

GB/MT/DF28052013

28 May 2013



PDU000547

The Regional Manager
Department of Planning and Infrastructure
PO Box 58
DUBBO NSW 2830

Dear Sir or Madam

**RE: PLANNING PROPOSAL TO VARY THE LOT SIZE MAP FOR LOT: 9, DP:
1122385, 9 TOLLEMACHE STREET, WELLINGTON.**

Mr David Baxter is the Managing Director of Station Holdings Pty Ltd, which is the owner of the above land. In 2011, consent was granted to Mr Baxter's consultant for erection of a detached dual occupancy on Lot 9. No application for subdivision was made at that time.

A Construction Certificate was issued for the two dwellings by private certifiers Whitehall Building Certifiers. The dwellings have been completed and an Occupation Certificate issued as of 2 November 2012.

Subdivision of a detached dual occupancy on this land was permissible under the Wellington LEP 1995 as the land was zoned 2(a).

Mr Baxter has advised Council it was always his intent to apply for subdivision but his company overlooked the coming gazettal of LEP 2012, which came into force 12 November 2012. Under the current plan the land zoning is E3 and a lot size of 2000 m² applies. As such, the subdivision of this lot into two lots is now barred by Clauses 4.1 and 4.2A. (The area of this lot is 1024 m²).

While Council is satisfied with the overall planning strategy introduced for this area in LEP 2012, Council is of the view the impact on Lot 9 was unintended. Council has subsequently effected sufficient assessment of the land to form the view that an application for Torrens or strata subdivision of this development would have likely been approved, if lodged before the commencement of LEP 2012.

Mr Baxter has had a draft planning proposal prepared requesting the lot size map be varied on this land only to permit the subdivision. Given the above circumstances and the fact the dwellings are complete and available for separate occupation (but unable

to be separately sold), Council supports the planning proposal and requests the Minister's Delegate consider the proposal through the Gateway process and support the planning proposal proceeding to public exhibition. Council suggests an exhibition period of 14 days would be sufficient for this minor matter.

Should the Department need further information, please contact Council's Consultant Planner, Garret Barry, on 0408 905 903.

Yours faithfully

A handwritten signature in black ink, reading "Michael Tolhurst". The signature is written in a cursive, flowing style.

Michael Tolhurst
GENERAL MANAGER

Attachment :

1. Planning Proposal
2. Copy of development consent 2011.020