



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Wellington Local Environmental Plan 2012 (Amendment No 4)

Your ref: Garret Barry
Our ref: FB e2015-176-d02

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

A handwritten signature in dark ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel
9 July 2015



New South Wales

Wellington Local Environmental Plan 2012 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

K. ROBERTS

ACTING GENERAL MANAGER

WELLINGTON COUNCIL

AS DELEGATE FOR

K. Roberts

10 JULY 2015

Wellington Local Environmental Plan 2012 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wellington Local Environmental Plan 2012 (Amendment No 4)*.

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 land that is in any of the following zones under *Wellington Local Environmental Plan 2012*:

- (a) Zone RU1 Primary Production,
- (b) Zone RU3 Forestry,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone R5 Large Lot Residential,
- (e) Zone E1 National Parks and Nature Reserves,
- (f) Zone E2 Environmental Conservation,
- (g) Zone E3 Environmental Management.

Schedule 1 Amendment of Wellington Local Environmental Plan 2012

[1] Clause 4.2B

Insert after clause 4.2A:

4.2B Boundary changes between lots in certain rural, residential and environment protection zones

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU3 Forestry,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E1 National Parks and Nature Reserves,
 - (f) Zone E2 Environmental Conservation,
 - (g) Zone E3 Environmental Management.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots comprised in land to which this clause applies if the subdivision will not result in any of the following:
 - (a) an increase in the number of lots,
 - (b) an increase in the number of dwellings or dual occupancies on (or dwellings or dual occupancies that may be erected on) any of the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply:
 - (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or

- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

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

Renumber the clause as clause 4.2C.

