

**ITEM WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012, AMENDMENT 4.
PLANNING PROPOSAL FOR AN ADDITIONAL CLAUSE TO ALLOW MORE
FLEXIBILITY IN BOUNDARY ADJUSTMENTS**

Reason for Report

Council has experienced several development proposals involving boundary adjustments of rural land where there was merit in approving such boundary adjustments but where the current planning rules do not permit such subdivision.

Council has previously resolved to seek an amendment to the Wellington LEP 2012 to allow such adjustments.

Council achieved Gateway Approval on 22 January to proceed with the plan and was granted delegation to determine the matter. As required under the Act, the Planning Proposal was publicly exhibited from 25 February to 27 March 2015.

One submission was received and is addressed in the report below.

The recommendation is Council approve the making of the plan , subject to achieving a satisfactory response from Parliamentary Counsel, that the plan can be legally made, and authorise the Acting General Manager to execute the necessary documents to process the plan to gazettal.

Background

A copy of the exhibited Planning Proposal package is included with the Business Paper for background.

As detailed in that document, this is a quite minor matter that simply would give Council the power to approve boundary adjustment subdivisions where no additional dwelling entitlements are created. Occasionally, adjoining land owners want to rationalise boundaries and where dwellings are on the land the current LEP often, unnecessarily, prohibits such subdivision.

This amendment would allow such subdivision if Council saw justification.

One submission was received and a full copy has been provided to Councillors with the Business Paper.

The submission is from C F Klein of Maryvale. It raises concerns about provisions in the current LEP allowing dual occupancy development. It does not raise objections to the boundary adjustment proposal, but calls for Council to consider a review of its Dual Occupancy provisions and refers to a recently approved DA that Mr Klein has concerns over.

The submission is about a separate matter over which the Boundary Adjustment Proposal has no impact. No additional lots could be created by a boundary adjustment and no potential for additional dwellings by using the proposed new clause.

It is recommended Councillors advise if they would like a further report on the separate issues raised by Mr Klein relating to dual occupancy. There has been support from some in the community for this provision and many Councils are now allowing dual occupancy in rural zones. Staff feel the issues raised by Mr Klein relate more to assessment of dual occupancy impacts on neighbours, but are prepared to provide a further assessment of Mr Klein's concerns, if Council considers it

warranted.

As there are no objections to the exhibited proposal, the following recommendations are made:

RECOMMENDATION:

That:

- 1. Council resolve to submit draft Amendment No. 4 to the Wellington LEP 2012 to Parliamentary Counsel, seeking an opinion that the Plan can be legally made; and**
- 2. Council resolve pursuant to Section 59 of the Environmental Planning and Assessment Act , 1979, to make Amendment No. 4 to the Wellington LEP 2012 as exhibited in the Planning Proposal, subject to the general Manager receiving a satisfactory report from Parliamentary Counsel that the Plan can be legally made ; and**
- 3. That the Acting General Manger be empowered to sign all necessary documents to give effect to the making of the plan referred to in Recommendations 1 and 2 above.**
- 4. That Council advise if it wishes a further report on the dual occupancy provisions referred to in Mr Klein's submission.**

PUBLIC NOTICE

PUBLIC EXHIBITION OF PLANNING PROPOSAL TO EXPAND BOUNDARY ADJUSTMENT PROVISIONS IN THE WELLINGTON LEP 2012. (S. 57 EPA Act 1979)

Council has prepared draft Amendment 4 to the Wellington Local Environmental Plan 2012. This amendment proposes to add a clause to the LEP to allow greater flexibility in the adjustments of boundaries between rural land parcels.

The proposal will be on public exhibition between Wednesday 25th February 2015 and Friday 27 March 2015.

All exhibition documents can be viewed during business hours at the following exhibition locations.

- Wellington: Council Chambers, Macquarie Library & Visitor Information Centre;
- Geurie: Post Office;
- Mumbil: Post Office;
- Stuart Town: Post Office/Rural Transaction Centre;
- Euchareena: Primary School;
- Elong Elong: Delta Agribusiness
- Yeoval: Post Office.

All exhibition material can also be found online at www.wellington.nsw.gov.au.

Any person may make submission to Council on this draft plan amendment. Submissions must be in writing to the address below and should be received at Council by Friday 27 March 2015.



Karen Roberts
Acting General Manager
Wellington Council

P O Box 62
WELLINGTON NSW 2820
or
mail@wellington.nsw.gov.au



**Planning &
Environment**

WELLINGTON COUNCIL
For Action by DECS
Correspondence No. Planning & Environment
0121215

27 JAN 2015

15/01613

Mr Michael Tolhurst
General Manager
Wellington Council
PO Box 62
Wellington NSW 2820

Attention: Mr Peter Harlow, Director Strategic and Planning Services

Dear Mr Tolhurst,

Planning Proposal to amend Wellington Local Environmental Plan 2012 (Amendment 4) (PP_2015_WELLI_003_00) to insert model boundary adjustment clause for all rural and environmental zoned land.

I am writing in response to your Council's letter dated 6 January 2015 requesting a Gateway determination in respect of the planning proposal to amend the Wellington Local Environmental Plan 2012 (LEP) to insert a model boundary adjustment clause to allow boundary adjustment for rural and environmental zoned land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination (**Attachment 1**).

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this Planning Proposal. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan (**Attachment 2**).

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.council@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

State Government is committed to reducing the time taken to complete LEP's by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2) (d) of the Environmental Planning and Assessment Act 1979 if the time frames outlined in the determination are not met.

Department of Planning & Environment

Level 1, 188 Macquarie Street, Dubbo NSW 2830 | PO Box 58 Dubbo NSW 2830 | T 02 68412180 | F 02 68848483 www.planning.nsw.gov.au

In accordance with "A guide for the preparation of local environmental plans" attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission and forwarded to the westernregion@planning.nsw.gov.au when requesting the planning proposal to be finalised.

Should you have any further enquiries about this matter, I have arranged for Jenna McNabb from the Western Region office to assist you. Ms McNabb can be contacted on 02 6841 2180.

Yours sincerely,

W Garnsey 22/1/15

Wayne Garnsey
Acting General Manager, Western Region
Planning Services

Enclosed:

Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Execute Delegation
Attachment 3 – Delegated Plan Making Reporting Template



Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2015_WELLI_003_00): to amend the Wellington Local Environmental Plan 2012 to insert model boundary adjustment clause to allow boundary adjustment for rural and environmental zoned land.

I, the Acting General Manager, Western Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 to amend the Wellington Local Environmental Plan 2012 to allow boundary adjustment for rural and environmental zoned land.

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for **28 days** as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of January 2015.

Wayne Garnsey
Acting General Manager, Western Region
Planning Services
Department of Planning & Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wellington Council is authorised to exercise the functions of the Minister for Planning and Environment under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_WELLI_003_00	To amend the Wellington Local Environmental Plan 2012 to insert model boundary adjustment clause to allow boundary adjustment for rural and environmental zoned land.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 22 January 2015


Wayne Garnsey
Acting General Manager, Western Region
Planning Services
Department of Planning & Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2015_WELLI_003_00
Date Sent to Department under s56	6 December 2014
Date considered at LEP Review Panel	Considered by the Ministers Delegate 22 January 2015
Gateway determination date	22 January 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

DRAFT

PLANNING PROPOSAL

A PROPOSAL TO AMEND WELLINGTON LEP 2012

**TO INTRODUCE AN ADDITIONAL CLAUSE TO ALLOW
CONSIDERATION OF BOUNDARY ADJUSTMENTS TO LOTS IN
THE RURAL ZONES WHERE THE LOT IS BELOW LOT SIZE.**

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	5
4.4	Section D – State and Commonwealth interests	5
5	COMMUNITY CONSULTATION.....	5
6	CONCLUSION	5

1 INTRODUCTION

1.1 The Proposal

Prior to the introduction of the Standard Instrument, many LEPs had capacity to permit boundary adjustments to lots where dwellings were sited, and where the lot created would be below lot size, provided this gave no potential for yet further dwellings over that available under other clauses of the plan.

Clause 4.2 of the Wellington LEP 2012, allows for the creation of a lot below lot size but only where there is not an existing dwelling on the lot nor the potential for a dwelling.

The only other provision open for boundary adjustment subdivision in Wellington under current planning provisions, where the proposed lots are below lot size, is the exempt provisions for subdivision in State Environmental Planning Policy (Exempt and Complying Development Codes, 2008). Clause 2.75 of that plan specifies the requirements for a subdivision to be exempt from the need for development consent.

But these provisions bar boundary adjustments for land with a heritage item, require lots below lot size to increase in area as a result of the adjustment and for most of the rural zones of the Wellington Area, there is the constraint that the subsequent lot(s) can only have a minor change of area.

A wholesome intent of the current clause 4.2 and Clause 2.75 of the SEPP is to allow rational alteration of rural land to meet agricultural needs (for example; so two farmers can swap some land to achieve better boundaries or so one farmer can consolidate by buying some land off a neighbour etc.). However Wellington Council has encountered a number of boundary adjustment proposals of merit where the above current provisions are not flexible enough to permit an adjustment.

This Planning Proposal requests an amendment to the Wellington LEP 2012 to insert a model "boundary adjustment" clause to provide the required flexibility and clarity required to allow for boundary adjustments for the rationalisation of rural zoned land for agricultural purposes- particularly where houses exist and lots are below lot size.

2 OBJECTIVES OR INTENDED OUTCOMES

- To provide additional flexibility and clarity for boundary adjustment subdivisions in the rural zones of Wellington Council Area.
- To give potential for boundary adjustment subdivision where lots are or will be below lot size and dwellings are involved, provided no additional dwelling opportunities are created beyond those already permissible under other clauses of the LEP.
- To allow for rationalisation and consolidation of agricultural land.

3 EXPLANATION OF THE PROVISIONS

Following preliminary consultation with the Department of Planning and Environment, it was advised Council may consider seeking to amend the LEP to insert a model boundary adjustment clause. Staff have reviewed the draft model clause of the Department and suggest the following variation as the basis of this planning proposal:

4.2C 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 of a zone.
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU 1 Primary Production,
 - (b) Zone RU3 Forestry,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential,
 - (g) Zone EI National Parks and Nature Reserves,
 - (h) Zone E2 Environmental Conservation,
 - (i) Zone E3 Environmental Management,
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being 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 on 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.

4 JUSTIFICATION

4.1 Section A – Need for the Planning Proposal

A Planning Proposal is needed to amend the Wellington LEP2012 to insert the draft clause in section 3 of this report. The inclusion of the proposed clause will provide some flexibility to allow for consolidation and rationalisation of rural land where there is an already an existing dwelling (and therefore the impacts already exist) but does not meet the minimum lot size.

Three examples, modelled on cases already experienced by Council, are provided below to give justification for the additional clause.

1. A land owner has a lot below 400ha with a dwelling lawfully approved under a former EPI. He wishes to sell most of the land to his neighbour who is a professional farmer seeking to increase the size of his holding. But his neighbour does not own a lot over 400ha adjoining, only a smaller lot. The current provisions bar the proposal. The LEP clause 4.2 cannot be applied because of the existing dwelling and the exempt provisions cannot be claimed as one lot below lot size will decrease in area.
2. A heritage listed dwelling is currently located on a lot below lot size. The neighbour is a professional farmer and would like to acquire the bulk of the land in the heritage lot but not the dwelling. The proposal has merit but is barred under the LEP as clause 4.2 cannot be used because of the dwelling and the proposal is not exempt because of the heritage provisions and because one lot below lot size would decrease in area.
3. A heritage dwelling was converted to a semi-detached dwelling quite some time ago and straddles the common boundary of two lots below lot size. Both lots qualify for a dwelling under clause 4.2B (3)(d) of the Wellington LEP 2012 and the semi detached dwellings are the current lawful dwellings on each lot.

The two owners wish to achieve the following:

- A boundary adjustment to put all of the heritage building on one lot and renovate it back to its original single dwelling standard. This has significant merit for the conservation of the item.
- Allow the owner of the lot that would become vacant to build a new dwelling.

The proposal is barred as the dwelling rules out the use of Clause 4.2 of the LEP and the proposal fails to be exempt given the heritage status and fact one lot will decrease in area.

4.2 Section B – Relationship to strategic planning framework

State Environmental Planning Policy (Rural Lands) 2008 applies to the area and provides a State wide provision for creation of a lot for agriculture but Clause 9(3) of that SEPP states

"However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot"

The proposed Boundary adjustment clause is not considered to be inconsistent with this SEPP's objectives or clause 9(3) in that the proposed clause will merely facilitate better use of land in lots below lot size (including better use of existing dwellings) and not increase potential for dwellings.

	Jan-15	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov
Gateway requested											
Gateway issued											
Assemble additional information											
Consult Government Agencies											
Public exhibition											
Consider submissions											
Council resolves position on Plan											
If approved , plan forwarded to DPE for finalisation											
Plan forwarded for Gazetteal											

7 CONCLUSION

The inclusion of the proposed boundary adjustment clause in the Wellington LEP will provide the flexibility and clarity required for the subdivision of rural zoned, where a dwelling already exists but does not meet the minimum lot size requirements. Such subdivision is not currently available in the Wellington LEP 2012 as it is based on the core Standard Instrument.

The provision will address several recent cases in Wellington where boundary rationalisations otherwise of considerable merit have been barred by the limitations in the current provisions of the LEP and exemption provisions.

**ITEM 4 WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012
PLANNING PROPOSAL FOR AN ADDITIONAL CLAUSE TO ALLOW MORE
FLEXIBILITY IN BOUNDARY ADJUSTMENTS**

Reason for Report

Council has experienced several development proposals involving boundary adjustments of rural land where there was merit in approving such boundary adjustments but where the current planning rules do not permit such subdivision.

This report recommends Council support a Planning Proposal to insert an additional clause in the Wellington LEP 2012 to allow greater flexibility for Council in approving boundary adjustments.

Background

The development of the 2012 LEP saw the former planning instruments converted to the Standard Instrument.

The State Government had requirements for all Councils to promptly convert to the new State wide plan format and it was agreed early in the process that Wellington would essentially move to a "conversion" plan and largely introduce the Standard Instrument in its basic format, then modifications could be considered subsequently in the light of trialling the new plan and following work such as the urban and regional strategies.

Unfortunately, the boundary adjustment provisions of the Standard Instrument are quite restrictive. This problem has been recognised by the Department of Planning and Environment which has developed a new additional clause Councils may apply to have added to their LEPs, which gives back some of the flexibility enjoyed in the earlier plans.

The attached draft Planning Proposal presents three examples where Council has been legally barred from being able to approve sensible boundary adjustments, where no extra dwellings were proposed beyond what the LEP already allowed.

The draft Planning Proposal seeks to have the additional clause inserted in the Wellington LEP 2012 so that Council can gain reasonable flexibility to approve boundary adjustments of merit (see the attached draft Planning Proposal for the actual clause and supporting justification for its insertion).

The Rezoning Process

If it supports the recommendation, Council needs to formally resolve to prepare a Planning Proposal to start off the rezoning process. A draft Planning Proposal has been prepared for Council's consideration and is based on the Department of Planning and Environment's own recommended new clause.

If Council so resolves, the matter would then be referred to the Department of Planning and Environment (DPE) for Gateway consideration. Should the Department support the proposal, the draft Planning Proposal would then be authorised for public exhibition. It has been recommended such exhibition be for four weeks with information to be provided in all relevant towns and villages.

Following exhibition, Council would consider submissions from the community and make resolutions to proceed as exhibited, make alterations or not proceed at all with the Proposal.

Should Council resolve to proceed with the making of the Planning Proposal after consideration of submissions, the plan would then be submitted to the Department for finalisation and the new clause allowing more flexible boundary adjustment would become part of the LEP once the Plan amendment was published in the Government Gazette.

RECOMMENDATION:

That:

1. Council resolve to prepare a Planning Proposal to introduce a specific additional clause into the Wellington LEP 2012 to increase flexibility with respect to Council's ability to approve Boundary Adjustment Subdivisions in the rural zones; and
2. the draft Planning Proposal presented to Council's Ordinary Meeting of 17 December 2014 be forwarded to the Regional Manager of the Department of Planning and Environment, seeking the matter be progressed through the Gateway process to allow the proposals to proceed to public exhibition.

3 WELLINGTON RURAL LAND USE STRATEGY PLANNING
PROPOSAL FOR ADDITIONAL R5 ZONED LAND

RESOLVED on the motion of Cllr Jones and Cllr Hanney, that;

1. Council resolve to prepare a Planning Proposal to rezone the eight areas of land recommended in this report from RU1 Primary Production to Zone R5 Large Lot Residential;
2. The draft Planning Proposal, including a copy of the Booth Associates R5 report presented to Council's Meeting of 17 December 2014, be forwarded to the Regional Manager of the Department of Planning and Environment seeking the matter be progressed through the Gateway process to allow the proposals to proceed to public exhibition; and
3. Staff action the preparation of a possible draft amendment to the Wellington DCP and possible Contributions plan, for report to Council once the Gateway determination is known.

CARRIED

4 WELLINGTON LOCAL ENVIRONMENTAL PLAN 2012
PLANNING PROPOSAL FOR AN ADDITIONAL CLAUSE TO ALLOW
MORE FLEXIBILITY IN BOUNDARY ADJUSTMENTS

RESOLVED on the motion of Cllr Jones and Cllr Hanney, that ;

1. Council resolve to prepare a Planning Proposal to introduce a specific additional clause into the Wellington LEP 2012 to increase flexibility with respect to Council's ability to approve Boundary Adjustment Subdivisions in the rural zones; and
2. the draft Planning Proposal presented to Council's Ordinary Meeting of 17 December 2014 be forwarded to the Regional Manager of the Department of Planning and Environment, seeking the matter be progressed through the Gateway process to allow the proposals to proceed to public exhibition.

CARRIED

NOTE TO GENERAL MANAGER

Dear Madam,

I have made previous submissions to Council re dual occupancy and have even spoke to the Mayor and Town Planner. I believe each submission was endorsed by management and were presented to Council.

The reason for this, I believe was that the LEP 2012 would be reviewed some years into the future and that no amendments would be considered in the meantime.

It is noted that the present proposal is Draft Amendment No 4? - what about amendments 1, 2 & 3 all about.

Should you please advise me.

WILKINGTON
For Action By DECLS
Correspondence No. C.F. Klein

DA 2013/029
27 MAR 2015

Rogers

(C.F. Klein)

P.S. Should you please ensure the attached submission is presented to Council and not side tracked

⓪

"TARDING"

MARYVALE 2820

25/3/15

The General Manager
Wellington Council
P.O. Box 62
Wellington 7500 2820
Dear Sir/Madam,

Submission re Proposal to Expand
Boundary Adjustment. Draft Amended 164.

I wish to make some comments in
relation to the above and advise that I
have perused the exhibition material.

I have noted rule 3 - Explanation of
the Provision 4.26(3) that consent may
be granted to the subdivision of 2 or more
adjoining lots -...- if the subdivision will
not result in -

"(b) an increase in the number of
dwellings or, or dwellings or dual
occupancies that may be erected
on any of the lots."

I feel that the above is very
important and stress that the creation
of dual occupancy by Council is bad
planning

To substantiate my case I submit
that dual occupancies -

(1) should not apply to All Zone R1
Primary Production land regardless of
the size. They should not be permitted
in rural small area subdivisions ~~as~~
as it ruins the environment and
creates neighbourhood confrontation and

friction

- ① applicants are only required to make a capital contribution of \$271.04 (DA 2013/029) for the use of ratepayer funded facilities such as roads, parks, libraries etc.

I was forced to undertake a one block subdivision (in order to retain my building entitlement) in the Geurie area some years ago because of the removal, by Council, of concessional building entitlements.

Council, apart from making it a difficult as possible for me, demanded a contribution in excess of \$9000 for the same facilities utilised by a dual occupancy applicant.

It would seem that is completely unreasonable i.e. \$271.04 versus \$9000+

- ② because dual occupancies are required to be constructed on land with an existing house (i.e. same title deed) no additional rates are payable. In other words, they are free-loading on existing ratepayers.

Hence no ~~existing~~ additional funds are paid to Council on an annual basis to improve roads and other facilities.

Tamewang Lane is a good example of the detrimental effect additional traffic can have on a neighbourhood.

- ④ Council made a deliberate decision not to notify or consult neighbours when a D/O application is under consideration. I would consider that some input from the locals would be important to achieve best results.

It would seem, as with DA 2013/029 that absolutely no consideration was given to neighbouring residents when approval was granted ie. no set back, no screening, no consideration of building location etc.

- ⑤ The requirement for D/O building construction do not stipulate a high standard of building construction.

Higher second-rate building construction can be expected and will eventually

Conclusion

While there may be a place for dual occupancy in planning, I would suggest that that place is certainly not appropriate for more closely settled rural area.

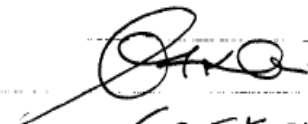
I would support dual occupancy regulations if they applied only to large genuine farms where they could be necessary to provide workers cottages or for succession planning purposes.

I believe the Council does not
permit dual occupancy but does make
provision for "rural worker cottages"

Recommendations

That Council -

- ① certainly not approve any plan
that provides for increased dual
occupancy
- ② consider, in future planning, to
delete any reference to dual
occupancy and insert a requirement
for "rural worker cottage"


(C.F. KLEIN)