

12 REPORTS FROM HEALTH AND PLANNING DIVISION

12.1 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO RECLASSIFY RIVERFRONT PARCELS OF LAND FROM COMMUNITY TO OPERATIONAL LAND - AMENDMENTS TO PLANNING PROPOSAL REPORT

File Number: RPT/18/408

Responsible Officer: Ken Ross - Director Health and Planning
 Responsible Division: Health and Planning
 Reporting Officer: Michele Bos - Strategic Development Officer

CSP Goal: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future
 Delivery Program Objective: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery
 Delivery Program Strategy: 4.1.3 Provide effective and efficient delivery of all core functions and services

Summary

At its meeting held 19 July 2017, Council resolved to submit a Planning Proposal to the Department of Planning and Environment (the Department) for consideration of a Gateway Determination to amend the Wentworth LEP 2011.

A Gateway Determination to proceed was issued by the Department 31 August 2017.

The Planning Proposal has been amended as a consequence of submissions received during consultation with the State Agencies.

Recommendation

That Council resolves to submit the amended Planning Proposal to the Secretary of the Department of Planning and Environment for approval and if required, a revised Gateway Determination, in accordance with Section 3.35 of the Environmental Planning and Assessment Act 1979.

Detailed Report

Purpose

The purpose of this report is to advise Council of minor amendments made to the Planning Proposal as a consequence of submissions received during State Agency consultation and to seek a resolution to submit the amended Planning Proposal to the Department of Planning for approval.

Background

Council resolved to submit a Planning Proposal to reclassify twenty parcels of riverfront land to the Department of Planning for consideration of a Gateway Determination at its Ordinary meeting held 19 July 2017.

The Department of Planning issued a conditional Gateway Determination to proceed with the planning proposal.

The first condition of the Gateway Determination required three minor changes to be made to the Planning Proposal, prior to proceeding to community consultation.

The minor changes included:

1. That the minimum lot size was not to be changed or removed from the subject allotments
2. That the proposal will amend the Wentworth LEP 2011 by including the subject lots in Schedule 4 Classification and reclassification of public land
3. That the Planning Proposal was to address consistency with the access principles of the Murray Regional Plan No. 2 – Riverine Land.

These minor changes were attended to and community consultation was held over a 28 day period from 10 November 2017 to 8 December 2017. Three submissions in support of the proposal were received.

The Gateway Determination also required Council to consult with specific State Agencies for a period of 21 days. The agencies consulted and their response is provided below:

NSW Office of Environment & Heritage	No objection Recommend that Council prepare a package of information for prospective purchasers
Department of Primary Industries - Water	No objection Recommend that Council consider any impacts on water demand, protection of riverine corridor, future development on the parcels and erosion problems
Department of Primary Industries - Fisheries	Objection, for the following reasons: Loss of angler access and amenity Council should retain the legal right and use of the land Community land affords greater environmental protection Potential degradation of riparian vegetation and woody debris are threatening processes and impose additional requirements on authorities
Department of Primary Industries - Crown Lands	No objection
Murray Darling Basin Authority	No response received

The amended Planning Proposal also includes the details and comments submitted by the agencies with whom consultation was undertaken. Details of these submissions can be found on Page 102.

In response to the objection received from DPI – Fisheries, the amended Planning Proposal thoroughly addresses the concerns raised by DPI – Fisheries.

Refer to **Attachment 1 Amended Planning Proposal May 2018**.

Matters under consideration

There are two matters to be considered with respect to progressing the planning proposal.

1. Department of Primary Industries – Fisheries Objection

Following careful and thorough consideration of the objection to the planning proposal submitted by DPI – Fisheries, Council provided a detailed response to the Agency addressing all of the grounds for objecting.

The letter sent to DPI – Fisheries dated 27 February 2018 also requested a response from the Agency within 21 days to determine their concurrence with how the issues raised would be managed. To date Council has not received a response.

The details of how the Planning Proposal has addressed the DPI- Fisheries submission can be found on Page 109 of the attached amended Planning Proposal.

Timeframe for completing the LEP

In Part 5: Project Timeline the original Planning Proposal previously estimated that the project would be completed by 15 December 2017.

The Gateway Determination issued by the Department conditioned that the timeframe for completing the amendment to the Wentworth LEP 2011 was 31 August 2018.

As it has been necessary to amend the Planning Proposal to address the objection received from DPI – Fisheries, it is recommended that the Planning Proposal Project Timeline be amended to reflect a revised project timeframe.

The amended timeframe allows for re-exhibition of the amended planning proposal, a second round of consultation with state agencies and a second Public Hearing. This will ensure that the process undertaken from here is appropriate, thorough and acceptable to the Department of Planning and Environment.

The attached amended Planning Proposal details a revised project timeline on page 112.

Options

Based on the information contained in this report, the option available to address this matter is to:

- a) Submit the amended Planning Proposal to the Secretary for the Department of Planning and Environment for approval and if required, a revised Gateway Determination.

Conclusion

Although the reclassification of Council owned riverfront parcels project has been stalled due to the necessity to address State Agency submissions, this report and subsequent recommendation provide Council with the opportunity to continue to facilitate the progression of this project.

Attachments

- 1. Amended Planning Proposal May 2018

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Recommendation

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Council Resolution

That Council resolves to submit the amended Planning Proposal to the Secretary of the Department of Planning and Environment for approval and if required, a revised Gateway Determination, in accordance with Section 3.35 of the Environmental Planning and Assessment Act 1979.

Moved Cr. MacAllister, Seconded Cr. Nunan

CARRIED

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

For the Motion : ***Clr.s Elstone, Evans, Hederics, Heywood, MacAllister, Nichols, Nunan and Wheeldon.***

Against the Motion: ***Nil.***