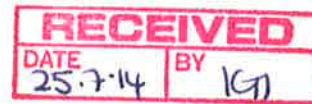


13/04113



Ref: Murray LEP 2011
Your Ref: PP_2014_MURRA_001_00 (14/03120)

22 July 2014

Mr Ryan Thomas
Department of Planning and Infrastructure
Western Region
PO Box 58
DUBBO NSW 2830



Dear Sir,

**RE: PLANNING PROPOSAL PP_2014_MURRA_001_00
PLANNING PROPOSAL TO AMEND MURRAY LOCAL ENVIRONMENTAL PLAN 2011**

Murray Shire Council has undertaken the community consultation required in accordance with the 'Gateway Determination' dated 20 March 2014.

Council notes that in accordance with the advice received in the Gateway determination dated 20 March 2014, the following changes were made to the Planning Proposal before it was publicly exhibited and community consultation undertaken:

1. Item 8 – 'Boarding Houses' be prohibited within the R2 Low Density Residential Zone – 'deleted' in accordance with advice from the Department
2. Item 25 - The 'Edward River' be inserted into Clauses 7.4, 7.5, 7.6 and the riverfront land definition – 'deferred' pending the completion of a study as requested by the Department;
3. Item 27 – The area to which the 'river front area' applies to in the RU1 Primary Production, Zone RU3 Forestry and Zone E3 Environmental Management zones be amended from 100m to 60m– 'deferred' pending the completion of a study as requested by the Department;

Items 25 and 27 – River front area reduced setback

The matters raised in the 'Gateway Determination' dated 20 March 2014 regarding Items 25 and Item 27 of the Planning Proposal and the reduced setback to which a river front area applies have been taken into consideration. It was resolved that this matter be deferred and



Partnering for a sustainable community

PO Box 21 Mathoura NSW 2710 Ph 03 5884 3302 Fax 03 5884 3417 admin@murray.nsw.gov.au www.murray.nsw.gov.au
Head Office 21-25 Conargo St Mathoura NSW 2710 Branch Office 6 Meninya St Moama NSW 2731

encompassed in a subsequent review of the LEP after the completion of an appropriate study to:

- identify the environmental, economic and social impacts, including its impact on the riverine environment such as the River Red Gum Forest and flood plains, etc; and
- provide further strategic planning justification on the proposal's inconsistency with the Murray REP No. 2 – Riverine Land, draft Regional Strategy and S117 Direction 2.1 Environmental Protection Zones is to be included.

Once the appropriate studies have been completed, Council will produce a new planning proposal for submission to the Department of Planning for consideration and comment.

Consultation

The planning proposal was revised as required by conditions 2 and 3 of the Gateway Determination dated 20 March 2014 and placed on public exhibition for a period of twenty eight (28) days. The planning proposal was made available at;

- Council offices, Conargo Street, Mathoura;
- Council offices, Meninya Street, Moama; and
- Council's website www.murray.nsw.gov.au.

The following public notification of the revised Planning Proposal occurred;

- Advertisements placed in the Riverine Herald and Pastoral Times
- Public Notice on Council's website
- Public Notice on Council's facebook page
- Article in the April 2014 edition of the Enterprise
- Local consultants notified via e-mail
- Letters sent to;
 - Landowners affected by proposed 'conservation area'
 - Friends of Old Moama in respect to the proposed 'conservation area'
 - Landowners affected by proposed change to minimum lot size within the Kilkerrin Lakes Estate
 - Kilkerrin Lakes Water Association in respect to the proposed change to minimum lot size within the Kilkerrin Lakes Estate
 - Landowners affected by changes to the list and mapping of items of Environmental Heritage
 - Deep Creek Community Association in respect to changes to the zoning of the Deep Creek marina
 - The owner of Lot 44 DP 756303 in respect to the proposed zoning change to this lot

Consultation was required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions;

- Murray Local Land Services
- Office of Environment and Heritage

- Department of Primary industries- Fishing and Aquaculture
- NSW Rural Fire Service
- Adjoining Local Government Areas

All public authorities listed above were forwarded a copy of the revised planning proposal and provided twenty one (21) days in which to respond with comments.

Council notes that a public hearing was not held regarding the revised Planning Proposal. All submission makers were contacted to attend the Council Meeting on 1 July 2014, and offered the opportunity to make a deputation to Council.

Item 17 – Heritage Conservation Area

Council resolved at its Planning and Development Committee meeting held 1 July 2014 to defer the matter of the 'Old Moama' Heritage Conservation Area pending the further development of maps showing the Heritage Conservation Area. In order to proceed with the Planning Proposal, and avoid further delay, it was decided that the Heritage Conservation Area be removed from the current Planning Proposal and instead be revisited in a future review of the Murray LEP 2011.

Remainder of Items within the Planning Proposal

With regards to the remainder of the Planning Proposal publicly exhibited, Council resolved at its Planning and Development Committee meeting held 1 July 2014 to proceed with the remainder of the 'planning proposal' as it was publicly exhibited and forward the Planning Proposal to the Department of Environment with a request that the plan be made.

Therefore, Council respectfully requests that the Director-General makes the necessary arrangements for a local environmental plan to be drafted that gives effect to this 'planning proposal' and that this plan be made by the Minister.

A copy of the 'planning proposal', submissions received during community consultation, the report detailing consideration of these submissions and Councils resolution to proceed with the 'planning proposal', are attached for your information.

If you have any queries, please contact Council's Director of Environmental Services, Simon Arkinstall on 03 5884 3400.

Yours faithfully,



Margot Stork
General Manager
LG

Murray Shire Council

Planning Proposal to amend Murray LEP 2011

'Periodic Review of Murray LEP 2011'

Part 1 - Objectives or Intended Outcomes

Section 73 'Review of environmental planning instruments' of the *Environmental Planning and Assessment Act 1979* states that;

councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible

The Murray Local Environmental Plan (LEP) 2011 was made on the 16 December 2011. Murray Shire has recently undertaken a periodic review of the instrument and identified a number of minor issues/errors which need to be rectified.

The primary objective of this planning proposal is to;

- Rectify the minor issues/errors identified in the periodic review of the Murray LEP 2011

Part 2 - Explanation of Provisions

The proposal seeks a number of minor amendments to the Murray LEP 2011.

These are summarised below and explained in more detail in Attachment 2. Changes have been grouped as per the part of the LEP they relate;

Land Zoning Map

1. Deep Creek (waterway) be rezoned from RU1 Primary Production to W2 Recreational Waterways. Refer to Figures 1 and 2. Map
2. Lot 44 DP 756303 be rezoned from part E1 National Parks and Nature Reserves, part RU1 Primary Production to E3 Environmental Management. Refer to Figure 3 and 4. Map

Lot Size Map

3. Minimum lot size not be applied to part of Moama residential. Refer to Figures 5 and 6. Map
4. Minimum lot size increased from 4000sqm to 8000sqm to part of Moama as defined in Figure 8 Map

Land Use Tables

5. 'Boat building and repair facility' be a permissible land use within the RU1 Primary Production zone. ✓
6. 'Biosolids treatment facility' be prohibited within the R1 General Residential zone ✓

- ✓ 7. 'Attached dwellings' be prohibited within the R2 Low Density Residential zone
- ✓ 8. 'deleted'
- ✓ 9. 'Dual Occupancies' including Dual Occupancy (attached) and Dual Occupancy (detached) be prohibited within the R2 Low Density Residential zone.
- (SEPP Section) ✓ 10. 'Seniors Housing' be prohibited within the R2 Low Density Residential zone.
- ✓ 11. 'Dual Occupancies' including Dual Occupancy (attached) and Dual Occupancy (detached) be prohibited within the R5 Large Lot Residential zone.
- (SEPP Section) ✓ 12. 'Seniors Housing' be prohibited within the R5 Large Lot Residential zone
- ✓ 13. 'Secondary dwellings' be made a permissible land use within the R5 Large Lot Residential and RU1 Primary Production zones.
- ✓ 14. 'Vehicle Sales and Hire Premises' be made a permissible land use within the B6 Enterprise Corridor zone and IN1 General Industrial zone.
- 15. The following land uses be made permissible in the SP3 Tourist zone;
 - ✓ a. building identification sign
 - ✓ b. business identification sign
 - ✓ c. environmental protection works
 - ✓ d. jetty
 - ✓ e. marina
 - ✓ f. water recreation structure
- ✓ 16. 'Advertising structures' be made permissible in RE1 Public Recreation and RE2 Private Recreation.

Heritage Conservation

- 17. 'deferred'
- ✓ 18. The property description and heritage map for Item of Environmental Heritage I63- Mathoura Station be amended to refer to Lot 2 DP 756272. Refer to Figure 10. map
- ✓ 19. The property description and heritage map for Item of Environmental Heritage I4- 8 Simms Street be amended to refer to Lot 1 DP 514180.
- ✓ 20. The property description for Item of Environmental Heritage I8- 72 Chanter St, Moama be amended to remove reference to 'former gaol and police station' and to be referred to as 'residence'.
- ✓ 21. The property description for Item of Environmental Heritage I43- 27 Conargo Street, Mathoura be amended to refer to Lot 3 DP Section 65 DP 758656.
- ✓ 22. I24- Timber Federation Regency style dwelling at 9 Simms St, Moama be removed from Council's 'Items of Environmental Heritage' listed under Schedule 5 Murray LEP 2011. Refer to Figure 11. map
- ✓ 23. 'McLaurin Cemetery', Millewa Road, be added as an item of environmental heritage. Refer to Figure 12. map
- ✓ 24. 'Perricoota Woolshed', Lot 1, DP 521210, Perricoota Road, Moama be added as an item of environmental heritage. Refer to Figure 13.

Additional Local Provisions

- 25. 'deferred'
- ✓ 26. Recreation Facility (Outdoor) be removed from permissible uses within 'river front areas' under Clause 7.4(2)(e)
- 27. 'deferred'

27. 'deferred'
- ✓ 28. Clause 5.4(9)(b) be revised from 50% to 20% of the total floor area of the principal dwelling.
- Schedule 2 Exempt Development
29. Removal of exempt provisions for 'advertisements and advertising structures'.
30. Exempt provisions for 'business identification signage' be inserted into Schedule 2. Refer to Attachment 3 in respect to proposed clause.

Part 3 - Justification

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The 'planning proposal' is not the result of any strategic study. The 'planning proposal' is the result of periodic review of the Murray LEP 2013 required as per section 73 of the EP&A Act 1979.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the intended outcome requires an amendment to Murray LEP 2011 to ensure that the errors in the LEP are rectified and the minor issues are addressed.

3. Is there a net community benefit?

Yes, there is a net community benefit achieved by amending the LEP to ensure that the objects of the Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible. The changes will ensure the instrument is accurate and will remove minor issues that are inhibiting development that would otherwise be consistent with the objects of the Act and other relevant planning considerations.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is not inconsistent with the draft Murray Regional strategy. No other strategies apply.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, the proposal is consistent with Murray Shire's Community Strategic Plan and Strategic Land Use Plan (SLUP). The amendments including the removal of minimum lot sizes in certain residential areas in Moama are consistent with the land uses identified and principles contained within the SLUP.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The following state environmental planning policies are considered applicable to this planning proposal and are summarised below.

Murray REP 2- Riverine Land (deemed SEPP)- The 'planning proposal' is consistent with the aims, objectives and principles of this plan. The relevant provisions under Murray REP is Clause 10

Clause 10: Specific Principles

Access	The planning proposal will not further restrict public access to the River Murray.
Bank Disturbance	The planning proposal will not create any further disturbance to the bank.
Flooding	The planning proposal will have no impact on flooding and will not be affected by flooding constraints. Land subject to flooding will remain appropriately zoned. Flood related controls will not be affected.
Land Degradation	The planning proposal will not directly result in land degradation.
Landscape	No impact.
River Related Use	The planning proposal is consistent with this principle. The proposal removes outdoor recreational facilities from river front areas.
Settlement	The planning proposal is consistent with this principle.
Water Quality	The planning proposal will not impact upon water quality.
Wetlands	The planning proposal does not affect wetland mapping and controls under the Murray LEP 2011.

SEPP 44- Koala Habitat Protection- The planning proposal is consistent with this SEPP. The planning proposal will not affect or impact upon koala habitat.

SEPP 55 Remediation of Land- The planning proposal is consistent with this SEPP. The land to which the zoning will change has not known to be used for any land use that may have caused contamination nor will be rezoned to a zone that permits more intensive development.

SEPP 64 Advertising and Signage- The inclusion of advertising signage as a permissible land use within the recreation zones is not inconsistent with this SEPP.

SEPP (Rural Lands) 2008- The rural planning principles are as follows;

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The planning proposal is consistent with the principles contained within the SEPP and will not detrimentally impact upon rural land. Land uses to be made permissible in the RU1 Primary Production zone are appropriate for rural land.

SEPP (Exempt and Complying Development Codes) 2008- The planning proposal is consistent with this SEPP. The addition of exempt provisions for 'advertising and signage' into the SEPP means the provisions within the LEP are no longer required and are therefore proposed to be removed. However, the provisions do not permit any 'business identification signs' to be exempt provisions. Therefore, it is proposed that exempt provisions similar to the 'building identification signage' contained within the SEPP be inserted into Schedule 2 of the Murray LEP 2011 for 'business identification signage'.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following ministerial directions are considered applicable to this planning proposal and are summarised below.

Employment and Resources	
1.1 Business and Industrial Zones	The planning proposal is consistent with this direction
1.2 Rural Zones	The planning proposal is consistent with this direction
1.3 Mining, Petroleum Production and Extractive Industries	This direction does not apply
1.4 Oyster Aquaculture	This direction does not apply
1.5 Rural Lands	The planning proposal is consistent with this direction. The planning proposal is consistent with the SEPP (Rural Lands) 2008

2. Environment and Heritage	
2.1 Environment Protection Zones	This direction applies. The planning proposal is consistent with this direction as it retains provisions that facilitate the protection and conservation of environmentally sensitive areas and does not reduce the environmental protection standards that apply within the current LEP.
2.2 Coastal Protection	This direction does not apply
2.3 Heritage Conservation	The planning proposal is consistent with this direction. The planning proposal increases heritage conservation by proposing two additional items of environmental heritage and a heritage conservation area. The removal of one existing heritage item will not result in an inconsistency as damage to the property caused by fire has affected the heritage significance of the subject building.
2.4 Recreation Vehicle Areas	The planning proposal is consistent with this direction.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The planning proposal is partly inconsistent with this direction in respect to the proposal to increase the minimum lot size in a rural residential area of Moama from 4000sqm to 8000sqm. The area is an existing estate that has been developed and residential dwellings constructed on each of the lots. With a minimum lot size of 4000sqm there is the potential for an additional 17 lots that could be subdivided from existing lots within the estate. This was not permissible under Murray LEP 1989. However, there are constraints in respect to providing sufficient water to service these additional lots. Therefore, it is proposed to increase the minimum lot size so lots that can not be

	appropriately serviced can not be subdivided. Two existing lots with sizes 1.723ha and 2.198ha respectively will still be able to be subdivided creating a maximum of two additional lots. Therefore the proposal will reduce the potential increase to residential density in the area by 15 dwellings. This is negligible impact to the residential density of Moama and therefore is considered to be of minor significance. The proposal is consistent with the adopted Murray Shire Land Use Strategy (SLUP) which identifies the land for low density residential/ rural residential land use. The planning proposal will increase the residential density of a significant part of Moama by removing the minimum lot size for the core residential area. This will reflect the existing residential form of the area. The area contains a mixture of dwelling types but contains a significant number of unit/townhouse developments on small lots which are less than the current minimum lot size. The area is an appropriate location for this type of housing as the land is not constrained, well serviced and is located in close proximity to amenities and services. The reduced minimum lot size will reflect the existing controls in the Murray DCP 2012 which encourages higher density residential development in this area. The DCP outlines that this is the area where units and townhouse developments are encouraged. The proposal will increase the overall residential density of the Moama urban area in accordance with these existing controls and development. This part of the proposal is consistent with this ministerial direction as it will; • <i>broaden the choice of building types and locations available in</i>
--	--

	<i>the housing market, and</i> <i>• make more efficient use of existing infrastructure and services, and</i> <i>• reduce the consumption of land for housing and associated urban development on the urban fringe</i> This is also consistent with the SLUP which recognises the residential use of the land, the need to provide for further residential development and identifies the need to provide for a range of types of housing. However, it should be noted that the SLUP does not identify the location of these various housing types.
3.2 Caravan Parks and Manufactured Home Estates	The planning proposal is consistent with this direction.
3.3 Home Occupations	The planning proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	The planning proposal is consistent with this direction.
3.5 Development Near Licensed Aerodromes	This direction does not apply
3.6 Shooting Ranges	This direction does not apply
4. Hazard and Risk	
4.1 Acid Sulfate Soils	This direction does not apply
4.2 Mine Subsidence and Unstable Land	This direction does not apply
4.3 Flood Prone Land	The planning proposal is consistent with this direction. The proposal will not impact upon flooding. The land to which some zoning will be affected is mapped as being subject to flooding however the proposed zones (E3 Environmental Management and W2 Recreation Waterway) are appropriate for flood prone land.
4.4 Planning for Bushfire Protection	The planning proposal is consistent with this direction. The planning proposal is consistent with <i>Planning for Bushfire Protection 2006</i> . No development is proposed as part of the

	planning proposal.
5. Regional Planning	
5.1 Implementation of Regional Strategies of the Metropolitan Plan for Sydney 2036	This direction does not apply
5.2 Sydney Drinking Water Catchments	This direction does not apply
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	This direction does not apply
6. Local Plan Making	
6.1 Approval and Referral Requirements	The planning proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	The planning proposal is consistent with this direction.
6.3 Site Specific Provisions	The planning proposal is consistent with this direction.
7. Metropolitan Planning	
7.1 Implementation of Metropolitan Plan for Sydney 2036	This direction does not apply

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The 'planning proposal' is not likely to have an impact on critical habitat or threatened species, populations or ecological communities, or their habitats. The 'planning proposal' rectifies minor issues/errors in the existing instrument which will not affect critical habitat or threatened species, populations or ecological communities, or their habitats. There is no critical habitat in Murray Shire.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The 'planning proposal' is not expected to have any further detrimental environmental effects. Changes to land uses are minor and will not encourage developments which are inappropriate for their zones.

10. How has the planning proposal adequately addressed any social and economic effects?

The 'planning proposal' aims will have no detrimental social and economic effects in such circumstances. The removal of a minimum lot size in residential areas in part of Moama will have positive economic impacts as it will facilitate higher density residential development. The amendments to the 'items of environmental heritage' improve protection heritage items.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not require any public infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will take into account the views of any public authorities required to be consulted.

Part 4 – Mapping

FIGURE 1: Existing Zoning, Deep Creek Marina

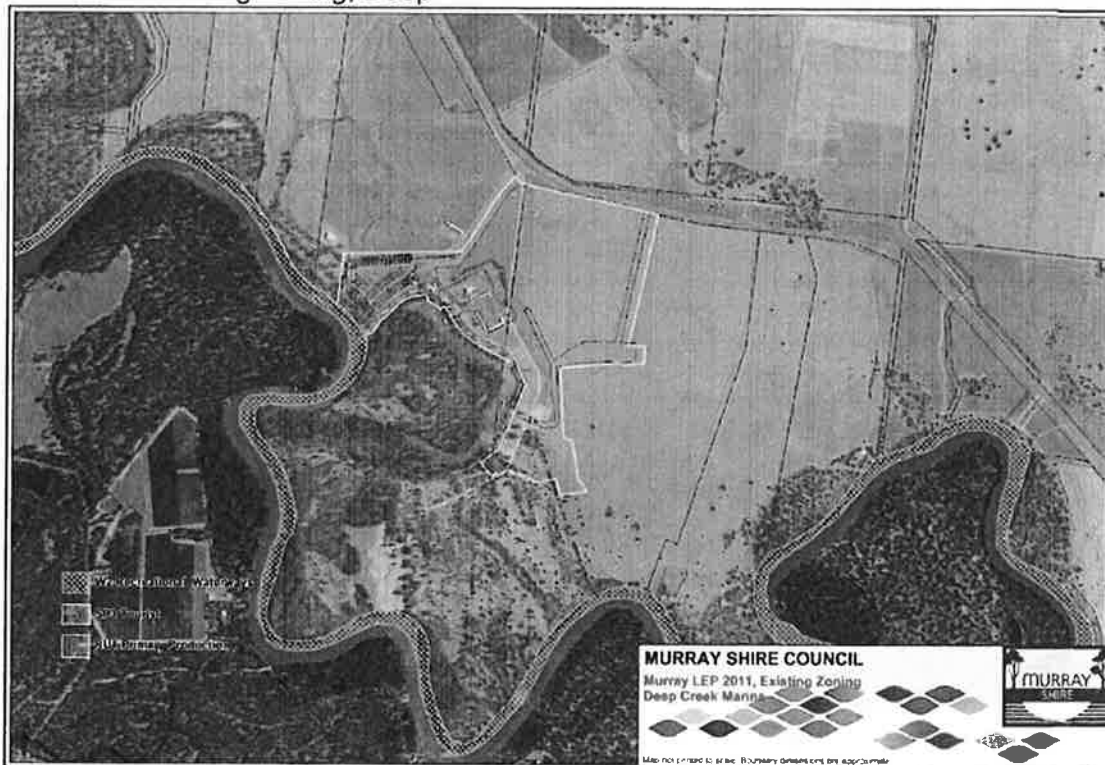


FIGURE 2: Proposed Zoning (W2 Recreational Waterway), Deep Creek Marina



FIGURE 3: Existing Zoning, Lot 44, DP 756303



FIGURE 4: Proposed Zoning (E3 Environmental Management), Lot 44, DP 756303



FIGURE 5: Existing Minimum Lot Sizes, Moama



FIGURE 6: Proposed Minimum Lot Sizes, Moama



FIGURE 7: Existing Minimum Lot Size, Kilkerrin Estate, Moama



FIGURE 8: Proposed Minimum Lot Size, Kilkerrin Lakes Estate, Moama



FIGURE 9: Proposed Heritage Conservation Area, Chanter St, Moama – Deferred

FIGURE 10: Item of Environmental Heritage I63, Mathoura Station

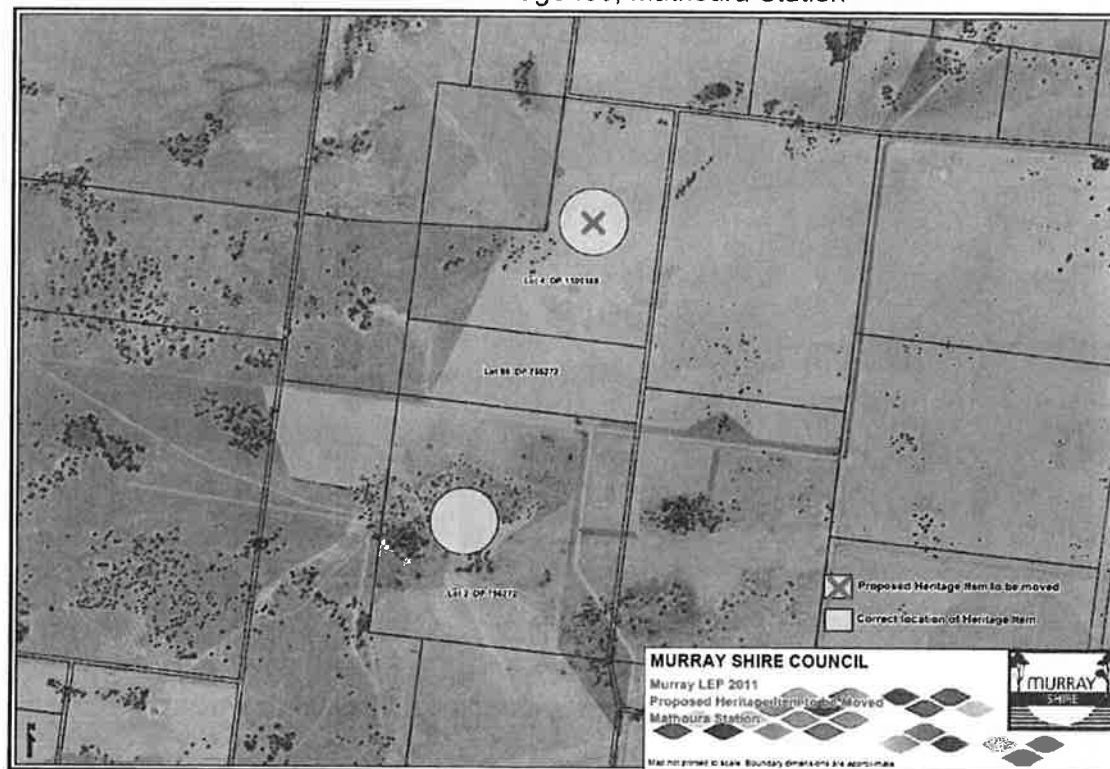


FIGURE 11: Item of Environmental Heritage I24 to be removed, 9 Simms St, Moama



FIGURE 12: Proposed Item of Environmental Heritage, McLaurin Cemetery

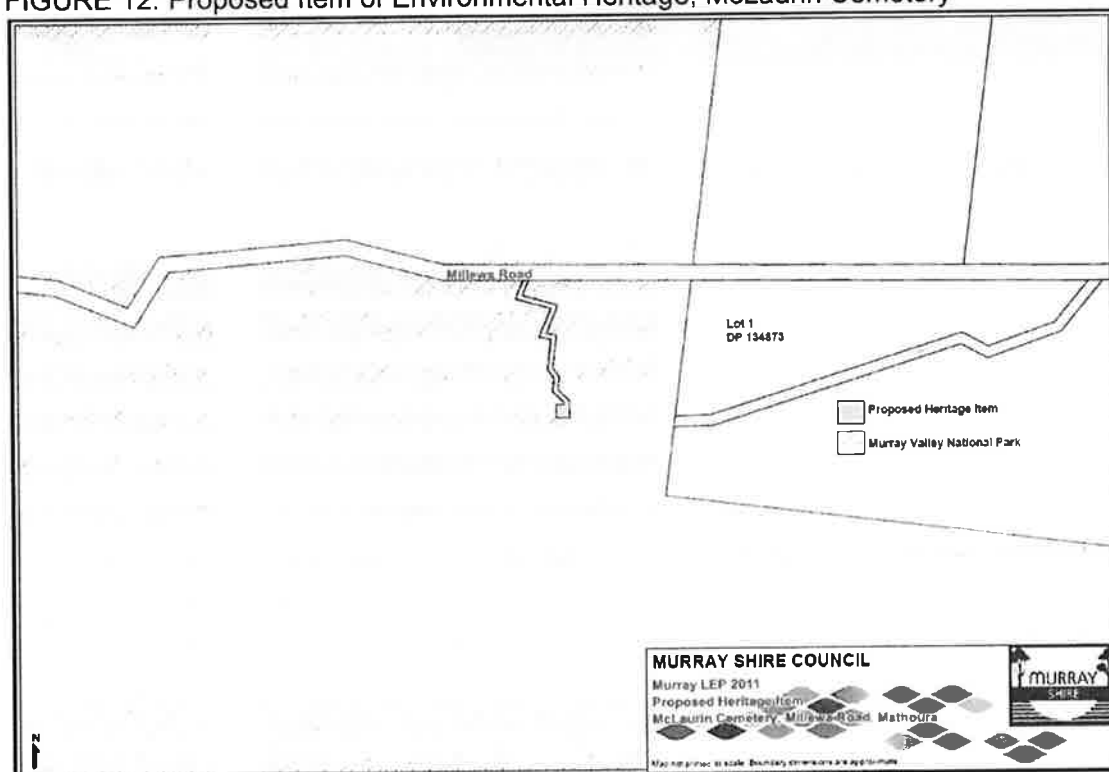
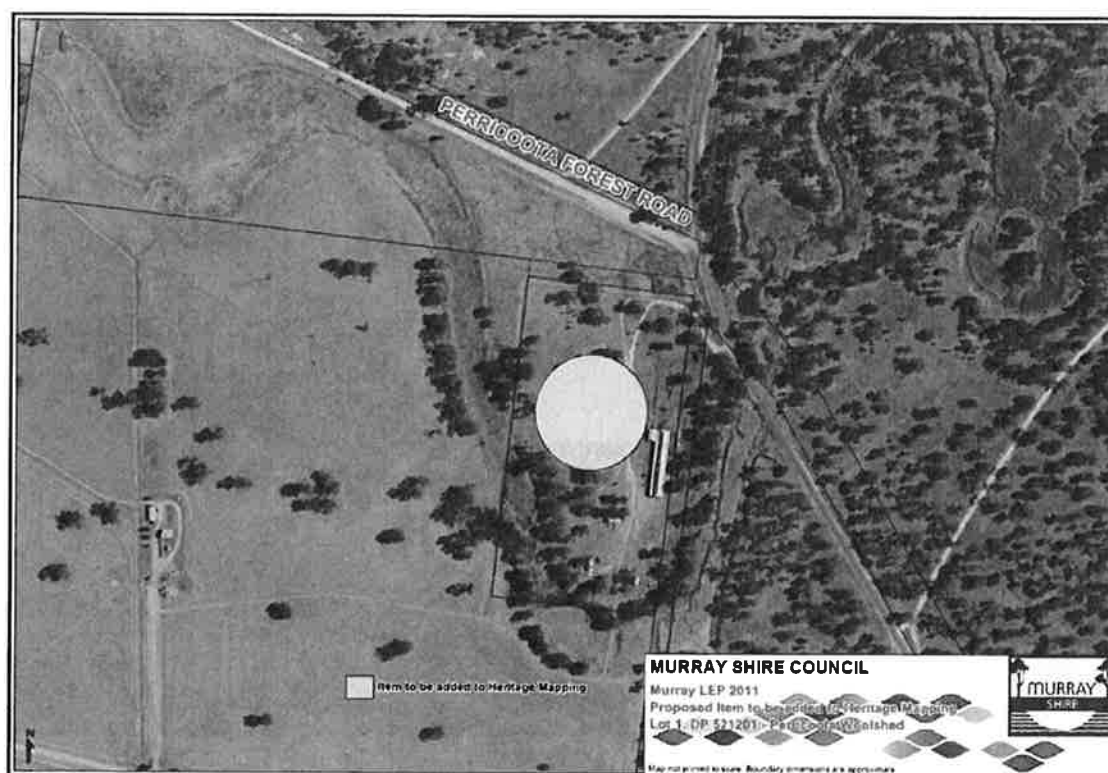


FIGURE 13: Item of Environmental Heritage, Perricoota Woolshed, Moama



Part 5 – Community Consultation

In accordance with 'a guide to preparing local environmental plans', Council does not consider the 'planning proposal' to be low impact given the number of changes proposed. Affected land holders will be notified. As such Council proposes to exhibit the proposal for 28 days in accordance with the guide. Council does not propose to hold a public hearing in respect to this 'planning proposal'.

Part 6- Project Timeline

Action	Time Required	Expected dates
Anticipated commencement date	1 day	March 2014
Anticipated timeframe for the completion of required technical information	2-4 weeks depending on requirements	April 2014
Timeframe for government agency consultation	4 weeks	April-May 2014
Commencement and completion dates for public exhibition	4 weeks	April-May 2014
Timeframe for consideration of submissions	2 weeks	June 2014

Timeframe for the consideration of a proposal post exhibition	1 week	June 2014
Date of submission to the department of finalise LEP	1 week	July 2014
Anticipated date RPA will make the plan	2 weeks	July 2014
Anticipated date RPA will forward to department for notification	1 week	August 2014

ATTACHMENTS

1. Council Resolutions to endorse 'planning proposal'
2. Council Reports discussing proposed 'planning proposal'
3. Gateway determination
4. Proposed Schedule 2

ATTACHMENT 1- Council Resolutions

ATTACHMENT 2- Council Reports

ATTACHMENT 3- Gateway determination

ATTACHMENT 4- Proposed Schedule 2**Schedule 2 Exempt Development****Business identification signs**

1. The construction or installation of a business identification sign on a premises for the purpose of identifying or naming a business is exempt development if;
 - (a) it is not constructed or installed on a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area, and
 - (b) there is only one sign displayed on each street frontage, and
 - (c) it is not be more than 0.75m² in a residential zone, and
 - (d) it is not more than 2.5 m² in any other zone, and
 - (e) it is not more than 3m above ground level (existing), and
 - (f) it is does not include any advertising of goods, products or services, and
 - (h) the sign is illuminated:
 - (i) its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and
 - (ii) it is not be animated, flashing or moving, and
 - (iii) it complies with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
 - (i) the sign is on a building on land that is within a residential, rural or environment protection zone, or is within 50m of and faces toward land that is within one of those zones—only be illuminated:
 - (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
 - (ii) if the hours of operation of the business identified on the sign have not been approved – between 7.00am and 10.00pm on any day

The need for a mouth shut approach would be beneficial to both the Mayor and shire collectively. This is my personal opinion and I am prepared to defend this statement.

A Point of Order was raised that this is a statement not a question.

The Mayor ruled in favour of the Point of Order and there was no further discussion on the matter.

- 306 RESOLVED (Crs Bilkey/Murphy)** that the Questions and Statements on Notice be discussed at the meeting and answered by the relevant Councillor or Staff member (answers are shown in italics under each question and statement above).

At this stage of the meeting, being 2:49pm, the meeting adjourned to await the deputation to Council at 3:00pm.

The meeting resumed at 2:58pm.

DEPUTATION

At this stage of the meeting, being 3:00pm, John Beer and Marilyn Quinlan made a deputation to Council regarding the Director of Engineering Services Report, Clause 2 – Burgundy Court, Moama.

DIRECTOR OF ENGINEERING SERVICES REPORT CONTINUED

CLAUSE 2. BURGUNDY COURT, MOAMA

Councillor GT Mackenzie declared an interest in this matter, as he has family owning property in this area, took no part in discussion, tabled a written notice to the General Manager and left the meeting.

- 307 RESOLVED (Crs Weyrich/Pocklington)** that the matter be deferred by the Council, pending further information being obtained on the matter.

ADOPTION

- 308 RESOLVED (Crs Bilkey/Burke)** that subject to the foregoing resolutions, the Director of Engineering Services Report be adopted.

DEPUTATION

At this stage of the meeting, being 3:15pm, Janita Norman made a deputation to Council regarding the Director of Environmental Services Report, Clause 3 – Murray Local Environmental Plan 2011 Planning Proposal – Post Consultation Period.

DIRECTOR OF ENVIRONMENTAL SERVICES REPORT
CONTINUED

**CLAUSE 3. MURRAY LOCAL ENVIRONMENTAL PLAN 2011 PLANNING
PROPOSAL –
POST CONSULTATION PERIOD**

Heritage Conservation Related Matters

'Old Moama' Heritage Conservation Area

Councillor IW Moon questioned the validity of some of the submissions that Council received on this matter.

Councillor CR Bilkey requested a Point of Order.

The Mayor ruled that Councillor Moon was out of order and asked that Councillor Moon retract his comment.

Councillor IW Moon refused to retract his previous comment.

MOTION (Crs Bilkey/Pocklington) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the plan be made.

The motion was put to the meeting and LOST.

FOR: Councillors Bilkey and Pocklington

AGAINST: Councillors Anderson, Burke, Campbell, Mackenzie, Moon, Murphy and Weyrich

MOTION (Crs Murphy/Burke) that:

1. Council defer the 'Old Moama' Heritage Conservation Area 'Planning Proposal' and incorporate it into the Local Environmental Plan (LEP) review proposal;
2. Council, as part of the LEP review proposal, extend the 'Old Moama' Heritage Conservation Area on the northern side of Chanter Street to the east to include the eastern side of Victoria Street; and

3. Council, as part of the LEP review proposal, reduce the 'Old Moama' Heritage Conservation Area on the southern side of Chanter Street to only include the Maidens Punt area.

The motion was put to the meeting and LOST.

FOR: Councillors Burke, Murphy, Pocklington and Weyrich

AGAINST: Councillors Anderson, Bilkey, Campbell, Mackenzie and Moon

MOTION (Crs Mackenzie/Moon) that:

1. Council defer the 'Old Moama' Heritage Conservation Area 'Planning Proposal' and incorporate it into the Local Environmental Plan (LEP) review proposal;
2. Council, as part of the LEP review proposal, include the advertised 'Planning Proposal' area on the northern side of Chanter Street of the 'Old Moama' Heritage Conservation Area; and
3. Council, as part of the LEP review proposal of the 'Old Moama' Heritage Conservation Area, on the southern side of Chanter Street only include Victoria Street, the Maidens Portal and Maidens Punt areas.

The motion was put to the meeting and LOST.

FOR: Councillors Campbell, Mackenzie and Moon

AGAINST: Councillors Anderson, Bilkey, Burke, Murphy, Pocklington and Weyrich

309

RESOLVED (Crs Weyrich/Murphy) that Council defer the matter of the 'Old Moama' Heritage Conservation Area pending the further development of maps showing the Heritage Conservation Area.

FOR: Councillors Anderson, Bilkey, Burke, Campbell, Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Land Zoning Map Related Matters**Zoning of Deep Creek Marina**

310 RESOLVED (Crs Pocklington/Moon) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Lot 44, DP 756303, Picnic Point Road, Mathoura

311 RESOLVED (Crs Pocklington/Murphy) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Lot Size Maps**Removal of Minimum Lot Sizes in Part of Residential Areas of Moama Township**

312 RESOLVED (Crs Pocklington/Burke) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Kilkerrin Lakes Water Association Request

313 RESOLVED (Crs Pocklington/Anderson) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Land Use Tables Related Issues

'Boat Building and Repair' Facilities in RU1 Primary Production Zone

314 RESOLVED (Crs Murphy/Anderson) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

'Biosoils Treatment Facilities' in R1 General Residential

315 RESOLVED (Crs Pocklington/Anderson) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and

2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Residential Accommodation in R2 Low Density Residential Zone

316 RESOLVED (Crs Pocklington/Bilkey) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Residential Accommodation in RR5 Large Lot Residential Zone

317 RESOLVED (Crs Bilkey/Murphy) that:

1. Council vary this section of the 'Planning Proposal' to remove 'secondary dwellings' as being a permissible land use in the E3 Environmental Management Zone;
2. Council proceeds with the remainder of this section of the 'Planning Proposal' as it was publicly exhibited; and
3. Council forward the remainder of this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Zones Where 'Vehicle Sales and Hire Premises' are Permissible**318 RESOLVED (Crs Pocklington/Burke) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Advertising Structure in Recreation Zones**319 RESOLVED (Crs Burke/Murphy) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Permitted Land Uses in SP3 Tourist Zone**320 RESOLVED (Crs Murphy/Bilkey) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Heritage Conservation Related Matters Continued**Item of Environmental Heritage I63 – Mathoura Station****321 RESOLVED (Crs Murphy/Anderson) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Item of Environmental Heritage I4 – 8 Simms Street, Moama**322 RESOLVED (Crs Pocklington/Mackenzie) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Item of Environmental Heritage I8 – 72 Chanter Street, Moama**323 RESOLVED (Crs Bilkey/Burke) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Item of Environmental Heritage I43 – 27 Conargo Street, Mathoura

324 RESOLVED (Crs Murphy/Bilkey) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Item of Environmental Heritage I24 – 9 Simms Street, Moama

325 RESOLVED (Crs Burke/Pocklington) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Proposed Item of Environmental Heritage – McLaurin Cemetery, Millewa Road

326 RESOLVED (Crs Murphy/Weyrich) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and

2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Proposed Item of Environmental Heritage – 'Perricoota Woolshed', Lot 1,
DP 521210, Perricoota Road, Moama

327 RESOLVED (Crs Pocklington/Burke) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Additional Local Provisions – Related Matters

Recreation Facility (Outdoor)

328 RESOLVED (Crs Pocklington/Burke) that:

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Clause 5.4(9)(b)**329 RESOLVED (Crs Burke/Pocklington) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

Schedule 2 Exempt Development Related Matters**330 RESOLVED (Crs Bilkey/Murphy) that:**

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

General Submission Received Regarding Planning Proposal**331 RESOLVED (Crs Pocklington/Anderson) that Council consider the submission from the NSW Rural Fire Service as part of the Local Environmental Plan review.**

FOR: Councillors Anderson, Bilkey, Burke, Campbell,
Mackenzie, Moon, Murphy, Pocklington and Weyrich

AGAINST: Nil

ADOPTION

- 332 **RESOLVED (Crs Pocklington/Anderson)** that subject to the foregoing resolutions, the Director of Environmental Services Report be adopted.

CORRESPONDENCE**PART A**

Nil.

PART B**B1/07 LOCAL GOVERNMENT NSW WEEKLY**

Information noted.

B2/07 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NEWS

Information noted.

- 333 **RESOLVED (Crs Moon/Bilkey)** that the correspondence be received and noted.

CONFIDENTIAL REPORTS

- 334 **RESOLVED (Crs Moon/Burke)** that as provided by Section 10A(2), Subsections (a), (d)(iii) and (g) of the Local Government Act 1993, being personnel matters concerning particular individuals (other than councillors); commercial information of a confidential nature that would, if disclosed, reveal a trade secret; and advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and the public interest in protecting confidential information outweighs the public interest in ensuring accountability through open meetings, Council move into Confidential Committee at 5:08pm.

**GENERAL MANAGER'S
CONFIDENTIAL REPORT****CLAUSE 1. SECTION 339 OF THE LOCAL GOVERNMENT ACT 1993**

Information noted.

In many cases, the activities undertaken on the Reserve are not carried out by the Reserve management itself. Reserves are used by a wide range of bodies and in these cases, the Reserve management should not take the responsibility for the risks involved. To assist in this process, the Reserve Manager should enter into a suitable Agreement that passes the responsibility back to the Lessee or Licensee. A Lease or Licence should be granted to document the terms and conditions on which the other party may use the Reserve and, in this instance, it would be advantageous to engage an independent organisation who have specialised resources for the management of these facilities.

Strategic Implications

Nil Implications

Budget Implications

Nil implications

Conclusion

Council has recently supported the introduction of a “children’s hub” at the Moama Sporting Complex in conjunction with the YMCA. In addition, a Lease for the management of the actual complex is required to be developed, and such must be undertaken in accordance with the requirements of the *Local Government Act 1993*.

To enable this process to occur, Council is required to alter the categorisation of the Moama Sporting Complex and Surrounds to “General Community Use”, which will in turn, permit both the activity and the ability for Council to Lease the management of same.

Recommendation

It is recommended that Council amend its Plan of Management for Community & Crown Lands to categorise the Moama Sporting Complex and Surrounds as General Community Use and advertise same for public comment in accordance with the requirements of the *Local Government Act 1993*.

CLAUSE 3. MURRAY LEP 2011 PLANNING PROPOSAL- POST CONSULTATION PERIOD

The Murray Local Environmental Plan 2011 (“LEP”) was made on 16 December 2011. Since the implementation of the LEP, Council staff identified a number of minor issues/errors which were required to be rectified. The process for preparing and amending an LEP is stipulated in the *Environmental Planning and Assessment Act 1979* and is also covered with “A guide to preparing local environmental plans”. The plan making process normally involves the following key components:-

- The preparation of a planning proposal (completed);
- The issuing of a Gateway determination (completed);
- Community and other consultation on the planning proposal (completed);
- Finalising the planning proposal (aim of this report);
- Drafting the LEP;
- Making the plan; and
- Notifying the LEP on the NSW Government Legislation website.

The purpose of this report is to advise Council that the public exhibition period has been completed with a number of submissions being received and that Council is now required to make a determination on each component of the Planning Proposal to enable it to be finalised.

Staff initially prepared a report for Council's consideration at its meeting held 10 December 2013 to enable a Planning Proposal to be prepared that would permit a number of amendments to be made to the LEP and rectify the identified issues/errors.

At that meeting, Council resolved to adopt the majority of the proposed alterations with the exception of that relating to the heritage overlay in the Chanter Street precinct. This matter was deferred until a site inspection of the proposed area of the heritage overlay was undertaken. At its meeting held 4 February 2014, Council subsequently resolved to support an overlay, which then enabled staff to refer the Planning Proposal to the Department of Planning and Environment for consideration via the "gateway" process.

The "Gateway" Determination (copy attached as Appendix B) from the Department of Planning and Environment was received and reported to Council at its meeting held 15 April 2014. Council resolved to remove a number of items from the 'Planning Proposal' as per the advice from the Department of Planning and Environment and place the Planning Proposal on public exhibition (copy attached as Appendix C). This document has been attached as it also provides an assessment of the overall Planning Proposal and how such was assessed against the respective planning requirements to be considered under a Planning Proposal.

The public exhibition period for the revised Planning Proposal closed on 30 April 2014. A number of submissions were received in response to the exhibition period. Staff have considered the submissions in relation to the relevant matters, along with the proposed amendments and have made recommendations with respect to same, for Council consideration under this report.

To assist Council in making a determination on the Planning Proposal, staff have formatted this report in the manner as it was originally presented to Council, and this will enable the proposed amendments to be considered individually.

LAND ZONING MAP RELATED MATTERS

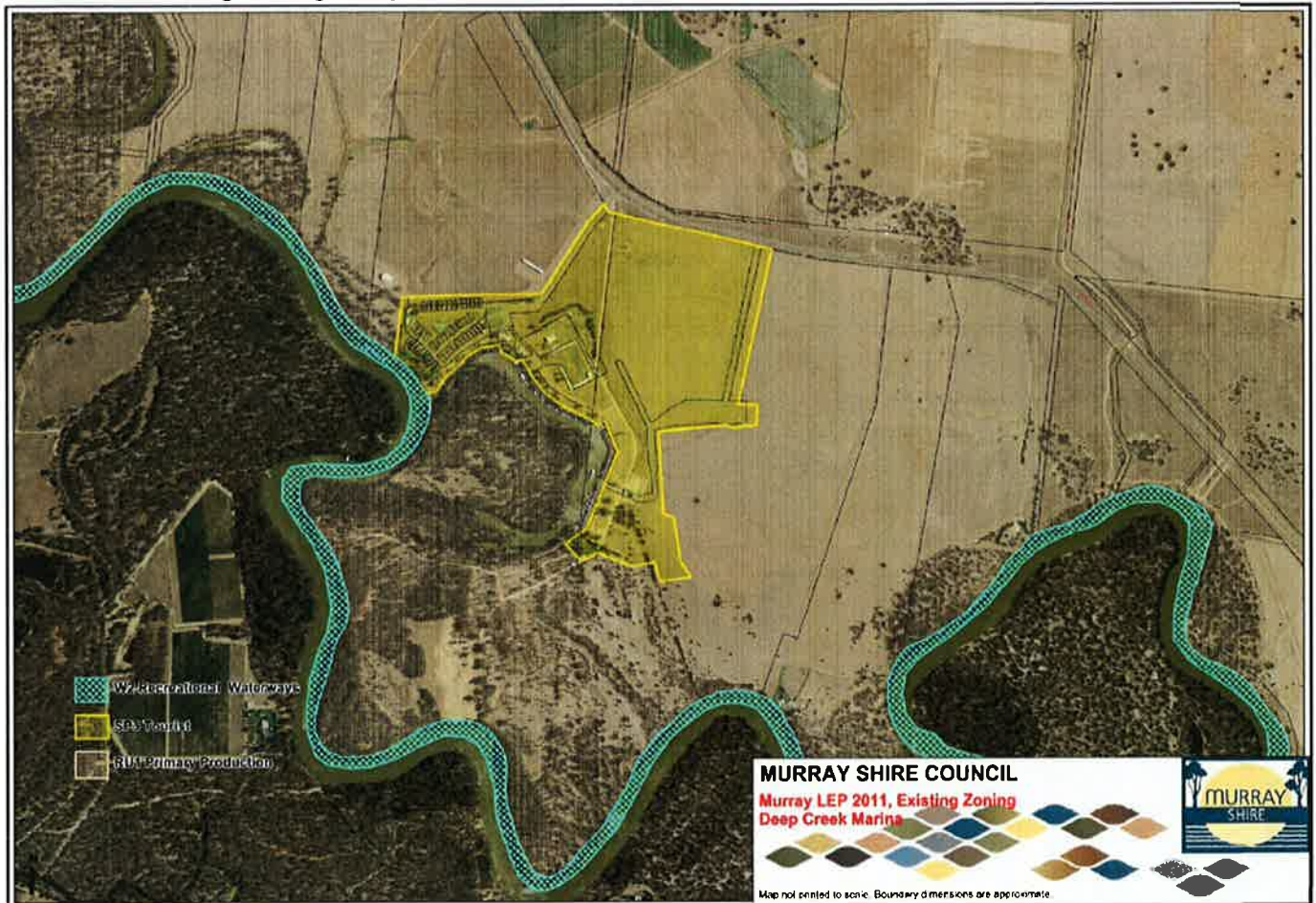
Zoning of Deep Creek Marina

The 'Planning Proposal' recommendation made by Council was as follows:-

"Deep Creek (waterway) be rezoned from RU1 Primary Production to W2 Recreational Waterways. Refer to Figures 1 and 2."

Deep Creek is an anabranch situated off the Murray River. It is used as houseboat marina.

Under Murray LEP 2011, the zoning of Deep Creek Marina is RU 1 Primary Production (refer to Figure 1).

FIGURE 1: Existing Zoning, Deep Creek Marina

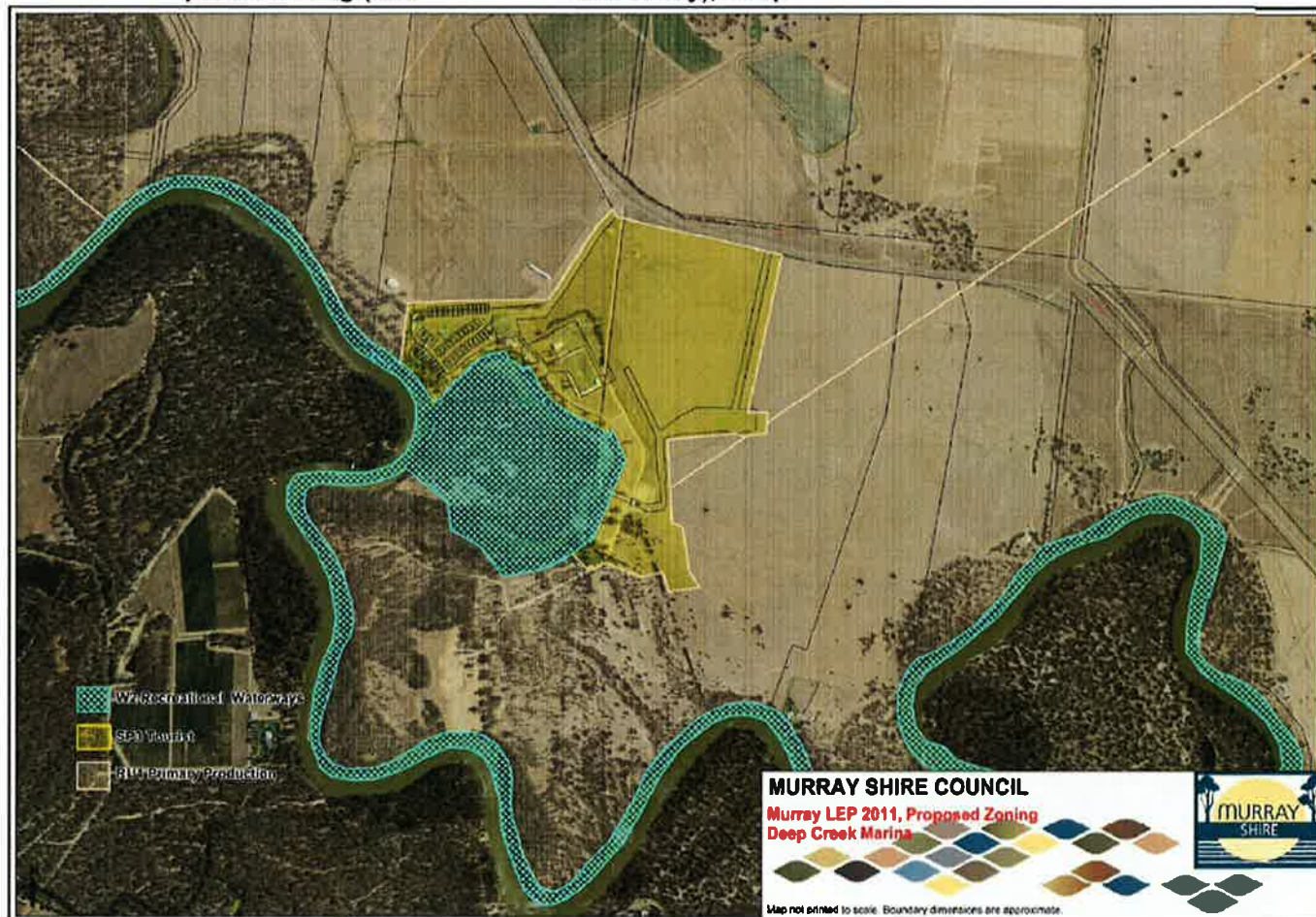
The objectives of the RU1 Primary Production zone are:-

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The use of Deep Creek is not consistent with these objectives. It is considered that it should be zoned W2 recreational Waterways. The use is consistent with the objectives which are:-

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing.*

It is proposed that Lots containing the Marina be zoned W2 Recreational Waterways as per Figure 2. The proposed zone boundary follows the boundary of an existing lot as otherwise it would be difficult to map the location of the waterway.

FIGURE 2: Proposed Zoning (W2 Recreational Waterway), Deep Creek Marina

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

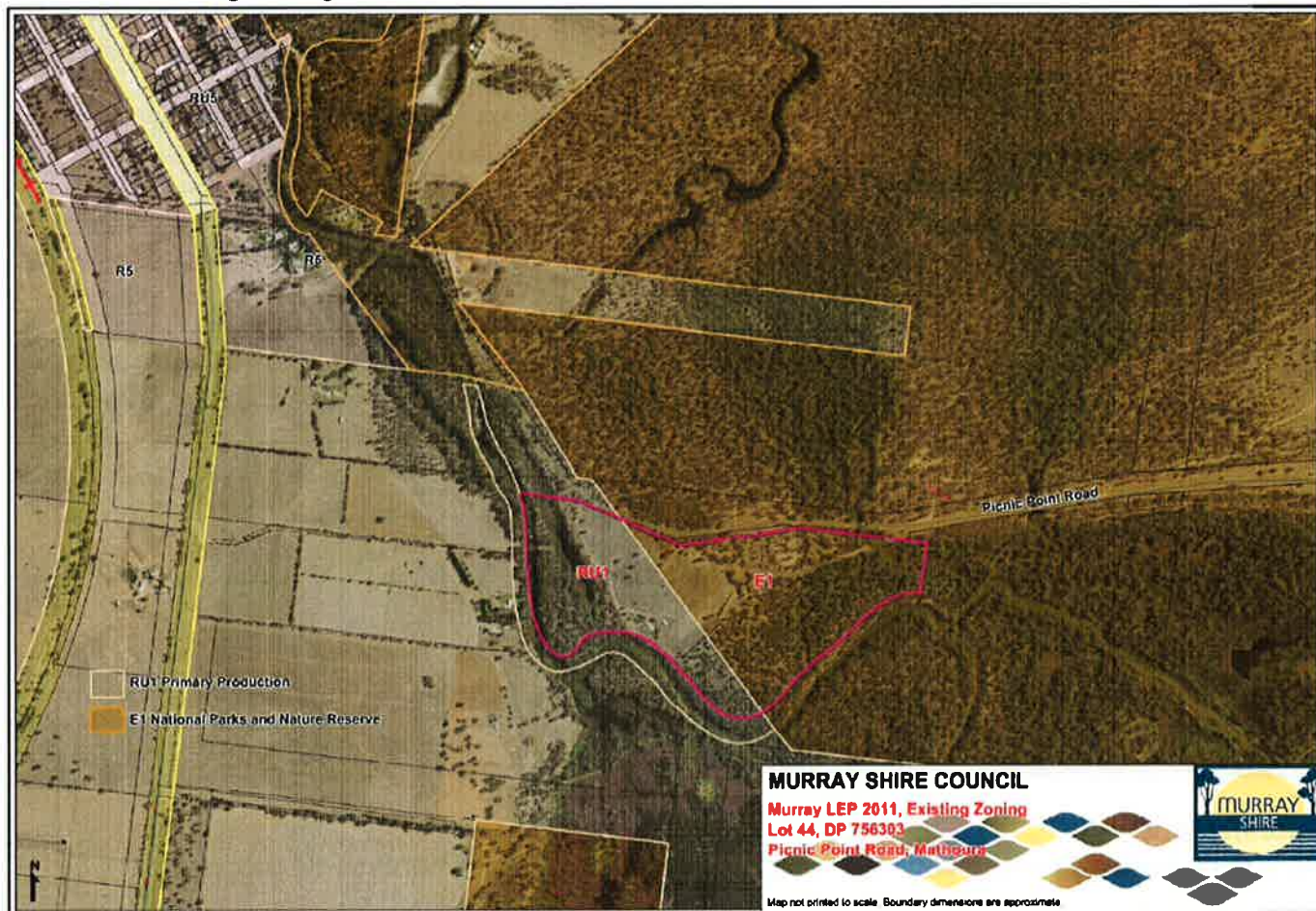
1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Lot 44 DP 756303, Picnic Point Road, Mathoura

The 'Planning Proposal' recommendation made by Council was as follows:-

"Lot 44 DP 756303 be rezoned from part E1 National Parks and Nature Reserves, part RU1 Primary Production to E3 Environmental Management. Refer to Figures 3 and 4."

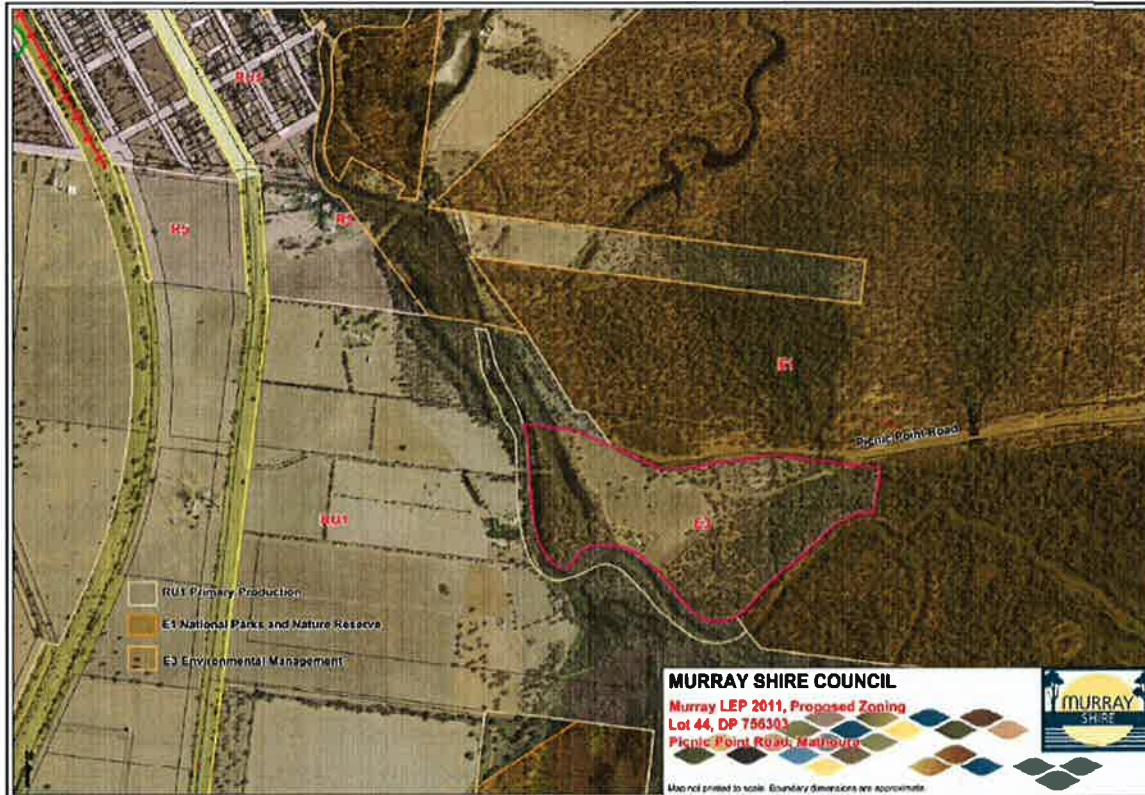
Lot 44 DP 756303 is a private property located on Picnic Point Road, Mathoura. The property adjoins the Gulpa Creek and the Murray Valley National Park. The lot was mistakenly mapped as being partly zoned E1 National Parks and Nature Reserves. The other part of the property was mapped as being zoned RU1 Primary Production (refer to Figure 3).

FIGURE 3: Existing Zoning, Lot 44, DP 756303

This is an obvious error since the property is clearly not part of the National Park. It is considered that the most appropriate zoning for the property is E3 Environmental Management (refer to Figure 4). The objectives of this zone are to;

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

This reflects the existing use of the property and the important environmental features on and adjoining the property. Similar nearby properties along Picnic Point Road have been zoned E3 Environmental Management.

FIGURE 4: Proposed Zoning (E3 Environmental Management), Lot 44, DP 756303

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

LOT SIZE MAPS

Removal of Minimum Lot Sizes in part of residential areas of Moama township

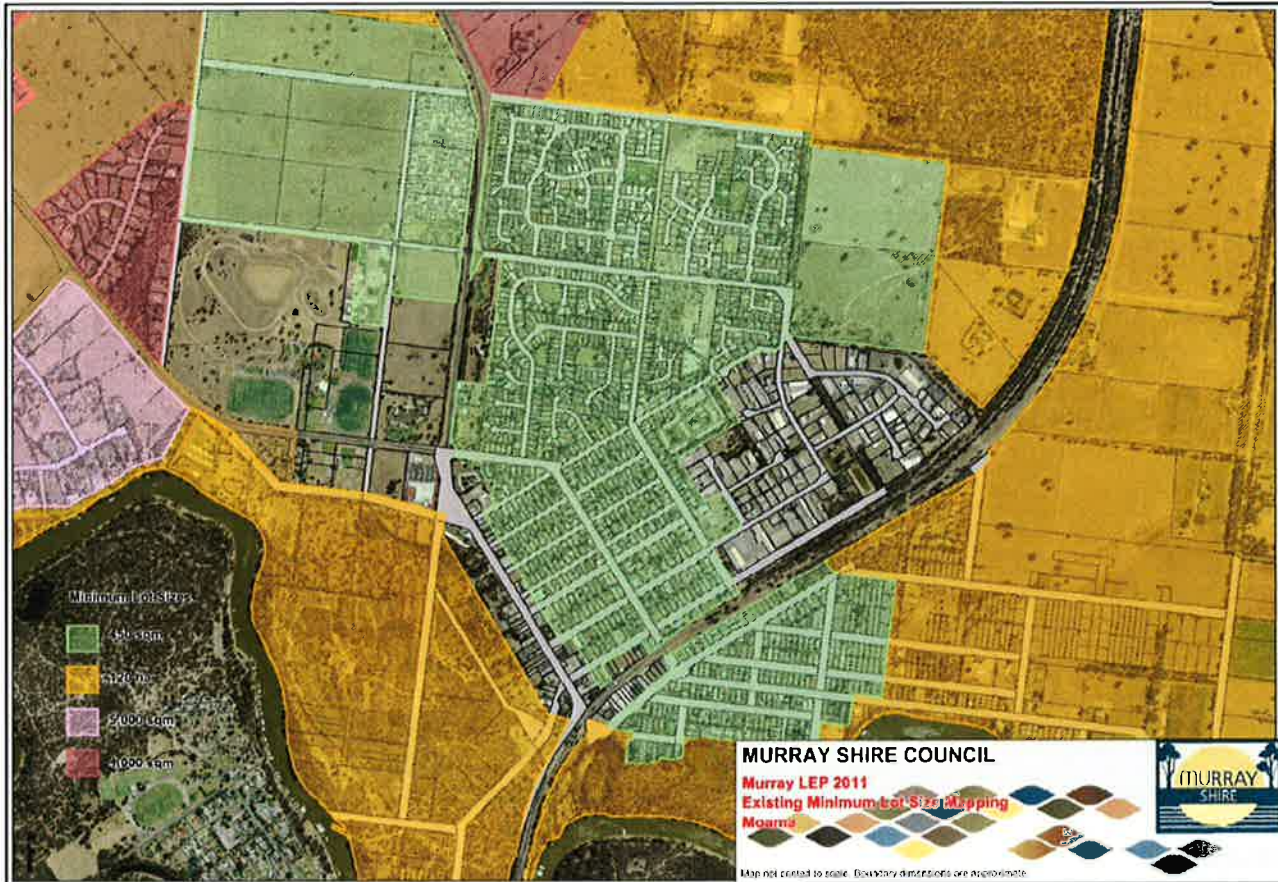
The 'Planning Proposal' recommendation made by Council was as follows:-

"Minimum lot size not be applied to part of Moama residential. Refer to Figures 5 and 6."

The objectives of the minimum lot size clause are as follows:-

- (a) to ensure that new subdivisions reflect lot sizes that are able to provide for adequate servicing of the land and respond to any topographic, physical or environmental constraints,
- (b) to ensure that lot sizes are of a sufficient size and shape to accommodate development,
- (c) to prevent the fragmentation of rural lands.

Currently there is a mixture of lot sizes applied to land in Moama (Figure 5) with residential land in the urban area having a minimum lot size of at least 450m².

FIGURE 5: Existing Minimum Lot Sizes, Moama

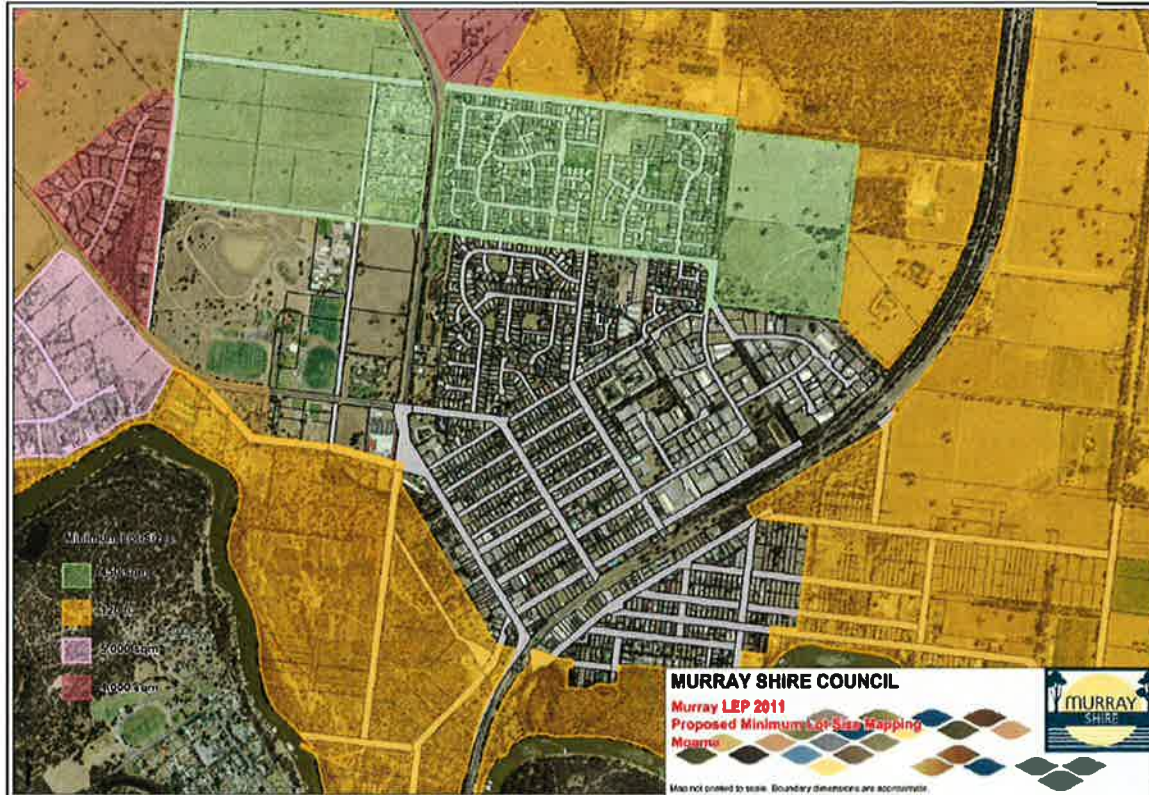
Council staff have identified a part of Moama (refer to Figure 6) where there is no need for a minimum lot size.

This is part of the R1 General Residential area within the Moama Township. This area has a range of residential development including many higher density residential developments such as townhouse and unit developments. The area is well serviced and is not affected by constraints such as flooding. The area is close to services required by residents such as commercial businesses, open space, education and community facilities. Therefore, this is an area where higher density development is encouraged.

Design of good development is guided by controls within Council's Development Control Plan which stipulates requirements in respect to private open space, parking, and landscaping. The Plan also requires issues such as neighbourhood character, streetscape, privacy and overshadowing to be addressed.

Therefore, should developments be able to satisfy these requirements, there is no need to apply a minimum lot size. The current minimum lot size is an unnecessary restriction on development in this area. Removing the minimum lot size will facilitate higher density development in the area where it is strategically supported. Land within adjoining commercial and industrial areas already has no minimum lot size applied.

It is considered that newer residential areas such as Highlands and Maidens Park Estates retain a minimum lot size to retain and/or provide for the desired neighbourhood character in these areas.

FIGURE 6: Proposed Minimum Lot Sizes, Moama**Submissions**

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

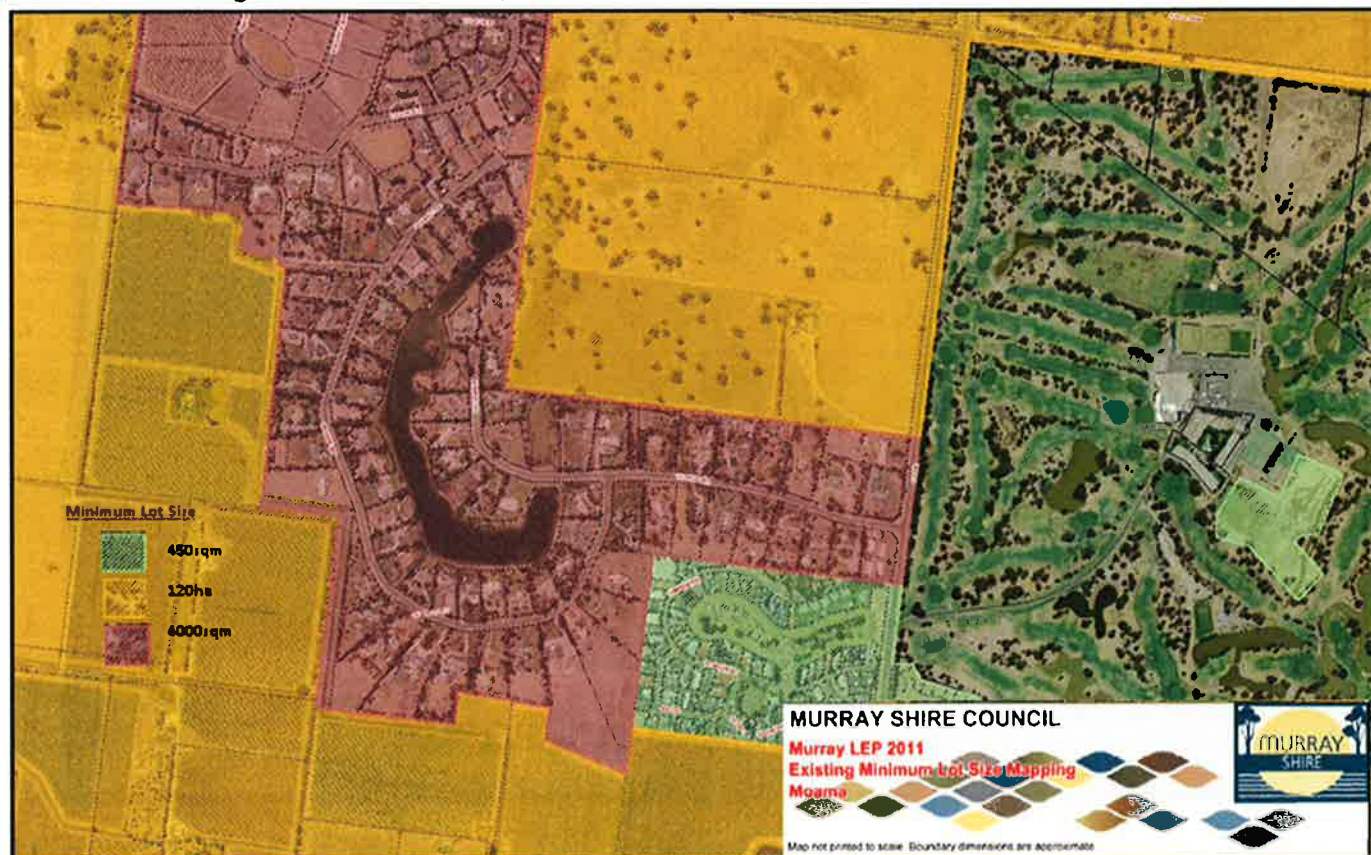
1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Kilkerrin Lakes Water Association Request

The 'Planning Proposal' recommendation made by Council was as follows:-

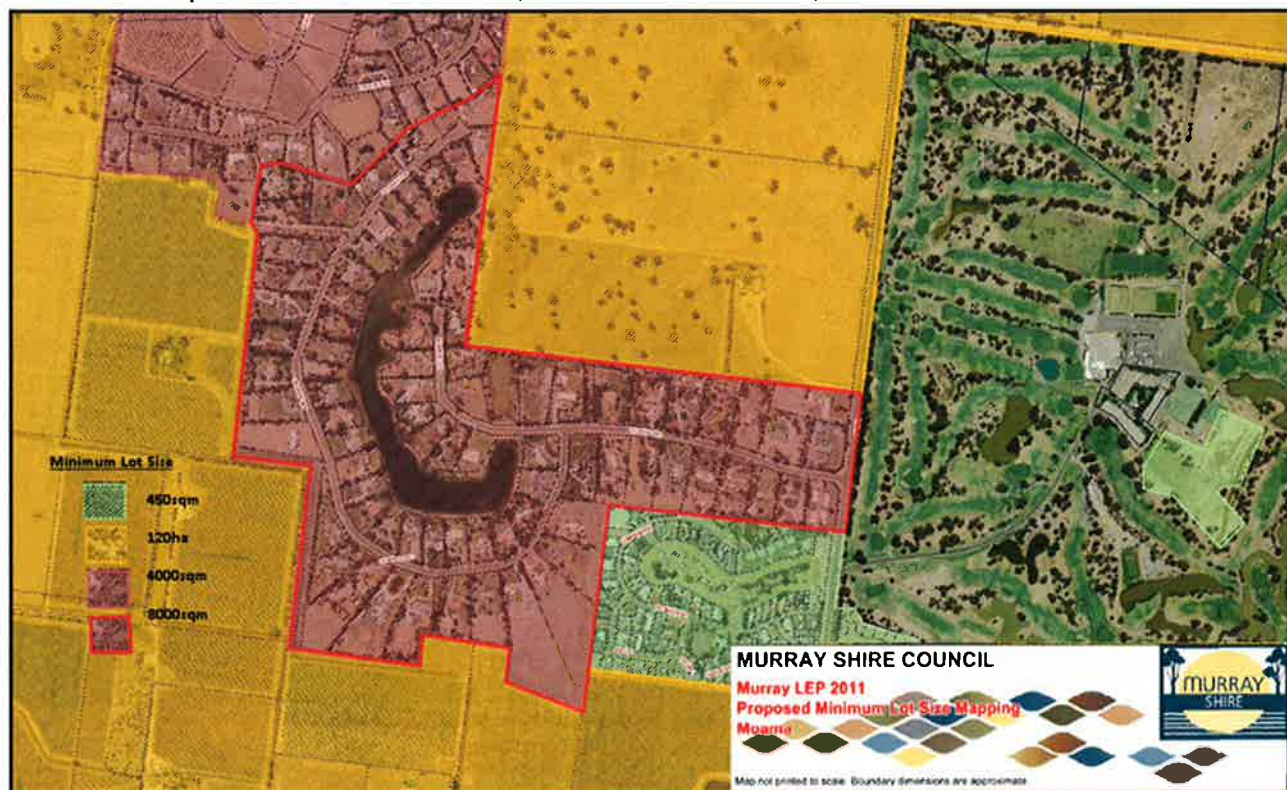
"Minimum lot size be increased from 4,000m² to 8,000m² to part of Moama as defined in Figure 8."

The Kilkerrin Lakes Water Association Inc. has written to Council requesting that the Murray LEP 2011 be amended to restrict further subdivision of lots in Kilkerrin Lakes Estate. The existing lot sizes are shown below in Figure 7 with the minimum lot size in Kilkerrin Lakes Estate being 4,000m².

FIGURE 7: Existing Minimum Lot Sizes, Kilkerrin Lakes Estate, Moama

The Association estimates that the existing LEP controls would permit approximately 17 additional lots. Council requires that a raw water supply be provided to allotments within Kilkerrin Estate as the filtered water system can only cater for internal use. The existing lots are supplied by an independent raw water scheme managed by the Kilkerrin Lakes Water Association. The Association has detailed issues associated with providing water to these allotments including infrastructure constraints, meter readings and allocations. They therefore have requested that Council not permit further subdivision through an amendment to the minimum lot size.

It is considered that the current minimum lot size of 4,000m² is an appropriate size for the Estate considering the majority of lots in the Estate are approximately this size. However, since there are issues in servicing more lots, it is recommended the minimum lot size be increased to 8,000m² as per Figure 8 to restrict lots being subdivided that can't be properly serviced with water.

FIGURE 8: Proposed Minimum Lot Sizes, Kilkerrin Lakes Estate, Moama

An increase in the minimum lot size to 8,000m² will result in lots, except two, being restricted from further subdivision. These two lots are large lots greater than 16,000m² with a large amount of unused land. The Water Association have indicated that they are likely to be able to service these lots.

Submissions

One submission was received in support of the proposed minimum lot size increase from 4,000m² to 8,000m². A summary of the submission is outlined below in Table 1. A copy of the submission has been attached for your reference as part of Appendix D.

Table 1

Submission No.	Summary	Comments
1	The submission maker is concerned with the need to upgrade existing private raw water infrastructure to accommodate any additional future lots within Kilkerrin Lakes Estate and therefore supports the proposal as it limits future possibility to subdivide and allows the infrastructure to operate at current capacity without the need for upgrade.	See recommendation.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

LAND USE TABLES RELATED ISSUES

'Boat building and repair' facilities in RU1 Primary Production zone

The 'Planning Proposal' recommendation made by Council was as follows:-

"'Boat building and repair facility' be a permissible land use within the RU1 Primary Production zone."

It is considered that 'boat building and repair' facilities should be permissible in RU1 Primary Production zone.

'Boat building and repair' facilities means:-

"any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed."

These facilities are currently permissible in zones such as IN1 General Industrial, B6 Business Enterprise and E3 Environmental Management but are prohibited within the RU1 Primary Production zone. However, much of the rural land which is located adjoining and nearby the rivers within Murray Shire is zoned RU1 Primary Production. It is reasonable that such boat building and repair facilities be located on appropriate sites within proximity to these rivers considering the relationship between the industry and the river. This is not possible under the current instrument.

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

'Biosolids Treatment Facilities' in R1 General Residential

The 'Planning Proposal' recommendation made by Council was as follows:-

"'Biosolids treatment facility' be prohibited within the R1 General Residential zone."

A 'biosolids treatment facility' means:-

"a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility."

These facilities are currently permissible in the R1 General Residential zone. The objectives of the R1 zone are to:-

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To avoid potential land use conflict and protect the amenity of residents.
- To provide for tourist and visitor accommodation in appropriate locations.

It is considered that a 'biosolids treatment facility' is inconsistent with the objectives of the R1 General Residential zone and incompatible with residential development. Such a facility would likely create land use and amenity conflicts between the facility and residential development.

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Residential Accommodation in R2 Low Density Residential Zone

The 'Planning Proposal' recommendation made by Council was as follows:-

1. *"Attached dwellings' be prohibited within the R2 Low Density Residential zone.*
2. *'Dual Occupancies' including Dual Occupancy (attached) and Dual Occupancy (detached) be prohibited within the R2 Low Density Residential zone.*
3. *'Seniors Housing' be prohibited within the R2 Low Density Residential zone."*

The R2 Low Density Residential zone applies to low density residential areas within Moama including Estates such as Perricoota Run, Winbi Estate and part of Lakeview Estate.

The objectives of the R2 Low Density Residential zone are to:-

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To avoid potential land use conflict and protect the amenity of residents.*

In this zone a number of residential accommodation uses are permissible which are not considered consistent with the objectives for this zone. These include:-

attached dwelling means a building containing 3 or more dwellings, where:

- (a) *each dwelling is attached to another dwelling by a common wall, and*
- (b) *each of the dwellings is on its own lot of land, and*
- (c) *none of the dwellings is located above any part of another dwelling.*

boarding house means a building that:

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

seniors housing means a building or place that is:

- (a) a residential care facility, or
 - (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
 - (a) and that is, or is intended to be, used permanently for:
 - (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

Such residential development is of a higher density and would not be consistent with the character of the area. Seniors housing is not considered appropriate for low density areas where such housing is located further from the services and amenities of an urban area and may create land use conflict. It is noted that provisions under the SEPP (Housing for Seniors or for People with a Disability) 2004 provides some flexibility in this regard.

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Residential Accommodation in R5 Large Lot Residential Zone

The 'Planning Proposal' recommendation made by Council was as follows:-

1. "Dual Occupancies' including Dual Occupancy (attached) and Dual Occupancy (detached) be prohibited within the R5 Large Lot Residential zone.
2. 'Seniors Housing' be prohibited within the R5 Large Lot Residential zone.
3. 'Secondary dwellings' be made a permissible land use within the R5 Large Lot Residential, RU1 Primary Production and E3 Environmental Management zones."

The R5 Large Lot Residential zone applies to rural residential areas within Moama and Mathoura including Estates such as Kilkerrin Lakes, Layfield Downs and part of Rivergums Estate.

The objectives of the R5 Large Lot Residential zone are to;

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In this zone a number of residential accommodation uses are permissible which are *not* considered consistent with the objectives for this zone. These include;

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
 1. and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.

Such residential development is of a higher density and would not be consistent with the character of the area. Seniors housing is not considered appropriate for rural residential areas where such housing is located further from the services and amenities of an urban area and may create land use conflict. It is noted that provisions under the SEPP (Housing for Seniors or for People with a Disability) 2004 provides some flexibility in this regard.

Submissions

The Office of Environment & Heritage ("OEH") provided a submission. A copy of the submission has been attached for your reference as part of Appendix D.

Table 2

Submission No.	Summary	Comments
2	OEH supported the majority of the proposal as submitted, however objected to making secondary dwellings a permissible land use in the E3 Environmental Management Zone as it was considered as inconsistent with the objectives of the E3 Zone.	All comments have been considered. See below and the recommendation.

In accordance with section 58(1) of the *Environmental Planning and Assessment Act 1979*, Council may, at any time, vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason. Staff have reviewed the objection from OEH to secondary dwellings being made permissible in the E3 Environmental Management Zone and agree that this part of the Planning Proposal should not proceed.

Recommendation

It is recommended that:-

1. Council vary this section of the 'Planning Proposal' to remove 'secondary dwellings' as being a permissible land use in the E3 Environmental Management Zone;
2. Council proceeds with the remainder of this section of the 'Planning Proposal' as it was publicly exhibited; and
3. Council forward the remainder of this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Zones where 'Vehicle Sales and Hire Premises' are permissible

The 'Planning Proposal' recommendation made by Council was as follows:-

"'Vehicle Sales and Hire Premises' be made a permissible land use within the B6 Enterprise Corridor zone and IN1 General Industrial zone."

'Vehicle Sales and Hire Premises' means:-

"a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there."

These facilities are currently permissible only in the B2 Local Zone and RU5 Village zone. It is considered that they would also be appropriate within the B6 Enterprise Corridor zone and IN1 General Industrial zone.

The objectives of the B6 Enterprise Corridor zone are:-

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for employment-generating activities within the Moama Business Park on the Cobb Highway, north of Moama.*

The objectives of the IN1 General Industrial zone are:-

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To define and consolidate the existing industrial area in and near Moama.*

It is considered that 'Vehicle Sales and Hire Premises' would be consistent with these objectives and appropriate for the years where these zones have been applied namely the Moama Business Park and the Moama Industrial Estate.

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Advertising Structure in Recreation Zones

The 'Planning Proposal' recommendation made by Council was as follows:-

"Advertising structures' be made permissible in RE1 Public Recreation and RE2 Private Recreation zones."

Advertising structures are currently prohibited in RE1 Public Recreation and RE2 Private Recreation.

'Advertising structure' means:-

"a structure used or to be used principally for the display of an advertisement."

It does not include building identification sign or a business identification sign. It is considered that in certain circumstances such advertising structures may be appropriate within recreation zones. For example an advertising structure may be installed with development consent to display advertisements of a sponsor of a sporting club.

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Permitted Land Uses in SP3 Tourist Zone

The 'Planning Proposal' recommendation made by Council was as follows:-

"The following land uses be made permissible in the SP3 Tourist zone:-

- a. *building identification sign*
- b. *business identification sign*
- c. *environmental protection works*
- d. *jetty*
- e. *marina*
- f. *water recreation structure"*

The SP3 Tourist Zone has been applied to existing tourist facilities located outside urban areas. Examples include; Deep Creek, Moira Station and Perricoota Vines Resort. The objective of the zone is:-

- *To provide for a variety of tourist-oriented development and related uses.*

There are a number of land uses which are currently prohibited in this zone but which it is considered should be permitted subject to consent as they are consistent with the objective of the zone. These are:-

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

business identification sign means a sign:

- (a) *that indicates:*
 - i. *the name of the person or business, and*
 - ii. *the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*
- (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*
but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) *any facility for the construction, repair, maintenance, storage, sale or hire of boats,*
- (b) *any facility for providing fuelling, sewage pump-out or other services for boats,*
- (c) *any facility for launching or landing boats, such as slipways or hoists,*
- (d) *any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,*
- (e) *any berthing or mooring facilities.*

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

Submissions

No submissions were received regarding the land zoning map amendments proposed.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

HERITAGE CONSERVATION RELATED MATTERS

'Old Moama' Heritage Conservation Area

The 'Planning Proposal' recommendation made by Council was as follows:-

"A heritage conservation area be created over part of 'Old Moama' in Chanter Street, Moama. Refer to Figure 9."

Council considered a request from the 'Friends of Old Moama' to create a 'heritage conservation area' over part of 'old Moama' at its Ordinary meeting held 21 May 2013. Council resolved to:-

"create a 'conservation area' within the 'Old Moama' heritage precinct as part of the review of the Murray Local Environmental Plan (LEP) 2011."

Below is the area proposed to be incorporated in the conservation area.

FIGURE 9: Proposed Heritage Conservation Area, Chanter Street, Moama



The area is important in respect to Moama's history as it is the site of the original Township. The subject area contains five sites which are listed as items of environmental heritage under Murray LEP 2011.

THIS IS PAGE NO. 22 OF THE DIRECTOR OF ENVIRONMENTAL SERVICES REPORT TO THE ORDINARY MEETING OF MURRAY SHIRE COUNCIL HELD AT THE MURRAY SHIRE OFFICES, MOAMA, ON TUESDAY 1ST JULY 2014.

These sites are:-

Former river captain's cottage	54 Chanter Street	Lot 4, Section 18, DP 758686
Former Moama Telegraph Station	60 Chanter Street	Lot 8, Section 18, DP 758686
Residence (former gaol and police station)	72 Chanter Street	Lot 3, DP 577291
Portal entry (former Maiden's Inn Hotel)	100 Chanter Street	Lot 1, Section 1, DP 758686
Maiden's Punt	Chanter Street	Lot 7021, DP 1123285

The heritage items have a shared significance associated with the early Moama Township and it is important that any new development in the area does not affect the significance of the area. The conservation area will ensure heritage is considered for all development within the area and assist in identifying the area as a heritage precinct. The following clause in Murray LEP 2011 would apply to land in the area.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Murray,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - i. a heritage item,*
 - ii. an Aboriginal object,*
 - iii. a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - i. on which a heritage item is located or that is within a heritage conservation area, or*
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - i. on which a heritage item is located or that is within a heritage conservation area, or*
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - i. is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - ii. would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - i. is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - ii. would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and*
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Council notified affected property owners of the proposal. Land owners were interested to know how the proposal would affect them. The NSW Aboriginal Land Council indicated their objection to being included in the area with concerns that it may impact upon what the Local Aboriginal Land Council may do on the land which is to be gifted to them. Another owner of four parcels in the area will make a deputation to Council to discuss the proposal and its impact on their property.

Submissions

A total of forty-three submissions were received regarding the proposed conservation area in Chanter Street, Moama. Details of the submissions are detailed below in Table 3.

Copies of the submissions have been attached for your reference as part of Appendix D.

In summary, one submission objected to the heritage overlay, one submission neither supported nor objected to the proposal, however wished for their private property to be removed from the overlay, and 41 submissions supported the overlay.

The vast majority of the supporters suggested that the overlay be extended to include land west of the proposed overlay to the levee bank and east to include Victoria Street/one allotment east of Victoria Street and all land between Council Street and the Murray River. This extension has been proposed by submission makers in order to:-

- Capture the importance of Victoria Street.
- Identify the end of the 'Long Paddock'.
- Identify the importance of the nearby relic of the "Early Inn".
- Identify the importance of the "gully approach to the old punt".
- Protect the setting and context of the heritage items within the heritage conservation area in accordance with Article 8 of the Burra Charter.

Table 3

Submission No.	Summary	Comments
3	The Moama Local Aboriginal Land Council lodged a submission objecting to the inclusion of the Murray River bank in the Heritage Conservation Area noting that the inclusion of the river bank is lacking in respect to Aboriginal people.	The Heritage Conservation Area has been proposed to trigger heritage consideration of both European and Aboriginal Cultural Heritage considerations and is meant in no way to be disrespectful to Aboriginal Culture or Aboriginal people. The objectives of the overlay are to: (a) <i>To conserve the environmental heritage of Murray;</i> (b) <i>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;</i> (c) <i>To conserve archaeological sites;</i> (d) <i>To conserve aboriginal places of heritage significance.</i> As such, the intention of the overlay is to further protect items of Aboriginal Cultural Heritage contained within the proposed overlay. This matter has been discussed with a representative of Moama Local Aboriginal Lands Council; however no further comments have been added to the initial submission.

4-17 (inclusive)	Submission makers support the proposed heritage overlay, however wish for the overlay to be expanded to include land west of the proposed overlay to Winall Street (levee bank) and east to Victoria Street. This extension has been proposed to capture the importance of Victoria Street and identify the end of the 'Long Paddock', the nearby relic of the "Early Inn" and the "gully approach to the old punt".	See recommendation
18	Submission maker neither supported nor objected to the heritage overlay however requested that their property at 99 Chanter Street, Moama be removed from the overlay siting that the property has no heritage value and was rebuilt 12 years ago as a modern home.	The property owned by the submission maker directly adjoins land identified as an Item of Environmental Heritage – I29- "Maiden's Punt". As such, heritage significance would be considered by Council as part of any assessment of development adjoining this Heritage Item. In addition, to remove this property from the overlay would cause fragmentation of the conservation area, and in effect, defeat the purpose of the overlay to preserve context. The submission maker has met with staff to discuss his concerns as they were unable to address Council due to personal reasons. Issues raised include: need for overlay on riverside of Chanter Street as no development permitted under current planning law, their dwelling is relatively modern and therefore questions the relevance of the overlay on their property, adding an additional overlay has the potential to impact upon the ability to sell in the future.
19	Submission maker supports the proposed heritage overlay however wishes for the overlay to be expanded to include land west of the proposed overlay to Winall Street (levee bank) and east to the area one allotment west of Victoria Street including all area between Council Street and the Murray River. This extension of area has been proposed to protect the setting and context of the heritage items within the heritage	See recommendation

	conservation area in accordance with Article 8 of the Burra Charter.	
20- 44	Submission makers support the proposed heritage overlay however wish for the overlay to be expanded to include land west of the proposed overlay to the levee bank and east to Victoria Street. This extension has been proposed to capture the importance of Victoria Street and identify the end of the 'Long Paddock', the nearby relic of the "Early Inn" and the "gully approach to the old punt".	It is noted that all three submissions contained multiple signatures. As such, while 3 submissions have been recorded for the purposes of this report, a total of eleven signatures were contained in the submissions in support of the proposal and the suggested expansion of the conservation area. See recommendation
45	Submission maker supports the proposed heritage overlay.	See recommendation

Discussion

It is noted that the proposed conservation area is intended to strengthen the legislative controls applicable to development to and around Items of Environmental Heritage within the proposed conservation area and formalise the heritage importance of the area known as "Old Moama".

The existing heritage controls within the Murray LEP are considered site specific and may not adequately protect the setting and context of the heritage item. The proposed Heritage Conservation area is by no means a mechanism to prohibit all development and instead will act as a trigger for Council and stakeholders to consider the impact of proposed development on the setting and context of a heritage item, and the "Old Moama" area. One submission maker has requested that their property be removed from the heritage overlay. The subject land known as Lot 236 DP 751152, Chanter Street, Moama directly adjoins land identified as an Item of Environmental Heritage – I29- "Maiden's Punt".

Although heritage significance would be considered by Council as part of any assessment of development adjoining this Heritage Item, to remove this property from the overlay would cause fragmentation of the conservation area, and in effect, defeat the purpose of the overlay to preserve context, setting and heritage continuity. It is therefore suggested that the subject lot remain within the heritage overlay.

In accordance with the volume of submissions received from the general public, it is also recommended that a review of the conservation area be undertaken as part of the next Murray LEP review/amendment in order to discuss the expansion of the overlay to include area north to Council Street, west to Winall Street (the levee bank) and one allotment east of Victoria Street, Moama.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the plan be made.

Item of Environmental Heritage I63- Mathoura Station

The 'Planning Proposal' recommendation made by Council was as follows:-

"The property description and heritage map for Item of Environmental Heritage I63- Mathoura Station be amended to refer to Lot 2 DP 756272. Refer to Figure 10."

The property description for heritage item has been incorrectly identified under Schedule 5- Environmental Heritage as being located on Lot 4 DP 1100188. The correct lot is Lot 2 DP 756272. The corresponding heritage map also needs to be revised to correctly identify the affected lot (refer to Figure 10).

Submissions

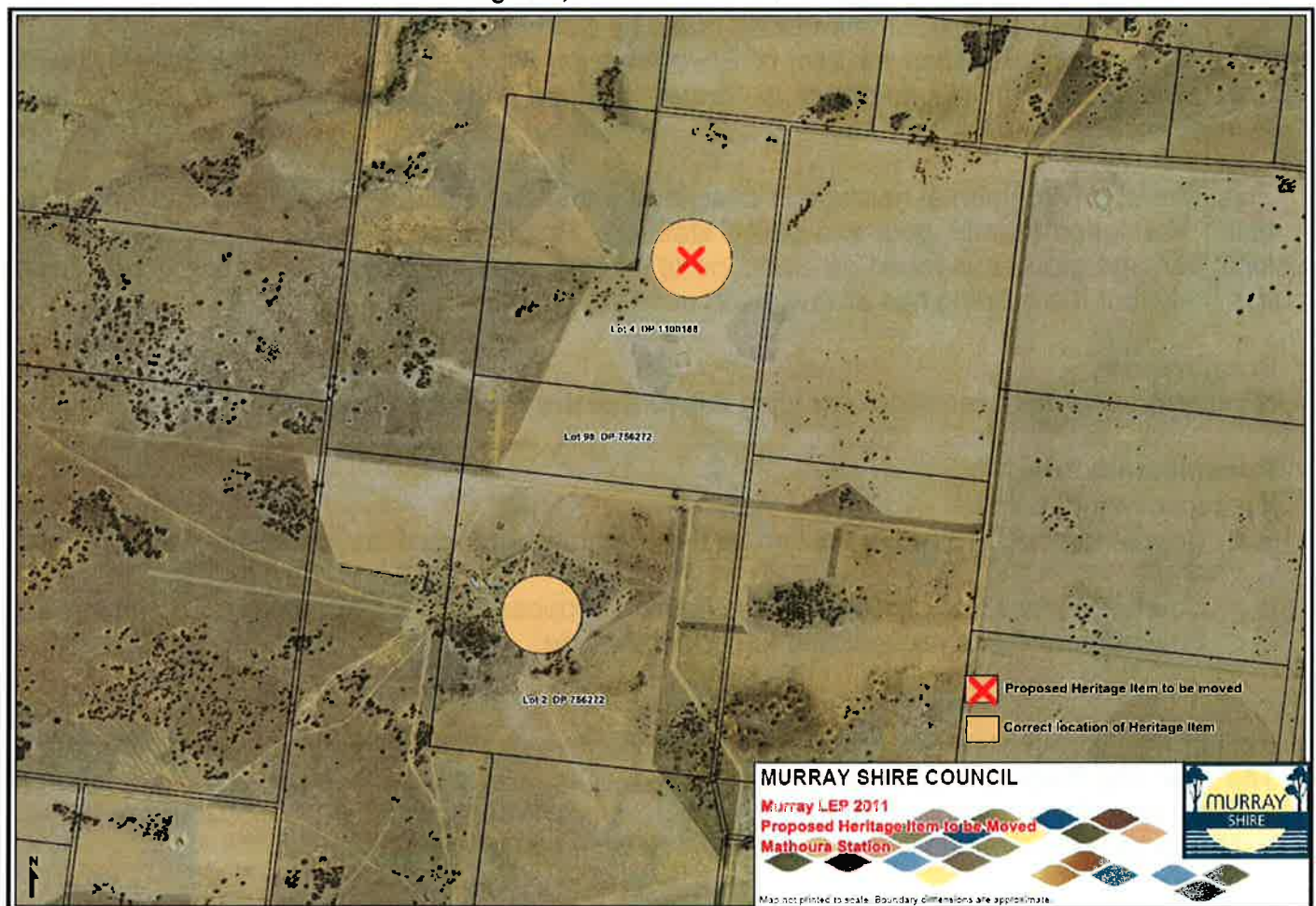
No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

FIGURE 10: Item of Environmental Heritage I63, Mathoura Station



Item of Environmental Heritage I4- 8 Simms Street, Moama

The 'Planning Proposal' recommendation made by Council was as follows:-

"The property description and heritage map for Item of Environmental Heritage I4- 8 Simms Street, Moama be amended to refer to Lot 1 DP 514180."

The property description for heritage item has been incorrectly identified under Schedule 5- Environmental Heritage as being located on Lot 3 Section 29 DP 758686. The correct lot is Lot 1 DP 514180.

Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Item of Environmental Heritage I8- 72 Chanter Street, Moama

The 'Planning Proposal' recommendation made by Council was as follows:-

"The property description for Item of Environmental Heritage I8- 72 Chanter Street, Moama be amended to remove reference to 'former gaol and police station' and to be referred to as 'residence'."

This item of environmental heritage is described under Schedule 5- Environmental Heritage as being 'residence (former gaol and police station)'. However, recent research conducted by a local heritage group has found no evidence of it being used as gaol/police station and believes it is likely that the building has always been used as a residence.

Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Item of Environmental Heritage I43- 27 Conargo Street, Mathoura

The 'Planning Proposal' recommendation made by Council was as follows:-

"The property description for Item of Environmental Heritage I43- 27 Conargo Street, Mathoura be amended to refer to Lot 3 DP Section 65 DP 758656."

The property description for heritage item has been incorrectly identified under Schedule 5- Environmental Heritage as being located on Lot 3 Section 65 DP 758686. The correct lot is Lot 3 Section 65 DP 758656.

Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Item of Environmental Heritage I24- 9 Simms Street, Moama

The 'Planning Proposal' recommendation made by Council was as follows:-

"I24- Timber Federation Regency style dwelling at 9 Simms Street, Moama be removed from Council's 'Items of Environmental Heritage' listed under Schedule 5 Murray LEP 2011. Refer to Figure 11."

Item of Environmental Heritage I24 is a Timber Federation Regency style dwelling at 9 Simms Street, Moama (refer to photographs below and also Figures 9 and 11).



Unfortunately a recent fire severely damaged the building. The fire has affected the heritage significance of the property.



A 'fire reinstatement inspection report' recommended that from an economic perspective, repairs could not be undertaken and therefore, the building should be demolished. It is considered that it would be unreasonable to require the property to be restored. Therefore, it is recommended that the property be removed from Council's 'items of Environmental Heritage' under Murray LEP 2011.

FIGURE 11: Item of Environmental Heritage I24 to be removed, 9 Simms Street, Moama



Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Proposed Item of Environmental Heritage- McLaurin Cemetery, Millewa Road

The 'Planning Proposal' recommendation made by Council was as follows:-

"McLaurin Cemetery', Millewa Road, be added as an item of environmental heritage. Refer to Figure 12."

Murray Shires Heritage Committee has reviewed Councils Items of Environmental Heritage listed under Schedule 5 of Murray LEP 2011 and has recommended Council consider listing the McLaurin Cemetery as an item.

The land containing the Cemetery was originally on a 320 acre lot purchased by James McLaurin and sons in 1855. The land was declared to be Crown Land in 1905 and was dedicated state forest in 1917.

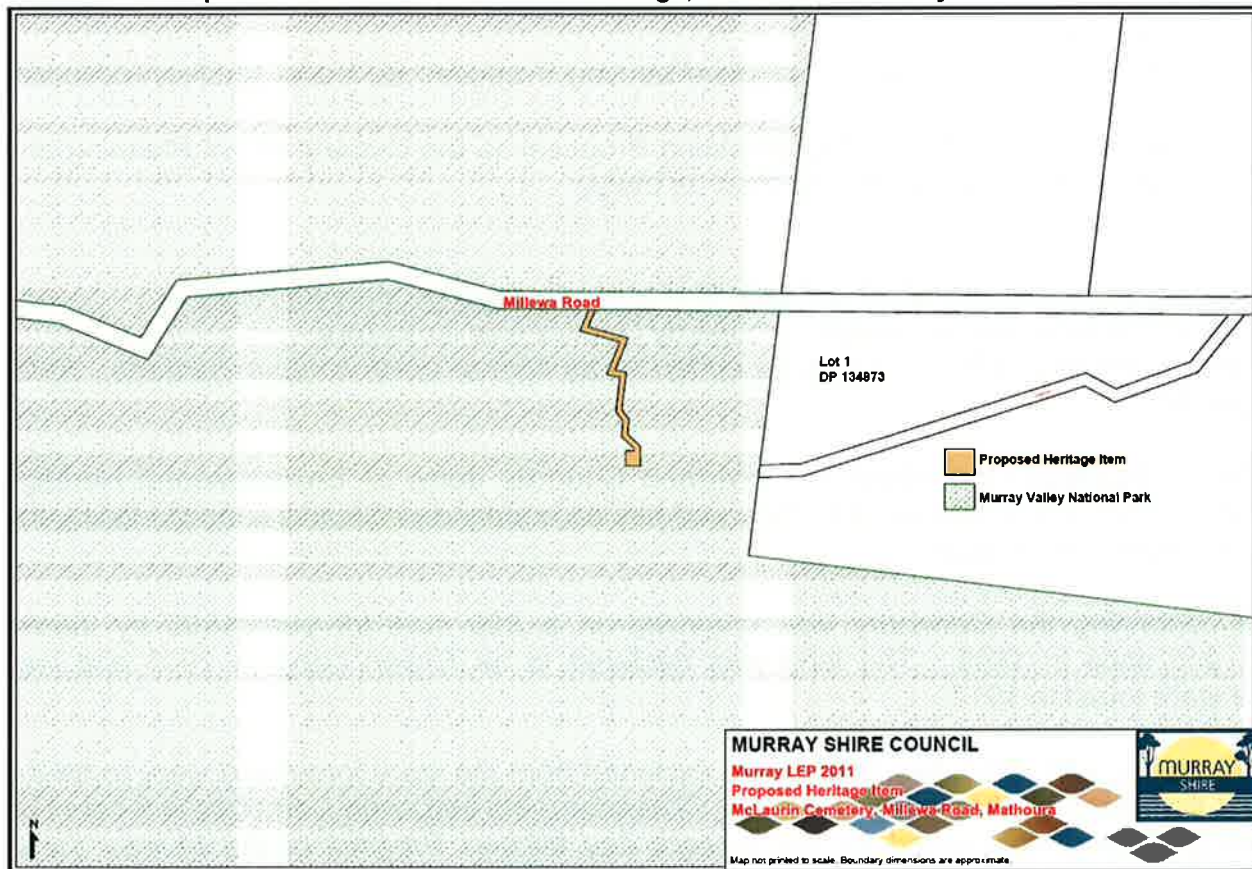
Upon the lot being cancelled, two roods were excluded from the state forest and were to be the property of the 'grantee', that is the Cemetery. Therefore, the McLaurin Cemetery is located on a separating holding surrounded by the present day Millewa Precinct of the Murray Valley National Park.

The Cemetery is of significance in the context of European settlement in the Murray Shire. The site is a small Cemetery of an early pioneering family. It is one of the earliest remaining relics of European settlement in the area with one grave dated 1853 and another from 1856. See photograph below and also Figure 12.



A member of the McLaurin family was contacted in respect to the proposal and did not raise any objection.

FIGURE 12: Proposed Item of Environmental Heritage, McLaurin Cemetery



Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Proposed Item of Environmental Heritage- 'Perricoota Woolshed', Lot 1, DP 521210, Perricoota Road, Moama

The 'Planning Proposal' recommendation made by Council was as follows:-

"Perricoota Woolshed', Lot 1, DP 521210, Perricoota Road, Moama be added as an item of environmental heritage. Refer to Figure 13."

Murray Shires Heritage Committee has reviewed Councils Items of Environmental Heritage listed under Schedule 5 of Murray LEP 2011 and has recommended Council consider listing the Perricoota Woolshed as an item. The Woolshed (refer to Figure 13) is located on a small 8ha lot on Perricoota Road, Moama.



The Perricoota Woolshed dates to at least the start of the 20th century. Perricoota Station was used in conjunction with the neighbouring Moira Station to graze merino sheep which were shorn at the shearing shed. The shed was originally located 10km to the north east of its present location; however upon sale of part of the property in 1911, the shed was dismantled and re-erected in its current location. The shed is an important artefact of the regions pastoral heritage. The land owner has been notified but no comment has been received.

FIGURE 13: Item of Environmental Heritage, Perricoota Woolshed, Moama



Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

ADDITIONAL LOCAL PROVISIONS – RELATED MATTERS

1. 'deferred'.
2. 'deferred'.

Recreation Facility (Outdoor)

The 'Planning Proposal' recommendation made by Council was as follows:-

"Recreation Facility (Outdoor) be removed from permissible uses within 'river front areas' under Clause 7.4(2)(e)."

It is considered that certain land uses may not be appropriate within river front areas. Of the land uses currently permitted in river front areas, it is considered that recreation facility (outdoor) should be restricted within river front areas. The definition of recreation facility (outdoor) is provided below.

"recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)."

It is considered that a number of these facilities are not consistent with the objectives of the clause and there is no reason why these facilities can not be set back 100m from the bank of the river. Recreation areas including; playgrounds, areas used for sporting activities and parks/gardens would still be permitted within river front areas.

Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

Clause 5.4(9)(b)

The 'Planning Proposal' recommendation made by Council was as follows:-

"Clause 5.4(9)(b) be revised from 50% to 20% of the total floor area of the principal dwelling."

Submissions

One submission was received regarding the amendment of Clause 5.4(9)(b). A summary of the submission is outlined below in Table 4. A copy of the submission has been attached for your reference as part of Appendix D.

Table 4

Submission No.	Summary	Comments
46	The submission maker is concerned that the reduction to 20% is too restrictive and would prevent the erection of a secondary dwelling on a normal or average sized lot.	Currently, clause 5.4(9) states that the total floor area of the permitted secondary dwelling must not exceed whichever of the following is greater: (a) 60 square meters; (b) 50% of the total floor area of the principle dwelling. Only Clause 5.4(9)(b) is proposed to be amended, the provisions of Clause 5.4(9)(a) will still apply to all assessable secondary dwellings. Therefore, a small principle dwelling as per the submission maker's example would be captured by Clause 5.4(9)(a) provisions. See recommendation.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

SCHEDULE 2 EXEMPT DEVELOPMENT RELATED MATTERS

The 'Planning Proposal' recommendation made by Council was as follows:-

1. *"Removal of exempt provisions for 'advertisements and advertising structures'.*
2. *Exempt provisions for 'business identification signage' be inserted into Schedule 2. Refer to Attachment 3 in respect to proposed clause."*

Under Murray LEP 2011, Council included some provision to exempt advertising and advertising structures from requiring development consent. The clause is based on the exemptions under SEPP 60 Exempt and Complying Development and the provisions under the former Murray Shire Development Control Plan. However, the Department of Planning and Infrastructure is amending the SEPP (Exempt and Complying Development Codes) 2008 to include exempt provisions for advertising and signage. Therefore, there is no need for Council to have exempt provisions for advertisements and advertising structures in its LEP. It is recommended that these be removed. The relevant part of the revised SEPP which came into effect on 22 February 2014 is attached as Appendix E.

However, the provisions do not permit any 'business identification signs' to be exempt provisions. A 'business identification sign' means a sign:-

- (a) *that indicates:*
- i. *the name of the person or business, and*
 - ii. *the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*
- (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*

It is recommended that exempt provisions similar to the 'building identification signage' contained within the SEPP be inserted into Schedule 2 of the Murray LEP 2011 for 'business identification signage'. This will permit such signage to be erected without Council consent if it complies with the provisions.

Submissions

No submissions were received regarding this part of the 'Planning Proposal'.

Recommendation

It is recommended that:-

1. Council proceed with this section of the 'Planning Proposal' as it was publicly exhibited; and
2. Council forward this section of the 'Planning Proposal' to the Department of Planning and Environment with a request that the Plan be made.

GENERAL SUBMISSION RECEIVED REGARDING PLANNING PROPOSAL

The NSW Rural Fire Service provided broad comment regarding the proposal as detailed below.

Submission No.	Summary	Comments
47	NSW RFS confirmed that the following issues be considered as part of the review:- • Adequate separation can be achieved between environmental and residential zone boundaries. • Ongoing strategic management of environmental and public reserves in consultation with RFS. • Potential to clear native vegetation on riparian corridors to establish Asset Protection Zones on river front areas.	All comments have been noted, however they do not relate to any specific amendment under this Planning Proposal. These comments should be deferred and considered in the review of the LEP currently being undertaken.

Recommendation

It is recommended that Council consider this submission from the NSW RFS as part of the LEP review.

Simon Arkinstall
Director of Environmental Services

