



Mr Des Bliske
General Manager
Murray River Council
PO Box 21
MATHOURA NSW 2710

Attention: Mr Glenn Bulmer, Manager Planning and Building

Dear Mr Bliske

**Planning proposal (PP_2017_MRIVE_002_00) to amend Murray Local
Environmental Plan 2011 – Kooyong Park**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal for land at the corner of Moama and Holmes Streets, Moama known as Kooyong Park (PP_2017_MRIVE_002_00). The planning proposal seeks to rezone the land from RU1 Primary Production and E3 Environmental Management to R2 Low Density Residential, remove the minimum lot size provisions and insert a new listing into Schedule 1 Additional Permitted Uses for a restaurant and function centre and insert a site-specific clause requiring a development control plan for the site.

The Department has reviewed the planning proposal and supporting material. The strategic justification and flood study prepared to support the proposed rezoning remains of concern. At this stage, there is insufficient information to justify the rezoning of land in this locality and inconsistency with government policy. The proposal has the potential to establish a precedent that will undermine the comprehensive strategic land-use planning process being undertaken by Council. It is noted that there appears to be an adequate supply of unconstrained land zoned for residential purposes to the north west of Moama.

The Department agrees with the Office of Environment and Heritage to postpone the planning proposal and consider the matter as part of a comprehensive flood management study consistent with the NSW Floodplain Development Manual. We understand Council has received funding to undertake the Moama Flood Study review (including Echuca), which will commence soon. This site should be considered as part of this work as a matter of priority.

The Department commends Council on the strategic planning work it is undertaking and acknowledges that progress is being made. The Department looks forward to working with Council through the preparation and endorsement of the Comprehensive Murray River Strategic Land Use Plan. There may be an opportunity for Council to include the subject land in the draft after the completion of the Moama Flood Study review; noting

that the draft Strategy can now be informed by the directions and actions of the Riverina Murray Regional Plan 2036.

For the Department to make a clear decision should the land be justified strategically against government policy; the planning proposal should be revised to include:

- A clear understanding of the flooding impacts on the site, the level of risk for potential residents and emergency services and the appropriate flood mitigation measures. Council is encouraged to consult with the NSW Office of Environment and Heritage – Flood Unit to ensure the planning proposals consistency with the NSW Floodplain Development Manual; and
- Further information regarding the impacts of development on neighbouring land and locality and the arrangements for the construction of a levee around the site. Additional information should provide an in-depth analysis of how Council intends ensure the construction and maintenance of any levee bank extension.

The Department of Planning and Environment is available to work with Council, key agencies and the community to establish a strategic framework of clear planning directions and principles that will guide the assessment of future planning proposals.

Should you have any questions regarding this matter, I have arranged for Ms Nita Scott, Senior Planner, Western, at the Department to assist you. Ms Scott can be contacted on 6841 2180.

Yours sincerely



5.3.18

Damien Pfeiffer
Director, Western Region
Planning Services