

## ITEM NO. 2 - PROPOSED MODIFICATION MURRUMBIDGEE COUNCIL DRAFT LEP PLANNING PROPOSAL

Council Meeting:	27 August 2024
Report Date:	23 August 2024
Author:	Director Planning & Infrastructure
Approval:	General Manager
Container No.:	SC212-002

### EXECUTIVE SUMMARY

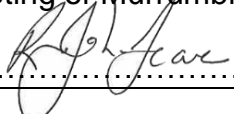
This report seeks to formalise recent discussions to modify the Planning Proposal lodged with the NSW Department of Planning, Housing & Infrastructure (the Department), which seeks to consolidate the Jerilderie and Murrumbidgee Local Environmental Plans, by removing three elements of the Planning Proposal that are considered to be critical for social and economic reasons.

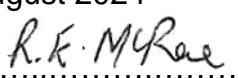
### RECOMMENDATION

**That Council:**

- 1. Modify the Planning Proposal adopted by Council on 24 October 2023 by removing the three following proposals from the Planning Proposal submitted to the Department of Planning, Housing & Infrastructure:**
  - a) The proposed rezoning of Lot 149 DP 750908 Darlington Point from RU1 Primary Production to E4 General Industrial.**
  - b) The proposed rezoning of Lot 534 DP 1097168 Kingfisher Avenue Coleambally from RU1 Primary Production to RU5 Village.**
  - c) The proposed rezoning of Lot 19 DP 1225744 Conargo Road Jerilderie (Wunnamurra Estate Stage 3) from RU1 Primary Production to RU5 Village.**
- 2. Prepare and lodge with the Department of Planning, Housing & Infrastructure, the following new Planning Proposals:**
  - a) Consolidation of Jerilderie LEP 2012 and Murrumbidgee LEP 2013, including the rezoning of certain land and listing of heritage items.**
  - b) The proposed rezoning of Lot 149 DP 750908 Darlington Point from RU1 Primary Production to E4 General Industrial.**
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.....General Manager

.....Mayor

3. **Delegate to the General Manager approval to lodge the revised planning proposals to the Department seeking a gateway determination, and to sign all relevant document, as required, associated with the Planning Proposals.**

## **BACKGROUND**

Council has held recent meetings with the Department, who have advised that due to the size and complexity of the planning proposal that seeks to consolidate the Murrumbidgee and Jerilderie Local Environmental Plans into one document, the assessment and issue of a gateway determination granting approval to continue the process of consolidating the LEPs could take up to 12 or more months.

## **OFFICER COMMENT**

It is considered that the rezoning of the three areas of land at Darlington Point, Coleambally and Jerilderie listed in the recommendation are extremely important to development in Murrumbidgee Council, and that the timeframe provided by the Department is unacceptable given the importance of residential land development in Coleambally and Jerilderie and industrial land development in Darlington Point.

By removing these three items and resubmitting them as separate planning proposals, the Department has advised that it will expedite their assessment and approval towards the issue of the gateway determination which will permit the continuation of the approval process.

Separate Planning Proposals for these rezonings are currently being completed. The purpose of this report and recommendations is to ensure that the process is not again delayed should subsequent advice be received requiring the further support of Council for this process.

## **SUSTAINABILITY**

Both Coleambally and Jerilderie require the immediate planning for the development of new residential land. Similarly the development of industrial land at Darlington Point has the potential to result in increased opportunities for new businesses and industries.

## **STATUTORY COMPLIANCE/POLICY**

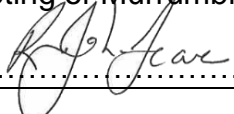
The preparation of planning proposals is governed under the Environmental Planning and Assessment Act 1979. The recommendation is in accordance with the Act and Ministerial Directions.

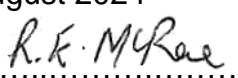
## **FINANCIAL**

The preparation of the planning proposals for the land in Coleambally and Jerilderie will cost \$4,500.

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The cost in relation to the industrial land at Darlington Point is subject to an agreement with the landowner and Council's planning consultants.

## **INTEGRATED PLANS**

Community Strategic Plan

Action 2.3.2.2

Complete the introduction of a new Murrumbidgee Local Environmental Plan.

## **RISK MANAGEMENT**

NA

## **CONSULTATION**

- Council
- NSW Department of Planning, Housing & Infrastructure
- Executive Team
- Planning staff

## **CONCLUSION**

Modifying the Planning Proposal submitted to the Department by removing three critical re-zoning matters will permit these matters to be expedited so that the rezonings can be completed whilst the Department considers the remaining Planning Proposal to amalgamate the Murrumbidgee and Jerilderie LEPs.

## **OPTIONS**

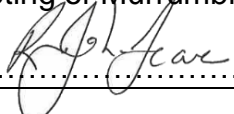
Option 1 (recommendation)

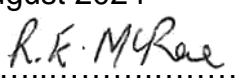
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2. Prepare and lodge with the Department of Planning, Housing & Infrastructure, the following new Planning Proposals:

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- a) Consolidation of Jerilderie LEP 2012 and Murrumbidgee LEP 2013, including the rezoning of certain land and listing of heritage items.
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3. Delegate to the General Manager approval to lodge the revised planning proposals to the Department seeking a gateway determination, and to sign all relevant document, as required, associated with the Planning Proposals.

#### Option 2

Council could resolve not to modify the Planning Proposal to amalgamate the Murrumbidgee and Jerilderie LEPs and wait for the Department to complete their assessment.

#### Option 3

Council could re-commence negotiations with the Department in an attempt to expedite the Planning Proposal to amalgamate the Murrumbidgee and Jerilderie LEPs.

### **ATTACHMENTS**

NIL

**MINUTES OF THE ORDINARY MEETING OF MURRUMBIDGEE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, JERILDERIE  
ON TUESDAY 27 AUGUST 2024 COMMENCING AT 2.00PM**

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**ACKNOWLEDGEMENT OF COUNTRY**

Mayor McRae paid respect to the traditional custodians of the lands and waters of Murrumbidgee Local Government Area, and to all Aboriginal Elders, past and present and emerging.

**RECORDING & WEBCASTING OF MEETING**

Mayor McRae advised those present the meeting is being recorded and the audio recording will be placed on Council's website. By speaking at a Council or Committee Meeting, members of the public agree to being recorded and webcast.

**PRESENT**

Present were Councillors R McRae OAM (Mayor), R Black (Deputy Mayor), F Bryce, T Mauger, C Chirgwin, R Curphey, G Gilbert and J Saxvik.

Also present was General Manager, John Scarce, Director Planning, Community, Development & Infrastructure, Garry Stoll and Chief Financial Officer, Kaitlin Salzke.

**APOLOGIES**

An apology was received from Councillor Tim Strachan.

**93/08/24**     **Resolved** on the motion of Councillors Gilbert and Curphey that the apology from Councillor Strachan be received and leave of absence be granted.

**CARRIED**

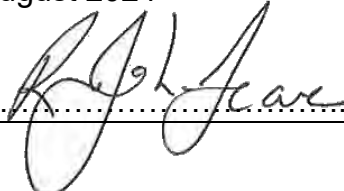

**CONFIRMATION OF MINUTES**

**94/08/24**     **Resolved** on the motion of Councillors Saxvik and Curphey that the Minutes of the Ordinary Meeting of Council held on 23 July 2024, as printed and circulated, be confirmed.

**CARRIED**

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.....General Manager ..........Mayor

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## **PECUNIARY INTEREST DECLARATIONS**

NIL

## **NOTICE OF RESCISSION**

NIL

## **NOTICE OF MOTION**

NIL

## **MAYORAL REPORT**

NIL

## **DELEGATES' REPORTS**

NIL

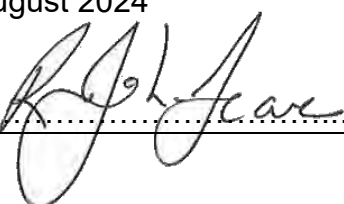

## **PRESENTATION TO RETIRING COUNCILLOR GAVIN GILBERT**

Mayor McRae presented to retiring Councillor Gavin Gilbert a certificate recognising his contribution to Local Government. Councillor Gilbert was an elected member of Murrumbidgee Shire Council 2012-2016, a member of the Local Representation Committee 2016-2017 and an elected member of Murrumbidgee Council 2017-2024. Councillor Gilbert's representation on many Council committees was acknowledged, as was his community involvement, particularly in relation to the Red Neck Rally, Red Neck River Run and Pig Day Out, which has raised considerable funds for the charity Country Hope.

On behalf of Councillors and staff, Mayor McRae wished Councillor Gilbert all the best for the future.

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.....General Manager ..........Mayor

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## OFFICERS' REPORTS FOR CONSIDERATION

### GENERAL MANAGER'S MONTHLY REPORT

SC218

**95/08/24**     **Resolved** on the motion of Councillors Saxvik and Mauger that the information contained in the General Manager's monthly report be noted.

**CARRIED**

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SC212-002

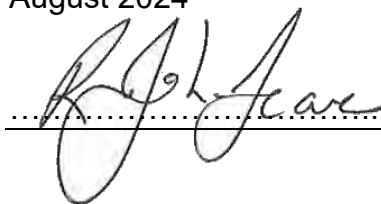
**96/08/24**     **Resolved** on the motion of Councillors Mauger and Curphey that Council:

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3. Delegate to the General Manager approval to lodge the revised planning proposals to the Department seeking a gateway determination, and to sign all relevant document, as required, associated with the Planning Proposals.

**CARRIED**

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.....General Manager



.....Mayor

**97/08/24**     **Resolved** on the motion of Councillors Curphey and Chirgwin that the draft Quality Policy be adopted.

**CARRIED**

**STRONGER COMMUNITIES FUND – JUNE 2024**

**SC137**

**98/08/24**     **Resolved** on the motion of Councillors Curphey and Mauger that the contents of the report be noted, and funding be varied for the Coleambally Community Hall upgrade to a total amount of \$625,699.11.

**CARRIED**

**REPORTS/MINUTES OF COUNCIL COMMITTEES**

**NIL**

**OFFICERS' REPORTS FOR NOTING**

**MONTHLY INVESTMENT REPORT – JULY 2024**

**SC133**

**99/08/24**     **Resolved** on the motion of Councillors Gilbert and Chirgwin that Council note the monthly Investment Report identifying all money Council has invested under Section 625 of the *Local Government Act 1993*.

**CARRIED**

**NEW COUNCIL IMPLEMENTATION FUND – JUNE 2024**

**SC59**

**100/08/24**     **Resolved** on the motion of Councillors Saxvik and Black that the contents of the New Council Implementation Fund - June 2024 report be noted.

**CARRIED**

**DEVELOPMENT APPLICATION APPROVED UNDER DELEGATION,  
JULY 2024**

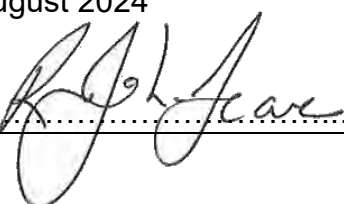

**SC210**

**101/08/24**     **Resolved** on the motion of Councillors Chirgwin and Bryce that the information contained in the Development Applications Approved Under Delegation July 2024 Report be noted.

**CARRIED**

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## PRESENTATION TO MAYOR RUTH McRAE - 20 YEARS SERVICE TO LOCAL GOVERNMENT

Deputy Mayor, Councillor Robert Black, invited family members of Mayor McRae to join the meeting for the presentation of the Local Government NSW 20 Years of Service to Local Government in NSW Certificate and medallion.

A presentation on behalf of Council was also made to Mayor McRae in recognition of her service to Local Government:

- Jerilderie Shire Council:
  - Councillor from 2004 to 2016
  - Deputy Mayor from 2007 to 2014
  - outgoing Mayor of the merged Jerilderie Shire Council – a position she held from 2014 to 2016
- Following the merger of Jerilderie and Murrumbidgee Shire Councils in 2016
  - chair of the Local Representation Committee – 2016 to 2017
  - inaugural Mayor of Murrumbidgee Council – 2017 to present

Councillor Black spoke of the many Council, local and regional Committees which have benefitted from Councillor McRae's contributions. Also her community involvement, achievements and Awards, in particular receipt of the Order of Australia Medal in recognition of her services to Local Government - in the King's Birthday Awards 2023.

All present wished Councillor McRae all the best for her continued future in Local Government.

There being no further business, the meeting closed at 2.32pm.

*R. E. McRae*

.....  
Cr R E McRae OAM  
**MAYOR**

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*R. E. McRae*

.....General Manager

*R. E. McRae*

.....Mayor