

**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.**