

Justification for proposed amendments to clause 4.2A of ELEP 2012

RLEP 1987	ELEP 2012	Proposed Amendment	Reason
holding means the total area of any adjoining or adjacent land held in the same ownership on 11 December 1987.	1987 holding means land that: (a) was a holding on 11 December 1987, and (b) is still held by the same owner at the time the application for development consent referred to in subclause (2) is lodged.	1987 holding means all adjoining land, even if separated by a road or railway that has been held by the same owner since 11 December 1987. Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.	To avoid confusion in interpreting the clause. The definition requires the reading of another definition (i.e. “holding”) in order to interpret it. The suggested re-wording is more consistent with the wording in RLEP 1987.
existing parcel means the total area of a parcel of adjoining or adjacent land: (a) that was owned by the same person or persons on 9 August 1963, and (b) that is still owned by the same person or persons whether or not being the person or persons referred to in paragraph (a), and includes any such parcel of land to which additional adjoining or adjacent land has been added since 9 August 1963.	existing holding means land that: (a) was a holding on 9 August 1963, and (b) is a holding at the time the application for development consent referred to in subclause (2) is lodged, whether or not there has been a change in the ownership of the holding since 9 August 1963, and includes any other land adjoining that land acquired by the owner or owners since 9 August 1963.	existing parcel means land that: (a) was a parcel on 9 August 1963, and (b) is a parcel at the time the application for development consent referred to in subclause (2) is lodged, whether or not there has been a change in the ownership of the parcel since 9 August 1963, and includes any other land adjoining that land acquired by the owner or owners since 9 August 1963.	To avoid confusion in interpreting the clause. Many land owners have correspondence from Council informing them they have a dwelling entitlement because the land is an existing parcel. Changing the definition to existing holding has caused confusion.
	holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.	Delete.	No longer required if changes above are accepted.