

21 March 2012

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Dear Ashley,

**RE: 73A Amendment to Murray LEP 2011  
Zone Reference in Maiden Smith Drive, Moama**

Reference is made to the above.

Please find attached a request from Council to make an amendment to Murray LEP 2011 in accordance with s73A of the *Environmental Planning and Assessment Act 1979*.

The amendment relates to rectifying an error identified on the Land Zoning Map 006B of Murray LEP 2011 in respect to a strip of land in Maiden Smith Drive, Moama.

The land has been zone Large Lot Residential however the reference on the Land Zoning Map is 'W2' rather than 'R5'.

Attached is the s73A submission, the report presented to Council and Council's resolution to request the amendment.

Should you require any further information please contact Council's Town Planner, Liam Wilkinson on 03 5884 3400.

Yours faithfully

Greg Murdoch  
**General Manager**

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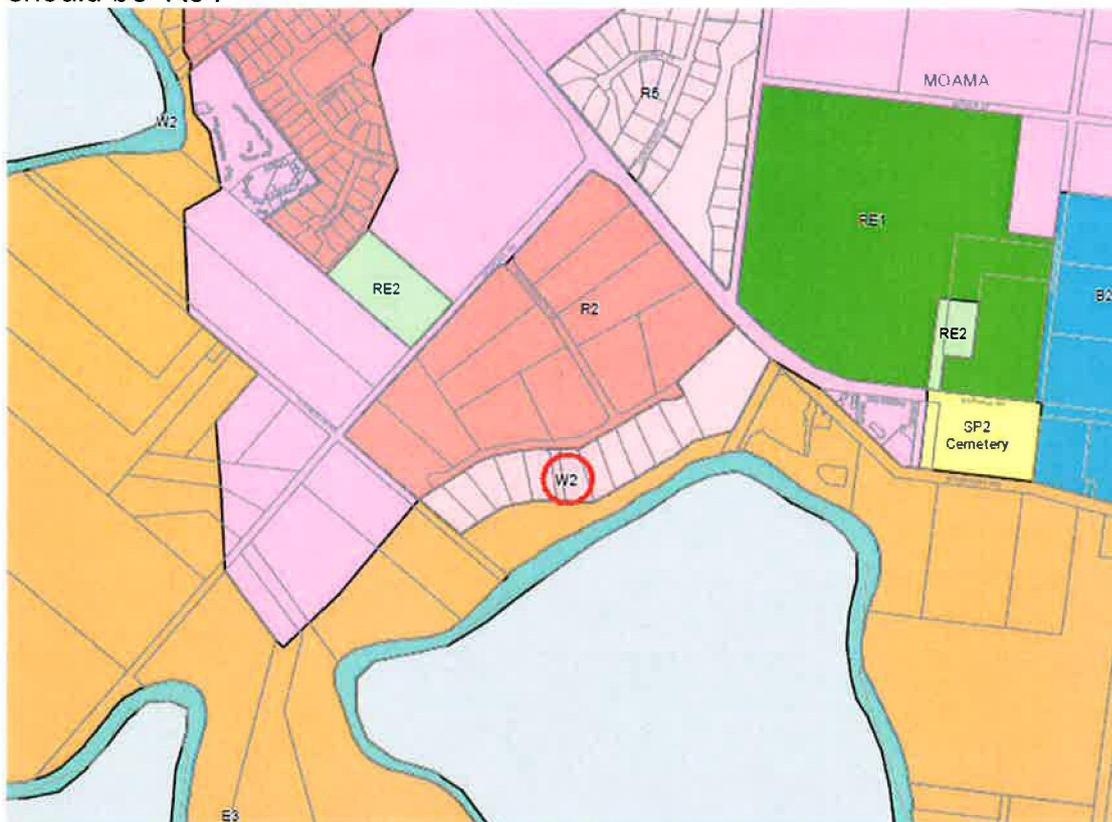
**DIRECTOR ENVIRONMENTAL SERVICES SUPPLEMENTARY REPORT  
SUBMITTED TO THE ORDINARY MEETING OF MURRAY SHIRE COUNCIL  
HELD ON TUESDAY 20<sup>th</sup> MARCH 2012**

Mr Chairman and Councillors,

I wish to report as follows –

**CLAUSE 1. MURRAY LEP 2011 s73A AMENDMENT TO RECTIFY MAPPING ERROR**

Council staff have identified an error on the Land Zoning Map '6B' of Murray LEP 2011. The error is in respect to the strip of land in Maiden Smith Drive zoned R5 Large Lot Residential. The reference to this land on the Land Zoning Map is W2 which refers to the Recreational Waterways zone (see below). The reference should be 'R5'.



The error was made by the Department of Planning and Infrastructure when they made changes to draft LEP in respect to Maiden Smith Drive prior to making Murray LEP 2011.

To rectify obvious errors such as this Council can propose to have the LEP amended using s73A of the Environmental Planning Assessment Act 1979.

**73A Expedited amendments of environmental planning instruments**

- (1) *An amending environmental planning instrument may be made under this Part without compliance with the provisions of this Part relating to the conditions precedent to the making of the instrument if the instrument, if made, would amend or repeal a provision of a principal instrument in order to do any one or more of the following:*
- (a) *correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error,*

The use of this clause under the LEP to rectify an obvious error alleviates the need to prepare a 'planning proposal' and follow the normal procedure for amending an LEP through the 'gateway system'.

It is recommended that Council submit a proposal to amend the Murray LEP 2011 under s73A of the Environmental Planning and Assessment Act 1979. This is to correct an obvious error in the current plan. The amendment will have the reference on the land mapped as being R5 Large Lot Residential in Maiden Smith Drive on Land Zoning sheet 6B changed from 'W2' to the correct reference 'R5'.

**Recommendation**

That Council submit a proposal to amend the Murray LEP 2011 in accordance with s73A of the Environmental Planning and Assessment Act 1979 in order to have the reference on land mapped as being R5 Large Lot Residential in Maiden Smith Drive on Land Zoning sheet 6B changed from 'W2' to the correct reference 'R5'



Simon Arkinstall  
**Director of Environmental Services**

**DIRECTOR OF ENVIRONMENTAL SERVICES**  
**SUPPLEMENTARY REPORT**

**CLAUSE 1. MURRAY LOCAL ENVIRONMENTAL PLAN (LEP) 2011 –**  
**S73A AMENDMENT TO RECTIFY MAPPING ERROR**

- 58 **RESOLVED (Crs Pocklington/Hosking)** that Council submit a proposal to amend the Murray Local Environmental Plan (LEP) 2011, in accordance with s73A of the Environmental Planning and Assessment Act 1979, in order to have the reference on land mapped as being R5 Large Lot Residential in Maiden Smith Drive, Moama, on Land Zoning Sheet 6B changed from 'W2' to the correct reference 'R5'.

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**FOR:** Councillors Caldwell, Dockrey, Hosking, Macfarlane, Murphy, Pocklington, Sharp, Shiells and Weyrich

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**AGAINST:** Nil

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**ADOPTION**

- 59 **RESOLVED (Crs Pocklington/Caldwell)** that subject to the foregoing resolutions, the above clauses in the Director of Environmental Services Reports be adopted.

**QUESTIONS AND STATEMENTS WITHOUT NOTICE**

**Cr Caldwell:**

- Letter from Voluntary Retirees being required to do greater checks, including Police checks.

*Cr Macfarlane advised*

- Stated that he, at no stage, opposed the Skate Park in Mathoura, he was opposed to the proposed site for the Skate Park as he believed Mathoura needs greater tourism promotion.

**Cr Dockrey:**

- Advised that the bike tracks down Perricoota Road, Moama, are a little loose.

*Director of Engineering Services to investigate*

- Thanked the Director of Engineering Services for the tree pruning work along Perricoota Road, Moama.

**Cr Macfarlane:**

- Advised that there were no lines on Perricoota Road, Moama, turning from the Safeway Supermarket to Cobb Highway.

*Director of Engineering Services to investigate*



## Section 73A EP&A Act submission

### Part A. Council to complete

**Subject:**

MURRAY LEP 2011 ..... (Insert name of amending LEP)

Report requesting the making of amending local environmental plan under section 70 and section 73A.

**Background:**

MURRAY SHIRE ..... (Insert name of council) resolved on 20/3/12  
to amend MURRA LEP 2011 ..... (Insert name of LEP) and to request that the Minister for Planning  
make the plan under section 70 and section 73A of the *Environmental Planning and Assessment Act 1979*.

The draft amending plan is attached. (Attach copy of resolution.)

The land to which this amendment applies is Maiden Smith Drive, Moama.  
Refer to map in attached report.

..... (Specify area. Attach map if appropriate)

**Why there is a need for the amendment:**

on  
The reference to the zone of Murray LEP 2011  
LN L2N Map 6B is incorrect in Maiden Smith Drive,  
Moama. The reference should be 'R5' not 'W2'.  
Refer to attached report.

(Please attach a separate sheet if necessary)

**What the amendment does:**

The amendment changes the reference of L2N Map 6B  
from 'W2' to 'R5' in Maiden Smith  
Drive, Moama. Refer to attached report.

(Please attach a separate sheet if necessary)

**Why the amending plan is suitable to be made in accordance with section 73A:**

73A is suitable as the amending plan will  
correct an 'obvious error.'

(Please attach a separate sheet if necessary)

The council requests that the Minister agree to make draft Murray LEP 2011 (Name of amending LEP)

Signed: *Liam Wilkinson* Date: 21/3/12

Name: LIAM WILKINSON Position: TOWN PLANNER

On behalf of: MURRAY SHIRE COUNCIL (Name of council)



## Section 73A EP&A Act submission

### Part B. Department of Planning use only

**Date of referral to LEP Review Panel:** ..... (Insert date)

**Department position:**

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 73A (see advice tagged 'A').

**Parliamentary Counsel opinion:**

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'B').

**Recommendation:**

It is recommended that the Minister:

- (a) under sections 70(1)(a) and (8) and section 73A of the *Environmental Planning and Assessment Act 1979* make ..... tagged 'B')  
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date: .....

Signed: ..... Name: .....

Position: .....  
for Director-General