6.2 Wentworth Local Environmental Plan 2011 - Amendment No 9 - Additional Permitted Use - Highway Service Centre and Caravan Park, Lot 1 DP 1128099, Lots 38 & 42 DP 756936, Sturt Highway, Trentham Cliffs

File Number: RPT/16/608

Responsible Officer: Ken Ross - Director, Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Delivery Program Objective: 2. Growth & Development

Delivery Program Strategy: 2.2 Encourage the diversification and expansion of business and industry

# Summary

This report relates to Planning Proposal Amendment 9 to the Wentworth Local Environmental Plan 2011. The Planning Proposal seeks to provide permissibility for the development of a Highway Service Centre and a Caravan/RV Park at Trentham Cliffs.

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| **Recommendation**That the Planning Liaison Committee recommends to Council appropriate actions from the options contained in this report. |

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# Detailed Report

*Purpose*

The purpose of this report is to seek Council approval to progress to the final stage of the amendment process, by submitting the Planning Proposal Amendment No 9 to Parliamentary Counsel for Opinion and to the Minister of the Department of Planning and Environment.

This final stage will seek approval from the Minister to allow for the making of the amendment to the Wentworth Local Environmental Plan 2011 and notification of the amendment on the legislative website.

*Background*

Council, at its Ordinary Meeting held 18 March 2015, resolved to prepare and submit a Planning Proposal to rezone the subject from RU1 Primary Production to SP3 Tourist zone. The aim of the proposal was to provide permissibility for the development of a Highway Service Centre and Caravan Park.

Following consultation with the Department of Planning and Environment (the Department) regarding the Proposal, it was agreed that the best way to facilitate the development was to include these uses in the Wentworth LEP 2011 Schedule 1 Additional Permitted Uses.

Council was formally advised of this change to the Planning Proposal Report at its Ordinary Meeting 15 July 2015.

Subsequently, a Gateway Determination was issued on 25 September 2015. However, the omission of a condition requiring that community consultation be undertaken was noted and an additional Gateway Determination rectifying the error, was issued 9 October 2015. The timeframe for completing the proposal is twelve months i.e. 25 September 2016.

*Matters under consideration*

The Gateway Determination required that community consultation be conducted for a period of 28 days and consultation with NSW Roads and Maritime Services allowed for the State Agency to be given at least 21 days, to comment on the proposal.

All conditions of the Gateway Determination have been complied with.

**Community Consultation**

Community consultation was conducted between 4 December 2015 and 8 January 2016. This included;

* an advertisement in the Mildura Weekly newspaper,
* copies of the Planning Proposal Report and associated documentation available for viewing at the Council Office in Wentworth and the Buronga Library, and
* notification of the Planning Proposal on Council’s website.

At the close of the consultation period, Council had received three submissions. The submissions all stated that they did **not** object to the proposed development, however, they did provide comment on various issues including access, fencing, noise impacts, road safety and a pathway between the subject site and the Trentham Cliffs Winery.

There have been no amendments made to the Planning Proposal in response to the submissions.

A submissions table is attached detailing the comments provided and a response from the Health and Planning Division. Refer to Attachment 1.

**Roads and Maritime Services (RMS)**

During the consultation period, RMS requested further information from the proponent. Following receipt of that information, RMS have discussed the proposal and met with the proponent several times, to assess how the development will impact the Sturt Highway at Trentham Cliffs and how these impacts will be addressed by the proponent, at the development approval stage.

RMS have responded to the Proposal by stating in writing that they have no objection to the development.

Based on the submissions received, there seems to be no logical reason to not proceed with the amendment as originally submitted to the Department for consideration of a Gateway Determination.

*Options*

Based on the information contained in this report, the options available to address this matter are to:

* Seek an Opinion from Parliamentary Counsel for Planning Proposal Amendment No 9 to the Wentworth Local Environmental Plan 2011.
* Submit the Planning Proposal Amendment No 9 to the Department of Planning and Environment for final approval and notification of the amendment to the Wentworth Local Environmental Plan 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.
* Abandon the Planning Proposal amendment.

*Implications*

The decision item has the following implications for Council:

Nil.

*Conclusion*

Wentworth Shire Council should continue to facilitate, encourage and support major development proposals in suitable locations that build on the economic and tourism base in the Shire. By doing this, Council is enabling growth in the business and tourism sectors and employment opportunities within the Municipality.

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# Attachments

1. Submissions Table.