



New South Wales

# **Wellington Local Environmental Plan 2012 (Amendment No 3)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**DAMIEN PFEIFFER**

As delegate for the Minister for Planning and Public Spaces

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### **1 Name of Plan**

This Plan is *Wellington Local Environmental Plan 2012 (Amendment No 3)*.

### **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 to which *Wellington Local Environmental Plan 2012* applies.

### **4 Maps**

The maps adopted by *Wellington Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Wellington Local Environmental Plan 2012**

**[1]    Clause 2.8 Temporary use of land**

Omit “28” from clause 2.8(2). Insert instead “182”.

**[2]    Land Use Table**

Insert “Secondary dwellings;” in alphabetical order in item 3 of the matter relating to Zone RU1 Primary Production.

**[3]    Land Use Table, Zone R5 Large Lot Residential**

Omit “Dual occupancies;” from item 3. Insert instead “Dual occupancies (attached);”.

**[4]    Clause 4.1 Minimum subdivision lot size**

Insert after clause 4.1(4A)—

- (4B) Despite subclause (3), the size of any lot resulting from a subdivision of land in Zone RU5 Village, Zone R1 General Residential or Zone R2 Low Density Residential may be less than the minimum lot size shown on the Lot Size Map in relation to that land if—
- (a) the land is connected to a sewage reticulation system, and
  - (b) development consent has been granted in respect of the subdivision for the purpose of multi dwelling housing or a dual occupancy.

**[5]    Clause 4.1AA Minimum subdivision lot size for community title schemes**

Omit clause 4.1AA(2)(c). Insert instead—

- (c) Zone RU5 Village,
- (d) Zone R1 General Residential,
- (e) Zone R2 Low Density Residential,
- (f) Zone R5 Large Lot Residential,
- (g) Zone E3 Environmental Management,

**[6]    Clause 4.2D**

Insert after clause 4.2C—

**4.2D    Exceptions to minimum subdivision lot sizes for certain rural subdivisions**

- (1) The objective of this clause is to permit the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of residential accommodation or tourist and visitor accommodation.
- (2) This clause applies to land in the following rural zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots.
- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than

residential accommodation or tourist and visitor accommodation) permitted under the existing development consent for the land.

- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—
- (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
  - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
  - (c) the subdivision will not cause or increase rural land uses conflict in the locality, and
  - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

**[7] Clause 5.4 Control relating to miscellaneous permissible uses**

Omit “12” from clause 5.4(5). Insert instead “15”.

**[8] Clause 5.4(7)**

Omit “100”. Insert instead “150”.

**[9] Clause 6.1 Flood planning**

Omit the definition of *land at or below the flood planning level* from clause 6.1(5).

Insert instead—

*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**[10] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1—

Euchareena	Nubrygyn Inn and Cemetery	2531 Euchareena Road	Lot 1, DP 770849	State	I159
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**[11] Schedule 5, Part 1, item I110**

Omit “Lot 3, DP 742896”. Insert instead “Lot 92, DP 1226962”.

**[12] Schedule 5, Part 1, item I114**

Omit the matter relating to the item.