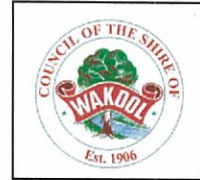


Ordinary Council Meeting held
Council Chambers, Moulamein
MINUTES
DATE: 17th March 2010



- 10 **APPLICATION FOR REZONING -
RIVERLIFE PROPERTY GROUP P/L,
EAST BARHAM ROAD (LOT 21 DP 1094360)**

DDS

Cr O'Neill Moved and Cr Hunter Seconded

- i. That the Officer's report be received.
- ii. That Council approve the application to amend the Wakool Local Environmental Plan 1992 to rezone Lot 21 DP 1094360 East Barham Road, Barham from 1(a) General Rural Zone to R1 General Residential Zone and advise the owner to commence preparing the required Planning Proposal to be submitted to the Department of Planning for consideration.

Voted For the Motion

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

Voted against the Motion

Nil

CARRIED

- 11 **BARHAM PUNT ROAD STORMWATER DRAINAGE**

DES

Cr O'Neill Moved and Cr Douglas Seconded

- i. That the Officer's report be received.
- ii. That the developer be advised that should they wish to proceed, they will be required to construct the drain in accordance with the development application conditions.
- iii. That Council reviews the current Barham stormwater strategy as part of Council's 2010/11 budget process.

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 17th March 2010

6 APPLICATION FOR REZONING - RIVERLIFE PROPERTY GROUP P/L, EAST BARHAM ROAD (LOT 21 DP 1094360)

DATE: Wednesday 17th March 2010
AUTHOR: Mark Williams - Director Development Services
VENUE: Council Chambers - Moulamein
TRIM Reference: I10/759

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 Riverlife Property Group P/L for the rezoning of their land on East Barham Road fronting the Murray River being Lot 21 DP 1094360 (see attached). This will involve amending the current Wakool Local Environmental Plan 1992 (LEP). The owner has requested that the land be rezoned for residential use.

The property owners understand that the land was identified in Council's land use strategy as being suitable for future residential use and it is proposed to be included in Council's new comprehensive LEP as a General Residential zone.

However, during several meetings with Council staff, concern has been expressed by the owners that the comprehensive LEP process 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 view that the best way for them to proceed is to lodge a rezoning application and go through the new 'gateway' rezoning process as prescribed in the *Environmental Planning and Assessment Act 1979*.

In July 2009, the NSW Government changed the way that local environmental plans (LEPs) are developed and approved. This system is known as the 'gateway' plan-making process. Further information is attached.

According to the Department of Planning - *The gateway process has the following benefits:*

- *assists in meeting the NSW Government's target of a 50 percent overall reduction in the time taken to produce LEPs*
- *provides clear and publicly-available justification for each plan at an early stage*
- *ensures vital NSW and Commonwealth agency input is sought at an early stage*
- *replaces the former 'one size fits all' system, under which all LEPs large and small were subject to the same rigid approval steps, with one that better tailors assessment of the proposal to its complexity*

- *improves links between long-term strategic planning documents, such as regional and metropolitan strategies.*

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 supporting or not supporting the rezoning.

As outlined above Council is responsible for lodging the planning proposal, however this documentation would be prepared by the owner's consultant at their cost. Council would engage a separate consultant to assist in preparing the legal instrument and other required documentation.

Conclusion

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.

It should be recognised that the gateway rezoning process may provide some timing certainty to the land owner, however there is the risk that the two processes may have a similar approval timeframe with the owner incurring significant cost for little benefit. This has been clearly explained to Riverlife Pty/Ltd.

When taking the abovementioned matters into consideration and the documentation submitted with the application demonstrating the need for additional land of this type in the Barham; it is considered appropriate that Council agree to the rezoning request and advise the applicant to prepare the necessary planning proposal for consideration by the Department of Planning.

Recommendation

- i. That the Officer's report be received.
- ii. That Council approve the application to amend the Wakool Local Environmental Plan 1992 to rezone Lot 21 DP 1094360 East Barham Road, Barham from 1(a) General Rural Zone to R1 General Residential Zone and advise the owner to commence preparing the required Planning Proposal to be submitted to the Department of Planning for consideration.