

12.2 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT NO 12 - EXTENSION TO 'GRANDFATHER/SUNSET' CLAUSE EXPIRY DATE

File Number: RPT/16/654

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: 2.1 Maximise the productive use of land

Summary

Council, at its meeting held 17 February 2016, resolved to submit a Planning Proposal to the Department of Planning & Environment for consideration of a Gateway Determination to extend the expiry date of the 'Grandfather/Sunset' clause contained in Clause 4.2B(4) and Items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses of the Wentworth LEP 2011 from 16 December 2016 to 16 December 2017.

Options

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

- seek an opinion for Planning Proposal Amendment No 12 from Parliamentary Counsel, and
- submit the Planning Proposal Amendment No 12 to the Department of Planning and Environment for finalisation and notification.

Recommendation

That Council seeks an Opinion for Planning Proposal Amendment No 12 to the Wentworth Local Environmental Plan 2011 from Parliamentary Counsel, and

That Council submits the Planning Proposal Amendment No 12 to the Department of Planning and Environment for finalisation 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.

That a division be called in accordance with s375A of the Local Government Act 1993.

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 12 to Parliamentary Counsel for Opinion, and then to the Minister of the Department of Planning and Environment.

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

Background

The Gateway Determination to extend the expiry date by twelve months was issued by the Department of Planning and Environment on 23 March 2016.

The extension of the 'Grandfather/Sunset' clause will provide additional time for Council to complete the draft Agricultural and Rural Land Use Strategy and conduct a rural residential strategy that will guide future decision making for rural living development in the Shire.

Matters under consideration

In accordance with the Gateway Determination, community consultation was conducted for 28 days from 29 April 2016 to 28 May 2016.

At the close of the consultation period, Council had not received any submissions to the planning proposal to extend the expiry date of the 'Grandfather/Sunset' clause.

The Gateway Determination did not require a public hearing and provided a nine month timeframe within which to complete the LEP amendment.

All three conditions of the Gateway Determination have been satisfied.

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Implications

The decision item has the following implications for Council:

The options contained in this report ensure that the 'Grandfather/Sunset' clause does not expire prior to finalising the draft rural land use strategy and undertaking a rural residential review.

There are no financial implications for Council.

Conclusion

It is necessary for Council to endorse the recommendations of this report to ensure that the 'Grandfather/Sunset' clause is extended to continue the current dwelling permissibility for former rural lots, existing holdings and properties listed in Schedule 1 Additional Permitted Uses. This will allow time for investigative work to be conducted to determine how to manage this provision following the completion of the rural land use strategy and rural residential review.

Attachments

Nil

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That a division be called in accordance with s375A of the Local Government Act 1993.

Council Resolution

- A. That Council seeks an Opinion for Planning Proposal Amendment No 12 to the Wentworth Local Environmental Plan 2011 from Parliamentary Counsel, and
- B. That Council submits the Planning Proposal Amendment No 12 to the Department of Planning and Environment for finalisation 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.
- C. That a division be called in accordance with s375A of the Local Government Act 1993.

Moved Councillor B Wakefield, Seconded Councillor P Nunan

CARRIED

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

<i>For the Motion :</i>	<i>Crs B Clarke, M Hederics, D McKinnon, P Nunan, B Wakefield and Bill Wheeldon.</i>
<i>Against the Motion:</i>	<i>Nil.</i>