

27th July 2010

The General Manager
Murray Shire Council
PO Box 21 Mathoura
NSW 2710

Matthew O'Farrell
PO Box 65
Moama NSW 2731

Re Request to Review of Council Decision to Exclude Kooyong Park site from LEP

Dear Greg,

I request the opportunity to address the Planning and Development Committee Meeting at the upcoming meeting on 3rd August 2010.

The purpose of this is to request a review of the decision to remove the site 'Kooyong Park' of Old Deniliquin Road Moama from the Shire wide LES.

The basis of this request is to provide Councillors with additional relevant information that was not available to them at the time the decision was made to exclude the site from the LEP.

The **staff issues** below are the initial summarised reasons for not supporting continued inclusion in the LEP. They were published in the 'Ordinary Meeting Agenda' held Tuesday 21st July 2009. The response below each item is a preliminary summary of the rationale for requesting a review of the decision.

1. Staff issue raised for potential concern from a planning perspective.

The proposal is not in accordance with the philosophy of the SLUP as adopted by Council. Contradictions relate to land being situated in a flood affected area and the SLUP not including lands protected by rural levees

Response

The LEP process allows for rezoning of land for strategic growth areas ('general use zones'), as well as identifying 'unique sites' for 'special use' that would add additional value to the community. The Council had supported the site for inclusion in the LEP after a presentation highlighting the 'special use' criteria at a Council meeting on 15th May 2007. It is in this context it was originally included in the LEP.

The inclusion in the LEP was supported by Council because of its central location, ready access to services and the special environmental and tourist initiatives to be developed at the site. It was uniquely identified in the original SLUP plan for this purpose. This 'unique designation' was so it would not clash with Shire General Use Zone strategy, or give the community the impression that there had been a change in the strategic direction for preferred growth direction in Moama. Flood protection for the site is not to be via rural levees.

The land is designated Flood Storage – High Hazard. The Council's Moama Floodplain Management Study (2001. Sinclair Knight Mertz. Volume 2) specifically states that such land should 'not be excluded' from development. The SKM 2001 report (P89-90) states that while extreme flood events (>1% AEP) are still possible:-

"such a severe event has not been recorded in living memory, it is important to recognise that floods greater than 1% AEP can and do occur and that there is no clear separation between flood free and flood liable land delineated by the 1% AEP event. Equally, the risks to the community from increasingly rare flood events becomes negligible when balanced with the immediate benefits in developing such land".

2. Staff issue raised for potential concern from a planning perspective.

The SLUP clearly focuses on developing and encouraging development to the west of Moama, not the east based on flooding and infrastructure constraints.

Response

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3. *Staff issue raised for potential concern from a planning perspective.*

Additional detail is required to ensure the proposal complies with new legislation, in particular – SEPP (Rural Lands), new 117 directions and Part 2 of Murray REP (Plan 2)

Response

The detail showing the proposal complies with the new legislation is now available and has been submitted to the Planning Department.

4. *Staff issue raised for potential concern from a planning perspective.*

Additional information is required addressing issues such as potential environmental constraints such as vegetation, biodiversity or similar. Additional information on how the constraints surrounding the property ie bushfire, flooding etc will be managed;

Response

The additional information addressing these issues and constraints is now available and has been submitted to the Planning Department. The site is compliant.

5. *Staff issue raised for potential concern from a planning perspective.*

Why Council would consider this site as it appears to be fragmented compared to other sites proposed by the SLUP.

Response

Incorrect information submitted to Council. Site is not fragmented. It is on two large titles. One is approximately 16 hectares and the second is approximately 20 hectares.

6. *Staff issue raised for potential concern from a planning perspective.*

The impact of the site on the demand analyses and the release of land that would be more suitable.

Response

Demand analysis has been undertaken on the style of residential configuration that is expected to be in high demand in Moama over the coming years. Proposal is specifically tailored to appeal to that demographic.

7. Staff issue raised for potential concern from a planning perspective.

More detailed analysis of the Moama Floodplain Management Plan is required

Response

This analysis has been undertaken and the study has been lodged with the Planning Department. The study shows the site can easily comply with NSW Department of Planning zoning requirements.

8. Staff issue raised for potential concern from a planning perspective.

Further analyses of previous land uses and the potential for land contamination

Response

This analysis has been undertaken and the study has been lodged with the Planning Department. Analysis shows the land free of contamination.

The responses above are only a summary of the detailed additional information that is now available to Councillors in assisting with their review.

I would appreciate your confirmation of my inclusion on the agenda.

Yours sincerely,

A handwritten signature in blue ink, reading "Matthew O'Farrell", with a horizontal line underneath.

Matthew O'Farrell