

12 REPORTS FROM HEALTH AND PLANNING DIVISION

12.1 WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT 14 - EXTENSION TO THE EXPIRY DATE OF THE RURAL DWELLING SUNSET CLAUSE PROVISION AND SCHEDULE 1 ADDITIONAL PERMITTED USES

File Number: RPT/17/1204

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

CSP Goal: 1.0 Wentworth is a vibrant, growing and thriving Shire
Delivery Program Objective: 1.1 Grow the potential for business and industry to develop and expand
Delivery Program Strategy: 1.1.1 Implement sustainable and robust planning mechanisms, including Township Plans, Structure Plans, and Urban Design frameworks

Summary

At its meeting held 30 August 2017, Council resolved to submit a Planning Proposal to the Department of Planning and Environment for consideration of a Gateway Determination to extend the expiry date of the 'Sunset' Clause contained in Clause 4.2B(4)(a) and Items 1(3), 2(4), 3(4) and 4(4) of Schedule 1 Additional Permitted Uses of the Wentworth Local Environmental Plan 2011 from 16 December 2017 to 16 December 2018.

Recommendation

That Council seeks an Opinion for Planning Proposal Amendment No 14 to the Wentworth Local Environmental Plan 2011 from Parliamentary Counsel, and

That Council submits Planning Proposal Amendment No 14 to the Department of Planning and Environment for finalization 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.

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 Amendment No 14 to Parliamentary Counsel for Opinion, and then to the Minister for the Department of Planning and Environment.

The final stage aims to seek final 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

The Gateway Determination to extend the expiry date by a further twelve months was issued by the Department of Planning and Environment on 22 September 2017.

The extension of the 'Sunset' clause will provide additional time for Council to complete the draft Agricultural and Rural Land Use Strategy, conduct investigation into the best process in which to manage and resolve issues relating to this provision in the WLEP 2011 and prepare a rural living strategy that will guide future decision making for rural lifestyle development in the Shire.

Matters under consideration

In accordance with the Gateway Determination, prior to community consultation the proposal was amended to address the new Section 117 Direction 5.10 – Implementation of Regional Plans. This involved referencing and addressing the now adopted Far West Regional Plan. The planning proposal formerly referenced this document as a draft only.

In accordance with the Gateway Determination and Section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, community consultation was conducted for a period of fourteen (14) days.

Consultation included advertisements in the Mildura Weekly Friday Focus and NSW Standard. The planning proposal and gateway documentation was also made available for public viewing at the Civic Centre, Darling Street, Wentworth and the Wentworth, Dareton and Buronga Libraries and the Wentworth Shire Council website.

Consultation was conducted between 6 October 2017 and 20 October 2017. Council received no submissions from the public during the consultation period.

Options

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

- Seek an opinion for Amendment 14 from Parliamentary Counsel, and
- Submit Amendment 14 to the Department of Planning and Environment for finalisation and notification.

Organisational Support Implications

The Manager Organisational Support advises that this decision item has the following implications for Council:

No implications noted.

Financial Implications

The Director Finance and Policy advises that this decision item has the following financial implications for Council:

No implications noted.

Roads and Engineering Implications

The Director Roads and Engineering advises that this decision item has the following implications for Council:

No implications noted.

Conclusion

It is necessary for Council to endorse the recommendations of this report to ensure that the 'Sunset' clause is extended for a further twelve months to continue the current dwelling entitlement 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 living strategy.

Attachments

Nil

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Council Resolution

That Council seeks an Opinion for Planning Proposal Amendment No 14 to the Wentworth Local Environmental Plan 2011 from Parliamentary Counsel, and

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Moved Cr. Nichols, Seconded Cr. MacAllister

CARRIED

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

For the Motion : *Crs Elstone, Evans, Hederics, Heywood, MacAllister, McKinnon, Nichols and Nunan.*

Against the Motion: *Nil.*