

**RECORD OF DECISION
WESTERN JOINT REGIONAL PLANNING PANEL
MEETING HELD AT MOAMA SPORTS CLUB
ON TUESDAY, 4 OCTOBER 2016 at 1:00pm**

PRESENT:

Gordon Kirkby	Chair
Ruth Fagan	Panel Member
Mark Grayson	Panel Member
Simon Arkinstall	Murray River Shire Council
Lylia Smith	Murray River Shire Council

Apologies: David Shaw, Margot Stork

1. The meeting commenced at 1:30pm

2. Declarations of Interest

Nil

3. Business Item – 2016WES005 – Planning Proposal to amend Murray Local Environmental Plan 2011 to rezone land and reduce minimum lot size for 23 allotments at River Gums Estate, Maiden Smith Drive, Moama

4. Public Submissions

Eighteen public submission were received on the proposal. Ten supported the proposal and eight objected to the proposal.

5. Business Item Recommendations

That the Western Joint Regional Planning Panel, as the Relevant Planning Authority:

- **notes** the key issues raised in the submissions from the public, Office of Environment and Heritage, Rural Fire Service and Roads and Maritime Services; and
- **notes** the Department of Planning and Environment position that the proposal should proceed to finalisation as the proposed rezoning and amended minimum lot size is a natural extension of the existing urban area and the reduced lot size would provide for a more appropriate density consistent with the surrounding development pattern, whilst still maintaining the larger allotment sizes, with operational design matters to be resolved at the development application stage.

6. Panel Decision

The Panel agreed unanimously to the following:

- notes the issues raised in submissions
- supports the progression of the planning proposal by adopting the motion as follows:
 1. adopt the planning proposal, subject to the following amendments:

- a) amend Part 7 of Murray LEP 2011 an amendment to include a new local Provision (Clause 7.9):

7.9 Maiden Smith Drive, Moama

- (1) *This clause applies to certain land at Maiden Smith Drive, Moama, being Lots 1-12 DP 258661.*
- (2) *The objective of this clause is to prevent intensification of development on land directly fronting the Murray River and Lot 24 DP 258661.*
- (3) *Despite any other provision of this Plan, development consent must not be granted to the subdivision of land or the erection of a dwelling on land to which this clause applies unless:*
- (a) *no additional lots are created that adjoin Lot 24 DP 258661 (Council Reserve), and*
- (b) *a dwelling house is not erected within 40 metres of any bank of a river.*
- (4) *Despite subclause (3), development consent may be granted for the subdivision of land into 2 lots, each adjoining Lot 24 DP 258661, if there was an existing dwelling and secondary dwelling on the land at the commencement of this clause, and each of those dwellings will be situated on different lots resulting from the subdivision.*
- b) amend the Urban Release Map (URA 006A) to include Lots 1-12 DP 258661 as an Urban Release Area.
2. ask the Department to prepare Standard Instrument mapping for the proposal;
3. ask the Secretary to prepare a draft Local Environmental Plan (LEP) under section 59(1) of the Environmental Planning and Assessment Act, 1979 (the Act), including consultation with the Panel on the wording of the LEP; and
4. ask the Minister for Planning to make the LEP under section 59(2) of the Act.

Endorsed by

 Gordon Kirkby, Chair	 Ruth Fagan	 Mark Grayson
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