

**Murray LEP 2011 Amendment - Identify a local Heritage Conservation Area in Old Moama
Precinct, Chanter Street, Moama**

Proposal Title :	Murray LEP 2011 Amendment - Identify a local Heritage Conservation Area in Old Moama Precinct, Chanter Street, Moama		
Proposal Summary :	The planning proposal seeks to amend the Murray LEP 2011 to identify a Heritage Conservation Area of local significance at the Old Moama Precinct at Chanter Street, Moama. The proposal seeks to amend 'Schedule 5 - Environmental heritage' and associated heritage mapping under the Murray Local Environmental Plan (LEP) 2011 in order the achieve its intended outcomes to create the 'Old Moama Heritage Conservation Area'. The proposal also seeks to rectify minor errors in the property description of 2 local heritage items listed under Schedule 5 Environmental heritage in Murray LEP 2011.		
PP Number :	PP_2016_MRIVE_006_00	Dop File No :	16/15375-1

Proposal Details

Date Planning Proposal Received :	29-Nov-2016	LGA covered :	Murray River
Region :	Western	RPA :	Murray River Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	54 Chanter Street		
Suburb :	Moama	City :	Moama
Land Parcel :	Lot 2 DP 1190071 (Former River Captain's Cottage - Heritage Item I7)		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama
Land Parcel :	Lot 11 DP 802815		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama
Land Parcel :	Lot 7 Section 18 DP 758686		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama
Land Parcel :	Lot 8 Section 18 DP 758686		
Street :	60 Chanter Street		
Suburb :	Moama	City :	Moama
Land Parcel :	Lot 9 Section 18 DP 758686 (Former Moama Telegraph Station - Heritage Item I14)		

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Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 10 Section 18 DP 758686		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 20 DP 262658		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 21 DP 262658		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 2 DP 1179236 (Unmatched lot)		
Street :	72 Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 3 DP 577291 (Residence - Heritage Item I8)		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 22 DP 262658		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 23 DP 262658		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 24 DP 262658		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 25 DP 262658		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 2 DP 1113444		
Street :	102 Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 1 DP 1113444		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 7006 DP 1123157		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama Postcode : 2731
Land Parcel :	Lot 7019 DP 1123285		

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Street :	Chanter Street		
Suburb :	Moama	City :	Moama
		Postcode :	2731
Land Parcel :	Lot 7020 DP 1123285		
Street :	99 Chanter Street		
Suburb :	Moama	City :	Moama
		Postcode :	2731
Land Parcel :	Lot 236 DP 751152		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama
		Postcode :	2731
Land Parcel :	Lot 242 DP 751152		
Street :	Chanter Street		
Suburb :	Moama	City :	Moama
		Postcode :	2731
Land Parcel :	Lot 7021 DP 1123285 ('Maiden's Punt' - Heritage Item I29)		
Street :	100 Chanter Street		
Suburb :	Moama	City :	Moama
		Postcode :	2731
Land Parcel :	Lot 1 Section 1 DP 758686 (Portal entry of former Maiden's Inn Hotel - Heritage Item I13)		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**
Contact Number : **0268412180**
Contact Email : **Wayne.Garnsey@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub	N/A	Consistent with Strategy :	Yes
Regional Strategy :			

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MDP Number :		Date of Release :	
Area of Release (Ha)	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **No known meetings with registered lobbyists.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No known meetings with registered lobbyists.**

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to amend the Murray LEP 2011 to identify a Heritage Conservation Area of local significance at the Old Moama Precinct at Chanter Street, Moama.**

The proposed Heritage Conservation Area includes 23 lots along Chanter Street in Moama, in which there are five (5) existing heritage items. These items are already listed under 'Schedule 5 - Environmental heritage' in the Murray LEP 2011, and include the following items:

- Item I7 'Former captain's cottage' at 54 Chanter Street (Lot 2 DP 1190071)
- Item I8 'Residence' at 72 Chanter Street (Lot 3 DP 577291)
- Item I13 'Portal entry of former Maiden's Inn Hotel' at 100 Chanter Street, Moama (Lot 1 Section 1 DP 758686)
- Item I14 'Former Moama Telegraph Station' at 60 Chanter Street, Moama (Lot 9 Section 18 DP 758686)
- Item I29 'Maiden's Punt' at Chanter Street, Moama (Lot 7021 DP 1123285)

The subject site comprises lots in both private ownership and Council owned lots.

The subject site of the proposed Heritage Conservation Area is the location of 'Old Moama', the original settlement of Moama, on the northern banks of the Murray River. The proposal to create a conservation area will strengthen the planning controls applicable to any development within the subject area, and require consideration of clause 5.10 Heritage conservation under Murray LEP 2011.

It is noted that the subject area is zoned E3 Environmental Management with a minimum lot size (MLS) of 120ha, which restricts any further subdivision and residential development in the absence of a prior consent/dwelling entitlement. The subject area is outside the Moama flood levee, and is flood and bushfire prone land. The site is also affected by LEP mapping for Wetlands and Terrestrial Biodiversity (Native Vegetation).

In order achieve its intended outcome, the proposal seeks to amend 'Schedule 5 - Environmental heritage' and associated heritage mapping under the Murray LEP 2011 in order the achieve its intended outcomes to create an 'Old Moama Heritage Conservation Area'.

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Council's heritage advisor is supportive of the proposed Heritage Conservation Area within the Old Moama Precinct. The proposal to create a conservation area in Old Moama had undergone a public consultation process in April 2014 as part of the Murray LEP 2011 Amendment 3 review, however the matter was deferred in proceeding Council meetings. There were 43 submissions to the proposal with recommendations to alter the scope of the proposed conservation area across Chanter St, Moama. The Moama Local Aboriginal Land Council (LALC) made an objection to the proposed Heritage Conservation Area, on the grounds that the intentions of the proposal were unclear.

Murray River Council will be required to consult extensively with both the Moama LALC and the Office of Environment and Heritage (OEH) in order to more clearly convey the intention of the proposed conservation area, as a Gateway condition.

The proposal also seeks to make 2 minor corrections to the property description (Lot and DP numbers) for items I7 and I14 under Schedule 5 Environmental heritage in Murray LEP 2011. These are minor administrative corrections, as follows:

- Item I7 has been incorrectly identified as "Lot 4, Section 18, DP758686" and should instead be identified as property description "Lot 2 DP 1190071" in Schedule 5 Environmental heritage in Murray LEP 2011.

- Item I14 has been incorrectly identified as "Lot 8 Section 18 DP758686" and should instead be identified as property description "Lot 9 Section 18 DP 758686" in Schedule 5 Environmental heritage in Murray LEP 2011.

It is recommended the Minister's delegate issue Gateway determination to proceed subject to conditions. It is recommended Council be required to consult with the Office of Environment and Heritage (OEH) as a Gateway condition during the consultation period.

Council has requested to exercise delegations of plan making functions and this is considered appropriate in this case as the proposal is of minor and local significance.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **An adequate statement of objectives or intended outcomes have been provided, summarised as: "to create a Local Significance Heritage Conservation Area within the subject land (located within the Old Moama Precinct in Chanter Street, Moama)."**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **An adequate explanation of provisions has been provided, summarised as: "this Heritage Conservation Area is to be included in Schedule 5 Environmental Heritage of the Murray Local Environmental Plan 2011"**

The proposal also seeks to identify the Heritage Conservation Area on the LEP heritage mapping to achieve its intended outcomes.

Correction of minor administrative errors in Schedule 5 of the Murray LEP 2011 is also proposed, to identify correct address details for 2 heritage items.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 55—Remediation of Land

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

Murray REP No. 2 - Riverine Land

e) List any other matters that need to be considered :

Consideration of relevant Section 117 Directions -

The planning proposal considers all Section 117 Ministerial Directions. The following section 117 Directions are relevant in this case:

1.5 RURAL LANDS: This Direction applies to the planning proposal as it relates to land within an existing environment protection zone (E3 Environmental Management). The proposal is consistent with this Direction as it considers and demonstrates consistency with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.

2.1 ENVIRONMENT PROTECTION ZONES: This Direction applies to the planning proposal as it relates to land zoned E3 Environment Management. The proposal to create a Heritage Conservation Area does not create an inconsistency with this Direction.

2.3 HERITAGE CONSERVATION: This Direction applies to the planning proposal as the subject site contains items of environmental heritage significance. The proposal is consistent with the objectives of this Direction as it creates provisions to facilitate conserving items and places of heritage significance.

4.3 FLOOD PRONE LAND: This Direction applies to the planning proposal as the proposal alters a provision that affects flood prone land. The provision triggers application of clause 5.10 Heritage conservation in Murray LEP 2011 for all development within the proposed Heritage Conservation Area. The proposal does not affect provisions that relate to flooding. Thus, the proposal is deemed consistent with this Direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction applies to the planning proposal as the subject land is mapped as bushfire prone. The proposal does not alter provisions that relate to planning for bushfire protection and is therefore deemed consistent with this Direction.

The planning proposal also considers all other Section 117 Ministerial Directions, and upon assessment are these deemed either not relevant or does not create any inconsistencies in this case.

No further work is required in relation these Direction.

Consideration of relevant SEPPs -

The planning proposal considers all SEPPs. The following SEPPs are deemed relevant

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in this case:

SEPP (Exempt and Complying Development Codes) 2008: The proposal does not adversely affect existing exempt and complying development requirements, beyond the need to also consider the 'heritage conservation area' provisions on the subject lots.

SEPP (Infrastructure) 2007: The proposal does not adversely affect the provisions in this SEPP, beyond the need to also consider the 'heritage conservation area' provisions on the subject lots.

SEPP (Rural Lands) 2008: The proposal is consistent with this SEPP as the Rural Planning Principles are considered and demonstrates overall consistency.

Murray Regional Environmental Plan no 2 - Riverine Land (MREP No 2): The proposal is consistent with this deemed SEPP as the proposal does not affect the provisions in place to protect the Murray River. The MREP No 2 will continue to be a consideration for all development along the riverine environment.

In consideration of all other SEPPs and deemed SEPPs, the proposal either does not create inconsistencies or these are deemed not relevant in this case.

No further work is required in relation to SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes adequate indicative mapping for community consultation purposes. The planning proposal will achieve its intended outcome by amending 'Heritage Map - Sheet HER_006B' of the Murray LEP 2011, to identify a Heritage Conservation Area in Chanter Street, Old Moama.

Final LEP maps will be required with the section 59 submission.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A 28 day public exhibition period is proposed and this is deemed appropriate. Community consultation should be carried out in the manner set out in the 'Guide to preparing Local Environmental Plans' (August 2016), including newspaper notification, Council's website and in writing to affected and adjoining landowners.

It is noted that preliminary public consultation has previously been undertaken by Council in relation to creating a Heritage Conservation Area in the Old Moama precinct in Chanter Street, Moama.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Murray LEP 2011 was notified on 16 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required as this is the only mechanism to create a Heritage Conservation Area under the Murray LEP 2011.**

Consistency with strategic planning framework : **The planning proposal does not create any inconsistencies with Council's unendorsed land use plan (Murray Strategic Land Use Plan). The subject area is identified as 'rural floodplain' and no urban development or intensification is identified as the area is outside the Moama flood levee.**

Environmental social economic impacts : **The planning proposal is unlikely to create adverse environmental, social and economic impacts. Any future development on the subject site will be subject to a merit based development assessment, including consideration of the heritage values of the Old Moama precinct.**

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - s56(2)(d) :	NSW Aboriginal Land Council Office of Environment and Heritage		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

Council is required to consult with the Office of Environment and Heritage as a Gateway condition, to confirm the need for a formal Heritage Study. If OEH recommends the need for a heritage study to justify the proposed Heritage Conservation Area, Council will be required to submit the result of consultations and studies with the section 59 report.

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Request for Initial Gateway Determination.pdf	Proposal Covering Letter	Yes
Council Meeting Agenda incl Planning Proposal - 15 November 2016.pdf	Proposal	Yes
MRC 15 November 2016 - Ordinary Council Meeting Minutes November 2016.pdf	Proposal	Yes
Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_functions.pdf	Proposal	Yes
BusinessPaperAttachments 8-15.opt_ 16 April 2013 .pdf	Proposal	Yes
BusinessPaperAttachments 8-15.opt_ 16 April 2013 .pdf	Proposal	Yes
BusinessPaperAttachments 16-21.opt_ 1 July 2014.pdf	Proposal	Yes
Site Photos.pdf	Photograph	Yes
Friends of Old Moama 110313 Old Telegraph Station.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

Additional Information : It is recommended the Minister's delegate determines and supports the planning proposal, subject to the following conditions:

1. Prior to submission of the planning proposal under section 59 of the EP&A Act, Council is required to rectify the two (2) minor administrative errors in property descriptions for local heritage Items I7 and I14 under Schedule 5 Environmental heritage in Murray LEP 2011, as described in the planning proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

3. Consultation is required with the following agencies under Section 56(2)(d) of the Environmental Planning and Assessment Act 1979. Each agency is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal.

- Office of Environment and Heritage (OEH)
- Moama Local Aboriginal Land Council (LALC)

4. A public hearing is not required to be held into the matter by any person or body under

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section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

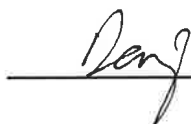
Supporting Reasons :

The proposal will create a requirement to consider the heritage values of the Old Moama precinct for any development within the proposed Heritage Conservation Area, under clause 5.10 Heritage conservation of the Murray LEP 2011.

Identifying a Heritage Conservation Area provides additional merit based grounds for development control at the site, and provides greater protection of the heritage values of the Old Moama precinct.

The planning proposal is of minor and local significance.

Signature:



Printed Name:

Deniz Kilic

Date:
