

1 APPLICATION FOR REZONING LOTS 14, 15 AND 16 DP 1039025 YARREIN STREET BARHAM FOR RIVERGUM ON THE MURRAY PTY LTD FORMERLY SUNDANCE RESORT PTY LTD

DATE: Wednesday 20th October 2010
AUTHOR: Mark Williams - Director Development Services
VENUE: Council Chambers - Moulamein
TRIM Reference: I10/3286

Issues Considered in writing report: Management Plan, Council Policy, Legislation, Resources (financial, community & staff), Environmental issues, Risk Issues & Options - issues applicable have been reported on.

Background

Council has received an application from Brian Mitsch and Associates on behalf of Rivergum on the Murray Pty Ltd, formerly Sundance Resort Pty Ltd for the rezoning of their land at Lots 14, 15 and 16 DP 1039025 Yarrein Street Barham. This will involve amending the current Wakool Local Environmental Plan 1992 ('the LEP'). The owner has requested that the land be rezoned to a 2 (v) Village Zone to allow for residential development.

Council will recall that this is the site where the previously approved Sundance resort was proposed. With the resort no longer being a viable option it is considered that a residential use for the site would be far more appropriate. Concern has been expressed by the owners that the comprehensive LEP process still does not provide any certainty as to when the final document may be signed off by the Planning Minister and gazetted for use. Accordingly it is of their consultant's view that the best way for them to proceed is to lodge a rezoning application and go through the "gate way" rezoning process as prescribed in the Environmental Planning and Assessment Act 1979.

Discussion

The gateway process has the following steps:

- **Planning proposal** – the relevant planning authority is responsible for the preparation of a planning proposal, which explains the effect of and justification for the plan. If initiated by the Minister (rather than the local council which is mostly the case) the Minister can appoint the Director-General of the Department of Planning or a joint regional planning panel to be the relevant planning authority.

- **Gateway** – The Minister (or delegate) determines whether the planning proposal is to proceed. This gateway acts as a checkpoint to ensure that the proposal is justified before further studies are done and resources are allocated to the preparation of a plan. A community consultation process is also determined at this time. Consultations occur with relevant public authorities and, if necessary, the proposal is varied.
- **Community consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). A person making a submission may also request a public hearing be held.
- **Assessment** – The relevant planning authority considers public submissions and the proposal is varied as necessary. Parliamentary Counsel then prepares a draft local environmental plan – the legal instrument.
- **Decision** – With the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

To enable the owner to commence the process it is necessary for the Council to consider whether it is appropriate to consider rezoning the subject land and then pass a resolution endorsing the Planning Proposal.

Conclusion

As reported to Council at the March meeting, it is acknowledged that the comprehensive LEP timeframe is certainly not set in concrete and that this is the source of frustration for several land developers across the Shire.

The subject Planning Proposal relates to land that was recognised as being suitable for residential development in Council's adopted Land Use Strategy and accordingly the application for rezoning should be supported by Council.

Recommendation

- i. That the Officer's report be received.
- ii. That Council support the application to amend the Wakool Local Environmental Plan 1992 to rezone Lots 14, 15 and 16 DP1039025 Yarrein Street Barham from 1(c) Rural Small Holdings Zone to 2(v) Village Zone and that Council endorse the Land Use Strategy prepared by Brian Mitsch and Associates.

Ordinary Council Meeting held
Council Chambers, Moulamein
MINUTES
DATE: 20th October 2010



SUPPLEMENTARY REPORT

- 21 APPLICATION FOR REZONING LOTS 14, 15 AND 16 DP 1039025 YARREIN STREET BARHAM FOR RIVERGUM ON THE MURRAY PTY LTD FORMERLY SUNDANCE RESORT PTY LTD DDS**

Cr O'Neill Moved and Cr Gorey Seconded

- i. That the Officer's report be received.
- ii. That Council support the application to amend the Wakool Local Environmental Plan 1992 to rezone Lots 14, 15 and 16 DP1039025 Yarrein Street Barham from 1(c) Rural Small Holdings Zone to 2(v) Village Zone and that Council endorse the Land Use Strategy prepared by Brian Mitsch and Associates.

Voted For the Motion

Cr Chalmers
Cr O'Neill
Cr Hunter
Cr Douglas
Cr Lockhart
Cr Gorey

Voted against the Motion

Nil

CARRIED

22 INFORMATION REPORTS

Cr Gorey Moved and Cr Lockhart Seconded that the following information reports be received.

- 1) *Council Contribution to Moulamein Preschool Rates - Letter of thanks*
- 2) *2010/2011 Financial Assistance Grants - First Quarterly Instalment*
- 3) *Report on Wakool Shire Council By-Election held Saturday 11th July 2009*

CARRIED

These minutes are signed as a true and accurate record of the proceedings of the Ordinary Meeting of the Council of the Shire of Wakool held on 20th October 2010