land use zoning.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the NSW Government Department of Planning and Environment, *A guide to preparing planning proposals*.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to harmonise and facilitate the following amendments to the existing Wellington LEP 2012.

(a) Proposed Amendments to Land Use zones

- (i) To amend the RU1 Primary Production zone to include secondary dwellings as a permissible form of development.
- (ii) To amend the R5 Large Lot Residential zone to remove detached dual occupancy as a permissible development activity.

(b) Proposed Amendments to Subdivision Controls

- (i) To modify Clause 4.1AA (2) to include zones R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential and RU5 Village.
- (ii) To include a new Clause 4.1A Minimum subdivision lot size for Zone RU5 Village, Zone R2 Low Density Residential and Zone R1 General Residential, with reference to dual occupancy and multi-dwelling housing development.
- (iii) To include new Clause 4.2A Lot Size Exceptions for Certain Rural zones.

(c) Proposed Amendment to Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

- (i) To modify Clause 5.4 (5) to increase the maximum number of bedrooms for farm stay accommodation to 15 bedrooms.
- (ii) To modify Clause 5.4 (7) to increase the maximum retail floor area provisions for neighbourhood shops to 150 square metres.

(d) Proposed Changes to Part 6 Additional Local Provisions

- (i) To update wording and definitions of Clause 6.1 Flood Planning with reference to the Wellington Local Environmental Plan 2012.

(e) Proposed Amendments to Schedule 5 Environmental Heritage.

- (i) To include Nubrygyn Inn and Cemetery, 2531 Euchareena Road, Euchareena, as an item of environmental heritage.

- (ii) To amend property details for heritage item I110 Reinhard Building, 68 Maughan Street, Wellington.
- (iii) To remove heritage Item I114 Wellington Clock, 1A Nanima Crescent, Wellington from Schedule 5.

(f) Other Proposed Changes

- (i) To modify Clause 2.8 (2) Temporary use of land, to increase the provisions for the temporary use of land to '182 days (whether or not consecutive days)' in any period of 12 months.

(g) Proposed Amendments to Land Use zoning

- (i) Amend Land Zoning Map – Sheet LZN_004C and Land Zoning Map – Sheet LZN_004D, E3 Environmental Management zone.

The Planning Proposal intends to rezone a number of areas from E3 Environmental Management to R1 General Residential and R2 Low Density Residential, reflective of the predominant residential use of land.

- (ii) Amend Land Zoning Map – Sheet LZN_004C, B6 Enterprise Corridor zone, Montefiores.

The Planning Proposal intends to rezone land at Jasmine Place, Montefiores from B6 Enterprise Corridor to R2 Low Density Residential and provide a minimum allotment size for subdivision of 600 square metres.

PART 2 EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through the following:

(a) Permissible Land Use Activities

(i) Secondary Dwellings in zone RU1 Primary Production

The Wellington Local Environmental Plan 2012 does not currently allow the development of secondary dwellings on land zoned RU1 Primary Production. It is proposed to amend the Wellington LEP 2012 to allow for the development of secondary dwellings in the RU1 Primary Production zone.

It is considered that secondary dwellings will provide the opportunity for assisted accommodation in situations where there is a relationship between the occupants of the main dwelling and the secondary dwelling, without any impact to agricultural land use activities.

(ii) Detached Dual Occupancies in zone R5 Large Lot Residential

The Wellington Local Environmental Plan 2012 currently allows both attached and detached dual occupancy development on land zoned R5 Large Lot Residential. To ensure land in the R5 zone is developed at an appropriate density having regard to the intentions of the zone and the associated zone objectives, it is proposed to prohibit detached dual occupancy development in the R5 zone.

(b) Subdivision Controls

(i) Clause 4.1AA (2) Minimum Subdivision Lot Size for Community Title Schemes

Clause 4.1AA regulates the minimum lot size provisions for community title subdivisions. The Clause currently applies to land zone RU1 Primary Production, RU4 Primary Production Small Lots and E3 Environmental Management. The Clause does not include residential zones as contained in the LEP.

To ensure greenfield land zoned primarily for residential development is not subject to Community Title Subdivision prior to the consideration of development on the land, it is proposed that the clause be extended to also include the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential; and
- RU5 Village.

Council in recent times has also had situations where developers have sought to undertake subdivision of a dual occupancy or multi-dwelling housing development that has not been completed in accordance with the requirements of an applicable development consent. It is

proposed to amend the clause to require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any community title subdivision being undertaken.

(ii) Clause 4.1A Minimum Subdivision Lot Size for zones RU5 and R2

The Wellington LEP 2012 does not currently allow for the subdivision of an approved residential development, including dual occupancies or multi-dwelling housing below the minimum allotment size for subdivision in the relevant zone. Often in these situations a proponent will not have the ability to undertake a Torrens Title subdivision of an approved development.

It is proposed to include a new clause 4.1 as provided below:

“Despite clause 4.1, the size of any lot resulting from a subdivision of land in Zone RU5 Village, R1 General Residential or Zone R2 Low Density Residential, may be less than the minimum lot size shown on the Lot Size Map in relation to that land, if:

- (a) The land is connected to a sewerage reticulation system, and*
- (b) Development consent has been granted in respect of the subdivision for the purpose of a:*
 - (i) Dual occupancy, or*
 - (ii) Multi-dwelling housing.”*

In addition, it is also proposed to include a separate provision in the clause that will require the dual occupancy or multi-dwelling housing development to be constructed on the land prior to any Torrens Title subdivision being undertaken.

(iii) Clause 4.2A Lot Size Exceptions for Certain Rural zones

It is proposed to include a new clause in the Wellington LEP 2012 which will enable rural land to be subdivided for a purpose other than to allow for residential development or tourist and visitor accommodation. This clause would allow the subdivision of rural land to be undertaken for another approved activity such as a highway service centre or the like.

The proposed wording of the clause is provided below:

“4.2A Land in a Zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot 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 as permitted under an existing development for the land (other than for the purpose of a dwelling house, rural worker’s dwelling, secondary dwelling or tourist and visitor accommodation.”

(c) Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

(i) Farm Stay Accommodation

The Wellington LEP 2012 currently permits a maximum of 12 bedrooms for the purpose of farm stay accommodation. The Planning Proposal proposes to increase the maximum number of permitted bedrooms within farm stay accommodation to 15 bedrooms. This would increase the capacity for additional guests and allow for a secondary income stream for rural land owners.

It is proposed to amend the clause as follows:

*“(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 15 bedrooms.”*

(ii) Neighbourhood Shops

The Wellington LEP 2012 currently allows the development of neighbourhood shops with a maximum retail floor area of 100 square metres. The Planning Proposal seeks to increase the maximum allowable retail floor space area for neighbourhood shops to 150 square metres. The amendment will provide flexibility to business owners to expand current retail operations and improve the economic viability of neighbourhood shops.

It is proposed to amend the clause as follows:

*“(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.”*

(d) Proposed Changes to Part 6 Additional Local Provisions

(i) Clause 6.1 Flood Planning

It is considered that the flood planning clause does not currently provide suitable controls and clarification for other land that is not mapped as flood prone land in the LEP and that is known to be subject to flooding.

It is proposed to amend the clause as follows:

“(1) The objectives of this clause are as follows:

- (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) *to avoid significant adverse impact on flood behaviour and the environment.*
- (2) *This clause applies to:*
- (a) *land that is shown as "Flood planning area" on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.*
- (5) *In this clause:*
- flood planning level*** *means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*
- Flood Planning Map*** *means the Wellington Local Environmental Plan 2011 Flood Planning Map."*

(e) Schedule 5 Environmental Heritage.

- (i) Lot 1, DP 770849, 2531 Euchareena Road, Euchareena

The subject land contains the Nubrygyn Inn and Cemetery, which were listed on the NSW State Heritage Register as an item of State Significance on 20 May 2016.

It is proposed that Schedule 5 of the LEP be amended as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Euchareena	Nubrygyn Inn & Cemetery	2531 Euchareena Road, Euchareena	Lot 1, DP 770849	State	I159

(ii) Lot 92 DP 1226962, 68 Maughan Street, Wellington

The subject land contains the Reinhard building, which is a listed heritage item in Schedule 5 of the Wellington LEP 2012. The property has recently undergone a boundary realignment. As a result the property details for the heritage item have changed.

It is proposed that Schedule 5 of the LEP be amended as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No
Wellington	Reinhard Building	68 Maughan Street	Lot 92, DP 1226962	Local	I110

(iii) Wellington Clock, 1A Nanima Crescent Heritage Listing

The Wellington Clock is a listed heritage item in Schedule 5 of the Wellington LEP 2012. The clock is currently housed in the Dubbo Regional Council, Wellington Office, situated at 1A Nanima Street, Wellington. Ordinarily, a moveable clock, whilst having historical significance, moveable heritage is not ordinarily listed in a local environmental plan.

It is proposed that the Wellington Clock be removed as a heritage item from Schedule 5 of the LEP as provided below:

Suburb	Item Name	Address	Property Description	Significance	Item No
Wellington	Wellington Clock	1A Nanima Crescent	Lot 5, Section 76, DP 759073	Local	I114

(f) Other Changes

(i) Proposed amendment to Clause 2.8 (2) Temporary use of land:

The Wellington LEP 2012 currently allows for the temporary use of land, for a total of 28 days in any period of 12 months.

It is proposed to increase this provision to 182 days (whether or not consecutive days) in any period of 12 months. This would include all weekends, public holidays and school holidays.

It is proposed that Clause 2.8 (2) Temporary use of land be amended to read as follows:

- (2) *Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.*

(g) Amendments to Land Use zoning

(i) E3 Environmental Management zoning

The Wellington LEP 2012 Land Zoning Maps – Sheet LZN_004C and Sheet LZN_004D currently zone the area adjacent to the Bell and Macquarie Rivers as E3 Environmental Management. The Planning Proposal seeks to amend these maps to reflect the existing residential land use on the subject lands shown in accordance with Figure 1.

The intent of the E3 Environmental Management zone is to provide appropriate protection of flood prone land from incompatible development. However, it is considered that the provision of the E3 zoning in the Wellington urban area extends beyond flood prone land in some instances and in other circumstances has zoned existing residential streets. The Planning Proposal intends to rezone a number of E3 zoned areas to either R1 General Residential or R2 Low Density Residential.

Figure 1 shows the subject lands that are proposed to be rezoned from E3 Environmental Management. The lands proposed to be rezoned have been selected based on the extent of the 1 in 200 year flood event and also provide a reasonable curtilage around existing dwellings.

is not considered suitable as vehicular access from the Mitchell Highway would be difficult to achieve given its location. In addition, it is also considered that the development of the land in accordance with the provisions of the current zone is unlikely to be achieved given the location of the land. Rezoning of the land to R2 Low Density Residential could allow for a residential development, which will have the ability to be accessed through Jasmine Place and Montefiores Street.

It is also proposed to rezone Lot 22 DP 658633, which is owned by Council. Again, access and development of this land for commercial uses is unlikely to be achieved given the location of the Mitchell Highway and the characteristics of adjoining lands.

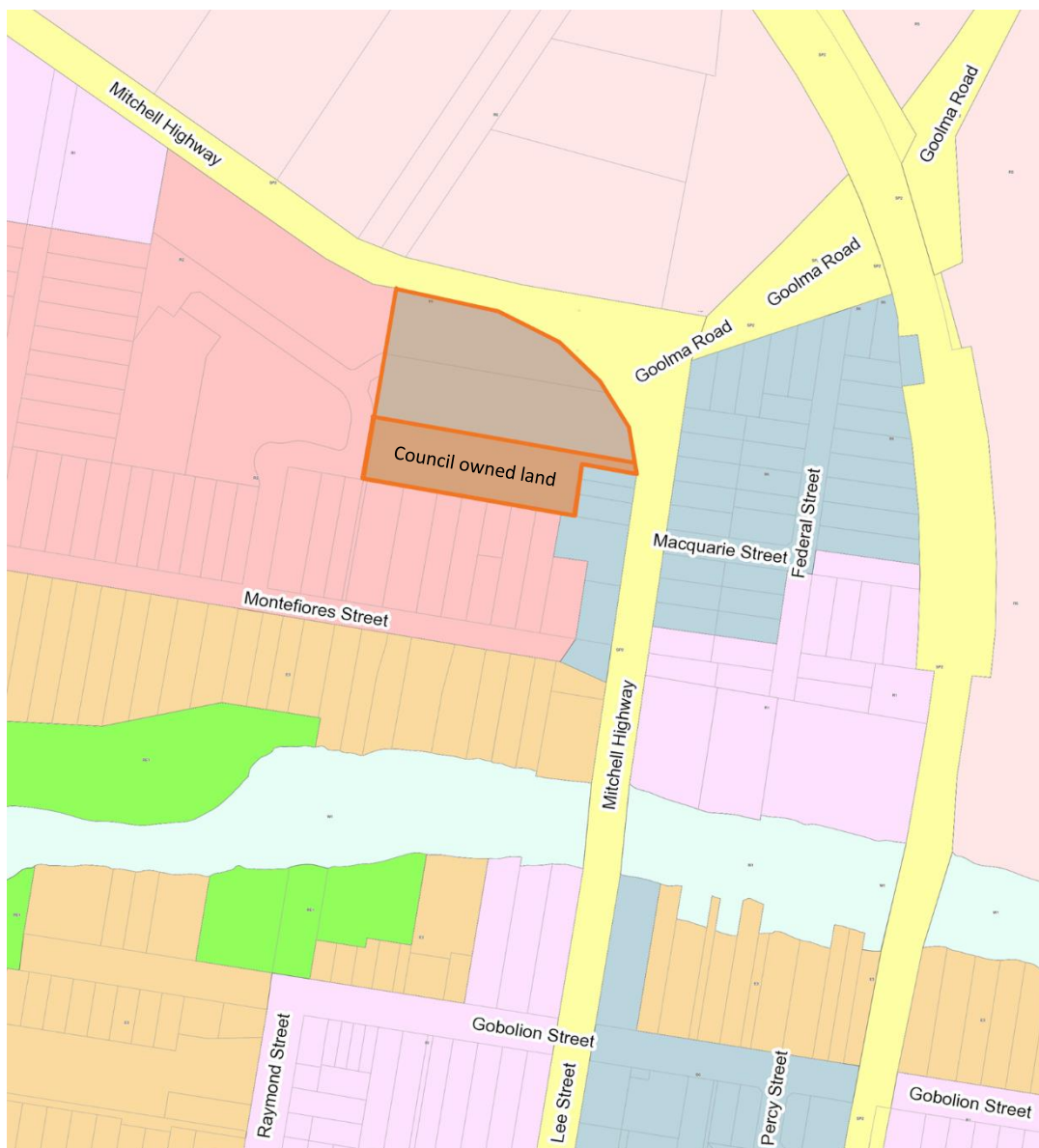


Figure 2. Subject land at Montefiores

PART 3 JUSTIFICATION

A Need for the Planning Proposal

1. Is the Planning Proposal the result of any Strategic Study or report?

The Planning Proposal has been prepared in accordance with the Department of Planning and Environment document '*Guidance for merged councils on planning functions*' on 12 May 2016. This Planning Proposal contains the first set of amendments proposed for the Wellington LEP 2012 to rectify known operational issues and minor anomalies in the LEP.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered that the subject Planning Proposal is the only means of achieving the amendments to the Wellington LEP 2012, including rectifying any operational anomalies in the Plan.

B Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Draft Central West and Orana Regional Plan

The draft Central West and Orana Regional Plan has been prepared by the Department of Planning and Environment.

The draft Plan has the following Goals:

- Goal 1: A growing and diverse regional economy;
- Goal 2: A region with strong freight transport and utility infrastructure networks that support economic growth;
- Goal 3: A region that protects and enhances its productive agricultural land, natural resources and environmental assets; and
- Goal 4: Strong communities and liveable places that cater for the region's changing population.

The Planning Proposal is considered consistent with the provisions of the draft Central West and Orana Regional Plan.

4. Is the Planning Proposal consistent with a local strategy or other local strategic plan?

Wellington 2025 Community Strategic Plan

The Wellington 2025 Community Strategic Plan was initially adopted by the former Wellington Council on 14 March 2012. The purpose of the Plan is to accomplish the community's 13 year vision of Wellington. The following 5 Future Directions were implemented to achieve their vision:

- Grow prosperity and employment
- Build and improve community infrastructure
- Show leadership in governance and community engagement
- Promote community participation in the arts and culture
- Grow agriculture, energy and the environment

The Planning Proposal is consistent with Future Direction 1 *Grow prosperity and employment* and the following strategies:

1. *A thriving tourism industry, including building on our aboriginal culture and heritage.*
2. *Improved employment opportunities for all ages and sectors of the community.*
3. *A diverse and sustainable business sector, with the skills and business acumen to develop, grow and prosper.*

The Planning Proposal is consistent with Future Direction 2 *Build and improve community infrastructure* and the following strategy:

3. *Clean, tidy, well maintained, attractive towns and villages that showcase their heritage.*

The Planning Proposal is considered to be broadly consistent with the Wellington 2025 Community Strategic Plan.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Two (2) State Environmental Planning Policies apply to the Planning Proposal. It is considered that the Planning Proposal is consistent with the following State Environmental Planning Policies:

- SEPP (Rural Lands) 2008, and
- SEPP (Affordable Housing) 2009.

State Environmental Planning Policy (Rural Lands) 2008

The SEPP aims to guide the sustainable use of rural lands through the provision of specific rural planning principles. The SEPP requires a Planning Proposal to be consistent with the following rural planning principles:

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- In planning for rural lands, to balance the social, economic and environmental interests of the community,
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

In respect of rural lands, secondary dwellings are proposed to be a permissible form of development in the RU1 Primary production zone. In addition, it is also proposed to increase the size limitation for farm stay accommodation to 15 bedrooms.

It is considered that the Planning Proposal is unlikely to impact agricultural land use activities and is consistent with the rural planning principles as contained in the SEPP. The Proposal will not significantly impact agricultural activities and is considered to be consistent with the Rural Planning Principles as included in the SEPP.

State Environmental Planning Policy (Affordable Housing) 2009

The aims of the Policy are as follows:

- “(a) To provide a consistent planning regime for the provision of affordable rental housing,*
- (b) To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanding zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) To facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) To employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*

- (e) *To facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *To support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) *To facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.”*

The Planning Proposal is seeking to permit secondary dwellings in the RU1 Primary Production zone. The provision will create opportunity for property owners to provide affordable housing to family members.

The Planning Proposal also intends to rezone land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential. The proposed rezoning will permit residential development on the land. The land is located in close proximity to Wellington CBD and appropriate infrastructure. The proposed R2 zoning is considered appropriate in relation to the surrounding land use activity.

It is considered that the Planning Proposal is consistent with the aims of the Policy and the associated provisions as contained in the SEPP.

6. Is the Planning Proposal consistent with any applicable Section 117 Directions?

The following table provides consideration of the applicable Section 117 Directions for consideration in the Planning Proposal:

Direction	Requirement	Consistency
1.1 Business and Industrial Zones	The Direction applies to this Planning Proposal as the proposal will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	It is considered that the Planning Proposal is not consistent with the Direction. However it is considered that this inconsistency is of minor significance. The Planning Proposal includes the proposed rezoning of land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential. It is considered that provision of the B6 zone on the land is not appropriate as access is likely to be difficult to achieve from the Mitchell Highway. In addition and given the location of the land, it is considered that use of the land for commercial

Direction	Requirement	Consistency
		purposes would be difficult to achieve.
1.2 Rural Zones	The Direction applies to this Planning Proposal as the proposal affects land within the existing rural zones. The Direction applies to the Planning Proposal as it intends to include secondary dwellings as permissible development in the RU1 Primary Production zone.	The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the proposal to include secondary dwellings as permissible development in the RU1 Primary Production zone would have no significant impact on rural land.
1.5 Rural Lands	This Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as it intends to rezone areas along the Macquarie and Bell Rivers zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential.	It is considered that the proposed rezoning is consistent with the Rural Planning Principles contained within State Environmental Planning Policy (Rural Lands) 2008.
2.1 Environment Protection Zones	The Direction is applicable to the Planning Proposal as it intends to rezone areas zoned E3 Environmental Management along the Macquarie and Bell Rivers to R1 General Residential and R2 Low Density Residential.	The Planning Proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance as the land affected by the Planning Proposal already contains existing residential dwellings. In addition, it should be noted that part of the subject lands are not classified as flood prone land under the provisions of the Wellington LEP 2012.

Direction	Requirement	Consistency
2.3 Heritage Conservation	The Direction applies to the Planning Proposal as the Proposal intends to include Nubrygyn Inn and Cemetery as a heritage item in Schedule 5 of the Wellington Local Environmental Plan 2012. Additionally, the Planning Proposal intends to amend the property details of the Reinhard Building in Schedule 5. The Planning Proposal intends to remove the Wellington Clock from Schedule 5.	It is considered that the Planning Proposal is inconsistent with the Direction as it is proposed to remove heritage item I114 from the Wellington LEP 2012. The item is proposed to be removed from the LEP as the clock is best classified as an item of moveable heritage, which is not ordinarily listed in Schedule 5 of the LEP. The remaining components of the Planning Proposal are considered to be consistent with the Direction.
3.1 Residential Zones	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.	The Planning Proposal will assist in facilitating a broader choice of building types and increase residential densities to utilise existing infrastructure and services. This is especially in respect of the proposed rezoning of land at Montefiores for the purposes of residential development.
3.2 Caravan Parks and Manufactured Home Estates	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as the proposal does not alter or remove any provisions in respect of caravan parks and manufactured home estates.
3.4 Integrated Land Use and Transport	The Direction applies to the Planning Proposal as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The Planning Proposal is consistent with the Direction and the aims, objectives and principles of: (a) Improving Transport Choice – Guideline for Planning and Development; and

Direction	Requirement	Consistency
		(b) The Right Place for Business and Services – Planning Policy.
4.3 Flood Prone Land	The Direction applies to this Planning Proposal as it intends to create, remove or alter a zone or a provision that affects flood prone land. Additionally, the Planning Proposal intends to rezone areas that are partially affected by flooding and zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential.	The Proposal is inconsistent with the Direction as it permits development in a flood planning area. The inconsistency is considered to be of minor significance as the areas subject to the proposed rezoning will reflect the existing residential land use. In addition, these areas are situated in low hazard areas.
4.4 Planning for Bushfire Protection	The Direction applies to this Planning Proposal as it will affect, or is in proximity to land mapped as bushfire prone land. The Direction applies to the Planning Proposal as it intends to introduce new Clause 4.2A Lot size exceptions for certain rural zones. Additionally, secondary dwellings are proposed to be included as a permissible form of development in the RU1 Primary Production zone.	The Planning Proposal is considered to be inconsistent with the Direction. The inconsistency is considered to be of minor significance as each development will be subject to development consent and assessment against any potential bush fire hazards on the subject land.
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the Direction as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.

C Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected?

It is considered that the Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

8. Are there any environmental impacts and how will they be mitigated?

The Planning Proposal intends to amend Land Zoning Map – Sheet LZN_004C and Land Zoning Map – Sheet LZN_004D. The Planning Proposal seeks to rezone part areas zoned E3 Environmental Management to R1 General Residential and R2 Low Density Residential where existing dwellings are present. The rezoning will reflect the existing residential land use within these areas and future development will remain subject to the flood planning controls under the Wellington LEP 2012.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal intends to amend the provisions of Clause 5.4(7) Controls relating to miscellaneous permissible uses and increase the retail floor area for neighbourhood shops from 100 square metres to 150 square metres. It is considered that the Planning Proposal is unlikely to have any adverse social or economic effects.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

It is considered that the Planning Proposal will not create significant additional demand for public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

State and Commonwealth public authorities will be consulted in accordance with the Gateway determination and will be given at least 21 days to comment on the proposal.

PART 4 MAPPING

Council as a component of the Planning Proposal will be undertaking amendments to the following maps:

a. Land Zoning Map – Sheet LZN_004C

- (i) Amend E3 Environmental Management zoning to R1 General Residential and R2 Low Density Residential;
- (ii) Rezone land at Montefiores from B6 Enterprise Corridor to R2 Low Density Residential.

b. Land Zoning Map – Sheet LZN_004D

- (i) Amend E3 Environmental Management zoning to R1 General Residential and R2 Low Density Residential.

c. Heritage Map – Sheet HER_005

- (i) Include Nubrygyn Inn and Cemetery, 2531 Euchareena Road, Euchareena.

d. Heritage Map – Sheet HER_004D

- (i) Remove Wellington Clock, 1A Nanima Street, Wellington.

PART 5 COMMUNITY CONSULTATION

Council will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community as directed. Council will also undertake consultation with state public agencies as required by any gateway determination from the Department of Planning and Environment.

PART 6 PROJECT TIMELINE

The following project timeline is intended to be a guide only and may be subject to change in response to public consultation and/or community submissions.

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal.	End of April 2017
2	Draft Planning Proposal report prepared and presented to Planning and development committee and Council meetings.	18 April 2017 24 April 2017
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination.	15 May 2017
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with state agencies.	1 June – 30 June 2017
5	Assessment of submissions made during the public exhibition period.	July 2017
6	Report of public exhibition results prepared and presented to Planning and Development Committee and Council meetings.	August 2017
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal.	September 2017
8	Gazettal.	September 2017