

**DIRECTOR ENVIRONMENTAL SERVICES REPORT SUBMITTED TO THE
PLANNING & DEVELOPMENT COMMITTEE
MEETING HELD ON TUESDAY 3rd AUGUST 2010**

Mr Chairman and Councillors,

I wish to report as follows –

CLAUSE 1. MURRAY LEP AMENDMENT No 15 UPDATE

As Councillors are aware Council is currently completing an amendment to Murray LEP 1989 in order to rezone Lot 17 DP 1084308, Perricoota Rd, Moama from part Rural 1(a) / Part Low Density Residential 2(v1) to Village-Urban 2(v).

Council has exhibited the draft LEP under s66 of the EP&A Act and has received many submissions from residents of the neighbouring estates in relation to the proposed rezoning.

Council staff met with a number of residents as well as a representative from Mesh Planning and the land owner Villawood Properties in June to discuss a number of issues raised in the submissions.

The land owner Villawood Properties has since provided Council with a concept plan and design principles to assist submissions makers understand the likely development proposed on the site.

Council has notified neighbours of this additional information and provided them with a further 14 days to make any further comment.

It is envisaged that Council will formally consider the submissions in a September meeting.

Recommendation

That the information be noted.

CLAUSE 5. DRAFT LEP – KOOYONG PARK

As you are aware all Councillors received a letter from Matthew O'Farrell in relation to a number of issues relating to Councils Planning Department. One of these issues was the exclusion of the 'Kooyong Park' site by Murray Shire from the draft LEP. This site was removed from the Murray Shire draft LEP at Councils Ordinary Meeting held on 21 July 2009 for a number of reasons outlined in the report.

A meeting was held on Tuesday 27 July 2010 between representatives of Council, Council Staff, Matthew O'Farrell, Judith O'Farrell and Astrid O'Farrell to discuss the issues outlined in this letter. In relation to the exclusion of 'Kooyong Park' from Murray Shire's draft LEP, Matthew O'Farrell was invited to have this decision reviewed. As such a letter was received on the 27th July 2010 request to have Council's decision to remove the site from the draft LEP reviewed and requesting the opportunity to address Council at the Planning and Development meeting on the 3rd August 2010.

To ensure that the process is open and transparent it is suggested that if a review is supported such is undertaken by an independent and qualified planning consultant who has no perceived interest in the Murray LEP process and has a good understanding of NSW Planning legislation. Staff have contacted three qualified planning consultants outside of the Murray Shire to determine if they would be interested in undertaking the review and these are listed as follows:

- EDM Planning, Peter O'Dwyer, Albury, Wodonga;
- Blueprint Planning, James Laycock, Albury; and
- Lennon Salvestro Planning, Garry Salvestro, Wagga Wagga

It is suggested that the applicant select one of the above Planning Consultants to undertake the review, if supported by Council.

In addition it is also suggested that Council, in conjunction with the applicant, develop and agree upon a brief to submit to the successful Planning Consultant so clear parameters for any review are known.

Staff have also discussed the potential for the draft LEP to be reviewed, and the potential outcomes, with the Department of Planning. This was considered necessary due to the current status of the draft LEP and if the review outcome supported the rezoning of the property such would need to be reinstated in the process. The advice from the DoP indicated that they are conscious of meeting the agreed time lines and that this process, if required, could be addressed as a spot rezone via the gateway mechanism. Questions were also asked with respect to ensuring that this process would not jeopardise the properties inclusion, if Councils supports such.

Staff were advised that they should keep the DoP informed of Council's recommendation and the outcome of any review process.

Recommendation

1. That Council undertake consultation with the applicant to establish a brief for an independent consultant.
2. That Council engage an independent qualified Planning Consultant to undertake a review of all applicable documentation and provide a report on such back to Council for consideration.
3. The Department of Planning be notified of Councils determination.