

MURRAY RIVER COUNCIL

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Notice is hereby given that the **Ordinary Meeting** of Murray River Council will be held on **Tuesday 15th November 2016**, commencing at **1.00pm** in the **Moama Seniors Community Centre**, Martin Street, Moama.



Margot Stork

Interim General Manager

AGENDA

1. Acknowledgement of Country
2. Opening Prayer
3. Leave of Absence/Apologies
4. Conflict of Interest Declarations
5. Confirmation of Minutes:
 - *Ordinary Meeting on 18th October 2016*
6. Deputations
7. Mayor's Minute
8. Standing Committee Reports
9. Notices of Motion/Notices of Rescission
10. General Manager's Report & Supplementary Matters
11. Officer's Reports & Supplementary Matters
12. Questions on Notice
13. Correspondence Report
14. Sundry Delegates Reports
15. Births and Condolences
16. Confidential Reports
 - *Please refer over the page for a detailed listing*
17. Notice of Urgent Business
18. Close of Meeting

DEPUTATIONS

- 1.00pm Ms Judith O'Farrell
*Planning Proposal to Amend Murray Local
Environmental Plan 2011 – "Kooyong Park"*

INSPECTIONS

NIL

**18. PLANNING PROPOSAL PP_2016_MRIV_001_00 –
MURRAY LOCAL ENVIRONMENTAL PLAN 2011
AMENDMENT 6 - ADDITION OF 'MODEL CLAUSES', AND
MINOR CORRECTIONS**

AUTHOR: Christopher O'Brien – Town Planner
VENUE: Moama Seniors Community Centre
TRIM Reference: N/A

Issues Considered in writing report: State, Regional and local planning directions, Council Policy, Legislation – issues applicable have been reported on.

RECOMMENDATION

- i. That the Officer's report be received and noted.
- ii. That Council's Delegate (Interim General Manager) signs the Parliamentary Counsel's Opinion regarding Murray Local Environmental Plan 2011 (Murray LEP 2011) – Amendment 6.
- iii. That Council send the signed environmental planning instrument (Murray LEP 2011 – Amendment 6) to NSW Department of Planning and Environment for Gazettal and Online Notification on the NSW Legislation website.

BACKGROUND INFORMATION

At Council's Ordinary Meeting held Tuesday, 28 June 2016, Council resolved that Planning Proposal PP_2016_MRIV_001_00 (Murray LEP 2011 Amendment 6) be sent to the NSW Department of Planning and Environment (NSW DPE) for Gateway Determination.

Council submitted the Planning Proposal on 5 July 2016 to NSW DPE and requested a Gateway Determination. Council received a Gateway Determination on 20 July 2016, which outlined the requirement for the planning proposal to be placed on public exhibition. In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition until 5 September 2016. During the exhibition period, no submissions were received.

At Council's Ordinary Meeting held Tuesday, 20 September 2016, Council resolved to proceed with the Planning Proposal and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting

Parliamentary Counsel's Opinion and drafting of a new Murray LEP 2011, in accordance with Planning Proposal PP_2016_MRIV_001_00.

Discussion

Council submitted the Planning Proposal on 23 September 2016 to NSW PCO requesting the drafting of a new Murray LEP 2011.

Council received a draft Opinion (d01) from NSW PCO on 28 September 2016, and draft Opinion (d02) from NSW PCO on 5 October 2016. A final draft Opinion from NSW PCO was received by Council on 11 October 2016.

Discussions between NSW PCO and Council staff were held during this process. Council received the final Parliamentary Counsel's Opinion and draft instrument (Murray LEP 2011 – Amendment 6) on 20 October 2016.

The Parliamentary Counsel's Opinion and draft instrument has slightly modified the Planning Proposal as was originally submitted by Council to accord with their current requirements.

Changes made to the planning proposal submitted by Council include:

- NSW PCO did not support the inclusion of the river front area definition into Clause 7.4 of the Murray LEP 2011.
- The amended wording of Clause 4.2A (3) as proposed by Council has been amended by NSW PCO to comply with their requirements.
- Amended note outlined at the end of Clause 4.2A (3).
- Slight modification to certain wording contained within the Planning Proposal to comply with current NSW PCO requirements.

Council's Planning Proposal which was sent to NSW PCO is attached as Appendix 6, whilst the NSW PCO Opinion and draft instrument received by Council is attached as Appendix 7.

Conclusion

It is considered that the draft instrument is a suitable outcome for the Council. The draft instrument and PCO Opinion is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and will allow for the sustainable and economic use and development of land within Murray River Council. The draft instrument is not inconsistent with the aims of the Murray Local Environmental Plan 2011 or any other Environmental Planning Instrument relevant to the Council. The Planning Proposal has previously been notified to the public, and no submissions were received, whilst the intent of the Planning Proposal has not changed in any way.

It is therefore recommended that Council's Delegate (Interim General Manager) signs the Parliamentary Counsel's Opinion regarding Murray Local Environmental Plan 2011 (Murray LEP 2011) – Amendment 6, and Council send the signed environmental planning instrument (Murray LEP 2011 – Amendment 6) to NSW Department of Planning and Environment for Gazettal and Online Notification on the NSW Legislation website.