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Our Ref: S6572/4
Your Ref:

Mr C O'Brien
Town Planner
Murray River Council
PO Box 21
MATHOURA NSW 2710

22 JAN 2018

22 January 2018

Dear Chris

Re: Planning Proposal
PP_2017_MRIVE_001_00
To amend Murray River LEP 2011
Floating Restaurant

Please find attached two copies of the above mentioned Planning Proposal which has been amended in accordance with the request of the NSW Department of Planning and Environment.

The proposal now includes comments relevant to the Riverina-Murray Regional Plan 2036 which was in draft format when the proposal was originally prepared.

I have also sent the Planning Proposal to you in electronic .pdf format.

I would be grateful if you would now proceed to public advertising as instructed by the Department and forward the proposal to the relevant Authorities as directed. I have had preliminary contact with each of the nominated Authorities and obtained approval from all.

I trust this submission is in order however please do not hesitate to contact me should you require any further details.

Yours faithfully

Mark Langenbacher
Licensed Surveyor (Vic)
Registered Surveyor (NSW)



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PLANNING PROPOSAL

MURRAY LEP 2011

COMMERCIAL MOORING CL6224

MURRAY RIVER

MOAMA

**ZONE W2 RECREATIONAL
WATERWAYS**

CL.2.5 ADDITIONAL PERMITTED USE

RESTAURANT

**PLANNING PROPOSAL
ADDITIONAL PERMITTED USE
COMMERCIAL MOORING CL6224
MURRAY RIVER, MOAMA NSW**

PART 1 – OBJECTIVES OR INTENDED OUTCOME

To amend the Murray LEP 2011 to allow a floating restaurant to be established on the mooring associated with the Paddle steamer Hero in the Murray River at Echuca.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- Introducing “Restaurant” as an additional permitted use for the PS Hero mooring into Schedule 1 of the Murray LEP 2011 via Clause 2.5. Such use is to be carried out with Development Consent.

The extent of the site affected by the proposal is shown on the plan at Attachment 3.

PART 3 – JUSTIFICATION

SECTION A – Need for the Planning Proposal

Q1. *“Is the Planning Proposal a result of any strategic study or report?”*

No. The Planning Proposal is the result of a former regionally and internationally acclaimed dining venue intending to re-establish in a new location.

The intended position of the restaurant on the mooring associated with the Paddle steamer Hero compliments/further the intended outcome of the recently completed Port of Echuca Revitalisation Plan (PERP). The PERP was a multimillion dollar program funded by the Commonwealth, State and Local Government to reinvigorate the Port of Echuca to attract more tourists.

The PERP was expected to deliver amongst other things:

- an additional 22,000 visitors annually to the Port of Echuca and;
- provide indirect economic benefit to the region.

The PERP recognised that the visitor experience must be strengthened, valued and must meet or exceed expectations.

The re-establishment of a local icon in the proposed location is seen to be a way of enhancing the visitors experience to Echuca/Moama and compliments the PERP.

A copy of the PERP is attached at item 10.

- Q2. *"Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?"*

The Planning Proposal is to allow an additional permitted use only on a particular site.

The particular use to be permitted is deemed appropriate to the site given the location of the site and its position relative to the Port of Echuca which is an important tourist attraction.

As the site is within the Murray River it is not considered appropriate to re-zone the site from the current W2 Recreational Waterways Zone.

The Planning Proposal to allow an additional permitted use on the particular site requires less of a change to the LEP than a re-zoning and provides a more appropriate outcome.

SECTION B – Relationship to Strategic Planning Framework

- Q3. *"Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?"*

RIVERINA - MURRAY REGIONAL PLAN 2036

The NSW Government has released the Riverina - Murray Regional Plan 2036 to guide sustainable growth in the region over the next 20 years.

The plan establishes a framework to grow the regions cities and local centres, supports the protection of high value environmental assets and makes developing a strong, diverse and competitive economy central to building prosperity and resilience in the region.

A priority of the plan is to capitalise on the regions strengths in the Agribusiness sector. The plan proposes greater investment in agricultural value-adding and to make the town's cities and villages more vibrant places in which to live and work.

The plan identifies that agribusiness is a key economic sector for the region. Agribusiness includes food, beverage and other product outlets. The plan also recognises that the Murray River has great scenic beauty, a rich cultural heritage and provides enviable lifestyle and tourism opportunities.

These qualities need to be enhanced but also protected.

The plan will guide the NSW Governments land use planning priorities and decisions over the next 20 years. It is not intended to be a step by step approach to all land use planning. Rather, it provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions.

As such the Planning Proposal is consistent with the general aims of the plan in that it will;

- Provide employment opportunities
- Strengthen the agri-business sector
- Diversify and strengthen the local economy
- Enhance the lifestyle in the towns of Echuca and Moama
- Attract additional tourists to the area
- Capitalise on, as well as add to, the scenic beauty of the Murray River
- Add to the character of the nearby important heritage precinct of the Port of Echuca

A more detailed assessment of how the Planning Proposal is consistent with the goals and actions of the plan is provided in the response to Q6 item 5.10 of this proposal.

ASSESSMENT CRITERIA

a) *"Does the proposal have strategic merit?"*

Yes. The Planning Proposal is consistent with and furthers the aims of the Riverina – Murray Regional Plan 2036.

b) *"Does the proposal have site-specific merit, having regard to the following:*

- *the natural environment (including known significant environmental values, resources or hazards)"*

The use of the expanded mooring for a restaurant will enhance and compliment the surrounding environmental values.

The mooring is close to the Echuca Wharf and surrounding heritage precinct. The restaurant has been designed to reflect the architectural forms and materials of this important tourist attraction.

The mooring is on the edge of the Murray River sent against a background of River Red Gums. The colours and materials of the restaurant have been selected to integrate with the natural environment.

- *“the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal”*

The nearby land on the Victorian side of the Murray River is Crown Land. It is set aside for public purposes and includes a walking and cycling track around the aquatic reserve.

The land on the opposite side of the Murray River in NSW contains two existing residences. These are separated from the river by a stand of mature River Red Gums. No further development will occur in this area as the land is subject to flooding.

Between the site of the Planning Proposal and the Port of Echuca, the Shire of Campaspe, as manager of the Port, have approval for some additional paddle steamer moorings.

The Planning Proposal is not in conflict with any of these uses.

- *“the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision”*

The Planning Proposal is to take place on an existing mooring that is used to berth the PS Hero. The Hero has approval to carry 78 passengers and as such the relevant infrastructure required is already in place at the mooring.

The Shire of Campaspe have installed electricity and water to the site. Sewerage is stored in stainless steel tanks below the mooring (or boat) and is collected and pumped out by a contractor on a regular basis.

Access is via the walking track that exists along the river bank.

Car parking for patrons is available at the nearby tourist information centre.

- Q4. *“Is the Planning Proposal consistent with the Councils local strategy or other local strategic plan?”*

Murray River Council prepared the Strategic Land Use Plan 2010-2030 to address key planning issues affecting the Shire.

The vision statement includes that “Councils vision is for a prosperous community with a diversified economy integrated with a sustainable and productive natural resource base.”

The Council recognises that there is a rich history associated with agriculture and the river trade.

The Council also states in the Strategic Land Use Plan that "Since around 1980, tourism has become the principal economic activity in Moama. Moama features a wide range of tourist accommodation and related facilities and has experienced a boom in this type of development over the past 10 years. It is reasonable to presume that tourist activities and accommodation will continue to expand in Moama."

"The river environments of the Shire are the principal attraction for visitors and in recent times there has been an increase in demand to accommodate them in locations adjacent to or near the water. Given the sensitivity of the riverine environment, it is essential that any development undertaken within it is done in a manner that has nil environmental impact. Activities that have potential to impact detrimentally on the environment are bank disturbance, effluent disposal and human presence."

The Planning Proposal is consistent with the Strategic Land Use Plan in that it:

- will add to a diversified economy
- assist the local agricultural producers
- enhance the heritage precinct of the Echuca Wharf and Port
- add another tourist attraction to the local area
- provide an opportunity to enjoy the riverine environment without causing any detrimental impact

Q5. *"Is the Planning Proposal consistent with applicable State Environmental Planning Policies?"*

Yes. The Murray Regional Environmental Plan No 2 – Riverine Land is a deemed State Environmental Planning Policy (SEPP) as of 1 July 2009. This plan is applicable to the subject site.

Clause 13 of MREP2 contains a Planning Control and Consultation table that defines various types of development and the relevant controls applicable.

The Planning Proposal is to use an existing mooring for an additional purpose being a restaurant.

Item 25 of Clause 13, MREP2 is "Single mooring". This use is permissible with Council consent and has been in place at this site for a number of years.

Item 27 of Clause 13 MREP2 is "Tourist Related Facility". It is important to this proposal to note that the additional use of the mooring for the purposes of a restaurant does not turn the mooring into a Tourist Related Facility.

The definition of Tourist Related Facility under item 27 is *"An establishment, place or vessel which provides for either accommodation or entertainment or food or beverage and which is permanently fixed in or on the River Murray or is on land adjacent to the River Murray"*.

Given that the proposal is to use a larger pontoon than is currently being used, and that this pontoon is not permanently fixed in or on the Murray River (as it is able to be untied and towed away during time of flood or for repairs), the use remains classified as either (20) Marina (Small) or (25) Single Mooring. Both of these uses are consistent with MREP2.

This view is confirmed by the NSW Office of Environment and Heritage. A legal opinion from Bazzani Scully Priddle has also been provided to confirm these views.

(27) Tourist Related Facility is a prohibited use under MREP2 hence the opinions provided are important in establishing that the Planning Proposal is consistent with MREP2.

Q6. *"Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 directions)?"*

The Minister for Planning has issued directions under Section 117 of the *Environmental Planning and Assessment Act* which must be considered when making Planning Proposals.

The Section 117 Directions relevant to this Planning Proposal are:

2. Environment and Heritage
2.3 Heritage Conservation
4. Hazard and Risk
4.3 Flood Prone Land
5. Housing, Infrastructure and Urban Development
5.10 Implementation of Regional Plans
6. Local Plan Making
6.3 Site Specific Provisions

The specific objectives of each direction and the consistency with the Planning Proposal are as follows;

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The site of the Planning Proposal is in the C1 Moama Historic precinct which is classified as being of State Significance in Schedule 5 Part 2 of the Murray LEP 2011.

The proposed restaurant has been architecturally designed so that it will compliment the style, colours and materials of other buildings in the heritage precinct.

The heritage precinct is a vibrant tourist attraction and the Planning Proposal will enhance the area.

4.3 Flood Prone Land

The objective of this direction are;

- a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Although the Murray River is subject to flooding and the site of the Planning Proposal is within a Flood Planning Area, the provisions of this direction are not directly relevant to the Planning Proposal. The restaurant is to be located on a mooring which of course is designed to float. The mooring rises and falls as the water level in the river fluctuates. The subject restaurant will always remain safely above the level of any flood that might occur hence the provisions of this direction are met by the proposal.

5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

In this instance the Riverina Murray Regional Plan 2036 is relevant.

The plan contains a vision, four goals and twenty nine directions with actions that any Planning Proposal must be consistent with.

These directions are listed as follows and comment is provided on the consistency of the Planning Proposal with those directions.

Direction 1: Protect the regions diverse and productive agricultural land

The planning proposal is not inconsistent with this direction and associated actions. The restaurant will provide local agricultural producers with another opportunity for the sale of their produce.

Direction 2: Promote and grow the agribusiness sector

The planning proposal will provide a food and beverage outlet that is a part of the overall agribusiness sector. The proposal is consistent with this direction.

Direction 3: Expand advanced and value-added manufacturing

The planning proposal to re-establish an iconic local restaurant that specialises in using local produce is consistent with this direction.

Direction 4: Promote business activities in industrial and commercial areas

The planning proposal to re-establish the restaurant in this particular location is consistent with adding to the vitality of the commercial precinct of Echuca-Moama.

Direction 5: Support the growth of the health and aged care sectors

The planning proposal does not directly relate to this direction and associated actions and is not inconsistent.

Direction 6: Promote the expansion of education and training opportunities

The restaurant will provide employment and training opportunities for people in the fine wine and dining industry. This is consistent with the aims of this direction and associated actions.

Direction 7: Promote tourism opportunities

The regionally acclaimed restaurant that will establish as a result of this proposal will attract visitors to Echuca-Moama from Melbourne, Sydney and even overseas. It will add significant weight to Echuca-Moama as a tourist destination. The location will enhance the existing tourist destination of the historic Port of Echuca and capitalizes on the iconic Murray River.

The proposal is consistent with this direction and actions.

Direction 8: Enhance the economic self-determination of Aboriginal communities

The planning proposal is not inconsistent with the aims of this direction.

Direction 9: Support the forestry industry

The planning proposal is not inconsistent with the aims of this direction.

Direction 10: Sustainably manage water resources for economic opportunities

The planning proposal is not inconsistent with the aims of this direction.

Direction 11: Promote the diversification of energy supplies through renewable energy generation

The planning proposal is not inconsistent with the aims of this direction.

Direction 12: Sustainably manage mineral resources

The planning proposal is not inconsistent with the aims of this direction.

Direction 13: Manage and conserve water resources for the environment

The planning proposal is not inconsistent with the aims of this direction.

Direction 14: Manage land uses along key river corridors

The planning proposal is for the extension of an existing mooring associated with the Paddle steamer Hero and its use as a floating restaurant. Access to the mooring is already in place and as such no additional development that will impact on riverfront land or biodiversity along the river corridor is proposed.

The planning proposal is not inconsistent with the aims of this direction and associated actions.

Direction 15: Protect and manage the regions many environmental assets

The proposal is not inconsistent with the proper management of the regions environmental assets. It has been assessed by various NSW Government Departments including the OEHL and has been considered as meeting the aims of this direction.

Direction 16: Increase resilience to natural hazards and climate change

The planning proposal has addressed the issues of relevant natural hazards such as flooding and bushfire.

Item 4.3 in response to Q6 of this proposal deals with flooding. The Murray River is not bushfire prone however the vegetation on the river banks needs to be assessed. A response to item 4.4 Planning for Bushfire Protection has been submitted to Murray River Council and the NSW Department of Planning. The requirements of Planning for Bushfire Protection have been met and approved.

The planning proposal is consistent with this direction.

Directions 17, 18, 19, 20 & 21 of the plan provide strategies for:

***Transforming the region into the eastern regions freight and logistics hub;
Enhancing road and rail freight links;
Support and protect ongoing access to air travel;
Identify and protect future transport corridors; and***

Align and protect utility infrastructure investment.

The planning proposal is not inconsistent with these directions.

Direction 22: Promote the growth of regional cities and local centres

The planning proposal is to re-establish an iconic local and regional restaurant in a new location on a mooring that is near the historic Port of Echuca. This will provide employment opportunities, increase tourism and boost the economy of Echuca-Moama.

The proposal is consistent with this direction.

Direction 23: Build resilience in towns and villages

One of the aims of this direction is that by helping towns and villages to become more robust and dynamic places will increase their appeal for residents and contribute to their growth and prosperity.

The planning proposal to re-establish the iconic Oscar W restaurant on the floating mooring, in conjunction with the Paddlesteamer Hero, is consistent with this direction in that it will attract residents and visitors alike and will increase the growth and prosperity of Echuca-Moama.

Direction 24: Create a connected and competitive environment for cross-border communities

The planning proposal has obtained gateway planning approval from the NSW Department of Planning. It still requires Development Approval from the Murray River Council and a Planning Permit from the Shire of Campaspe.

The planning proposal is subject to the laws and requirements of both states and is not inconsistent with the intentions of this direction.

Direction 25: Build housing capacity to meet demand

Direction 26: Provide greater housing choice

Direction 27: Manage rural residential development

Direction 28: Deliver healthy built environments and improved urban design

These directions promote strategies to:

- provide sufficient, suitable housing for the changing population of the regions towns;
- provide for a greater choice in housing types;

- effectively manage Rural Residential development;
- improve urban design and to incorporate environmental considerations into the decision making process of Councils.

The planning proposal is not directly related to these directions and is not inconsistent with their aims.

Direction 29: Protect the region's Aboriginal and historic heritage

The planning proposal is to re-establish the Oscar W's restaurant on the mooring associated with the Paddlesteamer Hero. Both the restaurant and the Paddlesteamer form part of the heritage of the Echuca Port precinct hence the proposal is seen to be protecting and enhancing the heritage of the region.

The site of the proposal is within the C1 Moama Heritage precinct which is classified as being of state significance in the Murray River LEP 2011. The NSW Department of Planning has provided a Gateway Determination for the Planning Proposal to proceed.

The planning proposal is consistent with this direction.

6.3 Site Specific Provisions

- 1) The objective of this directions is to discourage unnecessarily restrictive site specific planning controls.

What a relevant planning authority must do if this directions applies:

- 4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
 - a) Allow that land use to be carried out in the zone the land is situated on, or
 - b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already required in the zone, or
 - c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.

Option (c) is the appropriate alternative selected in this case. The introduction of the land use into Schedule 1 of the Murray LEP will specify that it may be carried out with development consent. This requires development approval be granted for the use and such approval will contain conditions as Council deems appropriate.

The Planning Proposal is consistent with the relevant ministerial directions.

SECTION C – Environmental, Social and Economic Impact

- Q7. *“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?”*

Whilst the Planning Proposal is within the Murray River it is very unlikely to have any adverse effect on these items. This is because the proposal is on an existing mooring. The restaurant will collect all wastes in stainless steel tanks that will be regularly pumped out and discharged into the relevant sewerage system. There will be no pollution of the river as evidenced by the manner in which the mooring and PS Hero have operated for a number of years.

- Q8. *“Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?”*

The mooring site is not affected by any environmental issues such as landslip, erosion or bushfire.

Noise from patrons may be considered an environmental issue however it is believed this will be minimal.

The venue is to be established to provide a fine food and dining experience and for patrons to enjoy the ambience of the Murray River. Loud noise is not expected to be associated with this type of venue. The planning controls to be imposed will limit the hours of operation of the venue. This will further ensure that noise should not cause a nuisance.

- Q9. *“Has the Planning Proposal adequately addressed any social and economic effects?”*

The social and economic impacts of the Planning Proposal are seen to be positive.

The proposal will add an additional venue to the popular tourist destination of Echuca/Moama. The venue will provide a dining experience that is not available anywhere else. The operators of the venue are experienced restaurateurs and hospitality professionals who will ensure the venue is operated in a socially responsible manner.

It is expected that the venue will also attract visitors in its own right thus adding economic benefit to the towns. The venue will also provide economic benefit by providing employment opportunities.

The proposal will not have any impact on items or places of Aboriginal heritage. The mooring and the associated paddle steamer are already on site and operational.

Schools and hospitals will not be affected by the proposal.

The Planning Proposal is located away from the existing retail areas of Echuca and Moama. The venue is not a retail venue and will not detract shoppers from these areas. It will more likely attract patrons who may then visit the local shops, thus value adding to the local retailers.

SECTION D – State and Commonwealth Interests

Q10. *“Is there adequate public infrastructure for the Planning Proposal?”*

Yes. The proposal will operate from an existing commercial mooring. The Shire of Campaspe, as part of the Port of Echuca Revitalisation Plan, have provided electricity and water to the mooring. These services are already used by the PS Hero and will service the new venue.

Road access is available to the nearby Echuca/Moama visitor centre where a bitumen car park is available for use by patrons.

It is then approximately a 200m walk from the car park to the mooring. The access track is partly along a bitumen path and partly along a dirt road.

The dirt road leads from the bitumen car park and runs past the site. It then continues towards the onion patch and dry dock where it ends. This road is used by service and delivery vehicle tending the PS Hero and is suitable for the provision of services to the proposed venue.

As discussed elsewhere in this proposal, sewerage from the PS Hero is collected in stainless steel tanks and then pumped out by a contractor on a regular basis. A similar system will be used by the proposed restaurant.

Any additional upgrades required to infrastructure to service the proposed venue will be paid for by the operators.

Q11. *“What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?”*

The NSW Office of Environment and Heritage (OEH) were consulted some time ago with respect to this proposal.

The view of OEH is that the proposal can be considered by the Murray River Council under classification 20 of MREP2.

The proposal will be referred to OEH for comment. They will comment on biodiversity and the office advises that at this stage they consider such impacts to be minor.

The OEH will also comment on the assessment of impacts on Aboriginal objects.

The OEH also mentioned that the EPA may comment on erosion and sedimentation mitigation measures. Mitigation measures to prevent pollution of the Murray River will also be relevant.

EPA and Fisheries may also have additional requirements.

The Shire of Campaspe (Victoria) have also been consulted about this project and have indicated their support.

ATTACHMENTS

- 1. Information Checklist**
- 2. Cadastral Plan showing site and surrounds**
- 3. Aerial photograph with site highlighted**
- 4. Site Photographs**
- 5. Existing Zone Map with site highlighted**
- 6. PS Hero and Mooring**
- 7. Schematic Design - Existing and proposed plan views**
- 8. Schematic Design – Proposed plan**
- 9. Schematic Design – North-East perspective**
- 10. Port of Echuca Revitalisation Plan**
- 11. Commercial Mooring Licence CL6224**
- 12. Site Plan**

Attachment 1 – Information checklist

STEP 1: REQUIRED FOR ALL PROPOSALS
(under s55(a) - (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> Explanation of provisions Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|--|

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS
(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	Table completed	\$	Emergency area	\$
Strategic Planning Context				
Consistent with the relevant regional plan, district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flooding	<input checked="" type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years.	<input type="checkbox"/>	<input type="checkbox"/>	Sea level rise	<input type="checkbox"/>
Site Description/Context			Urban Design Considerations	
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing site plan (buildings vegetation, roads, etc)	<input checked="" type="checkbox"/>
Site photos/photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Lighting impact	<input type="checkbox"/>
Local traffic and transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations	
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic impact assessment	<input checked="" type="checkbox"/>
Cycle and pedestrian movement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>
Environmental Considerations			Employment land	<input type="checkbox"/>
Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations	
Acid Sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage impact	<input checked="" type="checkbox"/>
Noise impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aboriginal archaeology	<input checked="" type="checkbox"/>
Flora and/or fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open space management	<input type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	European archaeology	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Social & cultural impacts	<input checked="" type="checkbox"/>
Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stakeholder engagement	<input type="checkbox"/>
			Infrastructure Considerations	
			Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>
			Miscellaneous/Additional Considerations	
			List any additional studies that should be undertaken post Gateway determination	

4. Site Photographs



Photo Number 1
View downstream towards Echuca Wharf
from pontoon.



Photo Number 2
Western end of Timber Shed on Timber Pontoon,
with security system.



Photo Number 3
Bollard with rope work on Pontoon.



Photo Number 4
Rope fender between Paddle Steamer and Pontoon.

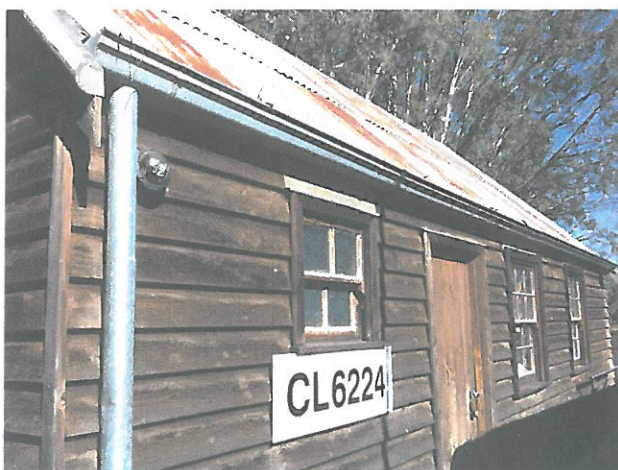


Photo Number 5
Northern Side of Timber Shed on Timber Pontoon,
with security system.



Photo Number 6
View upstream towards the Echuca – Moama Bridge.



Photo Number 7

Rope work on top deck of the Paddle Steamer 'Hero'.



Photo Number 8

Ceiling low level of the Paddle Steamer 'Hero'.



Photo Number 9

Rope and Bollard on the Paddle Steamer 'Hero'.



Photo Number 10

Rear entrance on the Paddle Steamer 'Hero'.

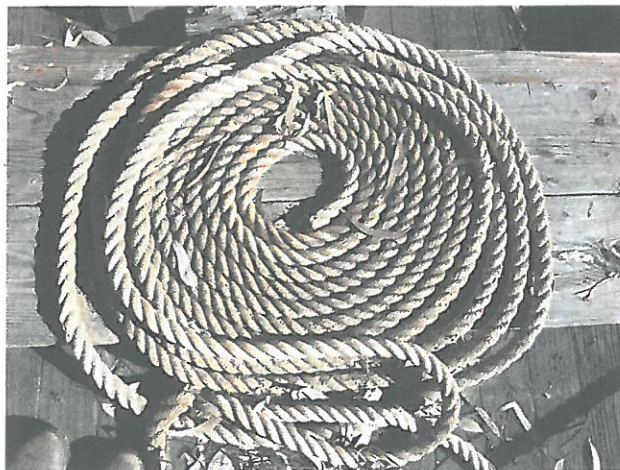


Photo Number 11

Rope work on Timber Deck of Pontoon.



Photo Number 12

Gangplank to Timber Pontoon.



Photo Number 13
Gangplank, Timber Pontoon and Eastern end of Timber Shed.

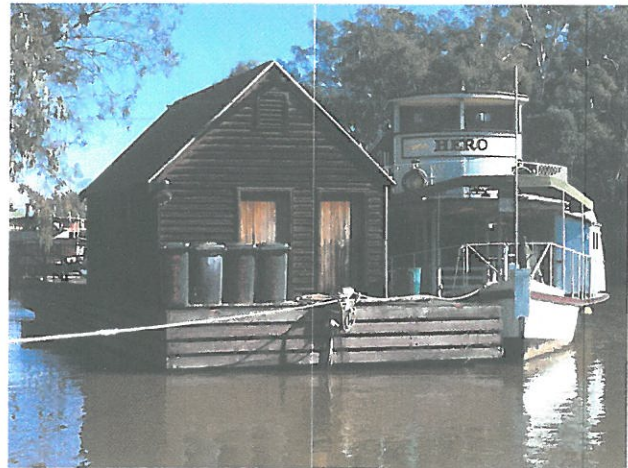


Photo Number 14
Timber Pontoon, Eastern end of Timber Shed and the Paddle Steamer 'Hero'.

5. Existing Zone Map with site highlighted



**Murray Local
Environmental
Plan 2011**

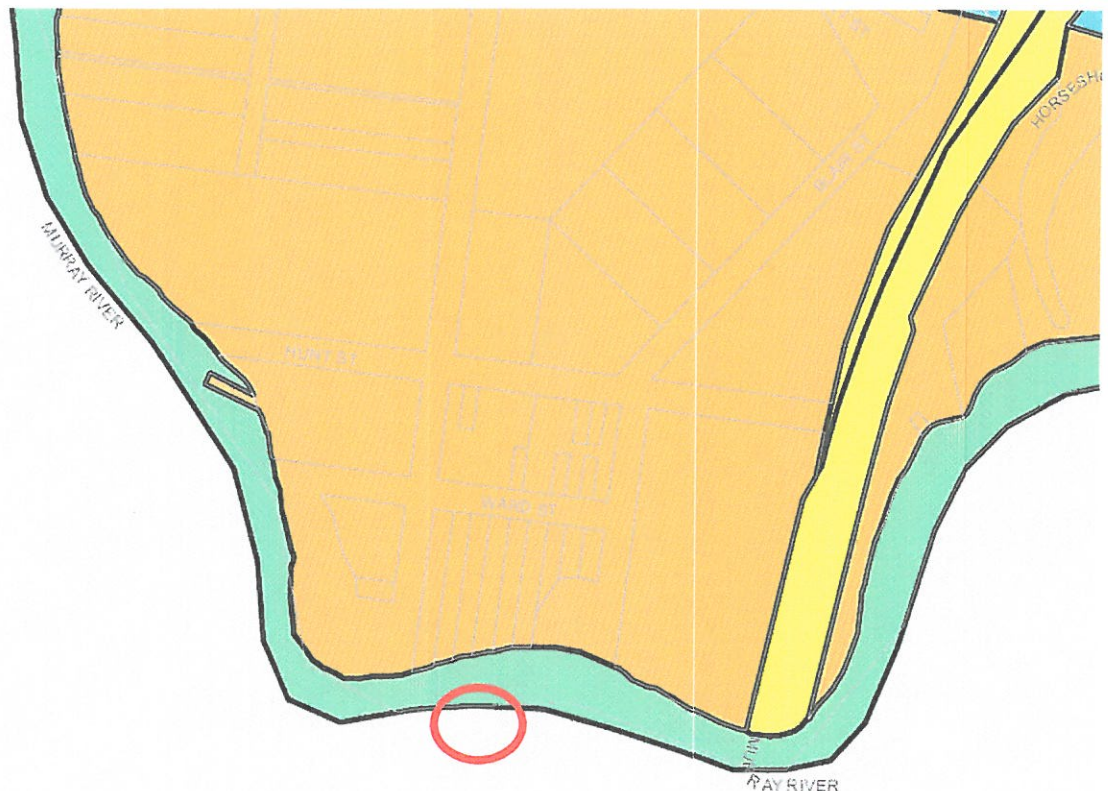
Land Zoning Map - Sheet LZN_006B

Zone

- E2 Local Centre
- B1 Enterprise Corridor
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- I1 General Industrial
- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU3 Forestry
- RU9 Village
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways
- W2 Recreational Waterways

Cadastral

Cadastral 01/01/2004 Land and Property Information (LPI)

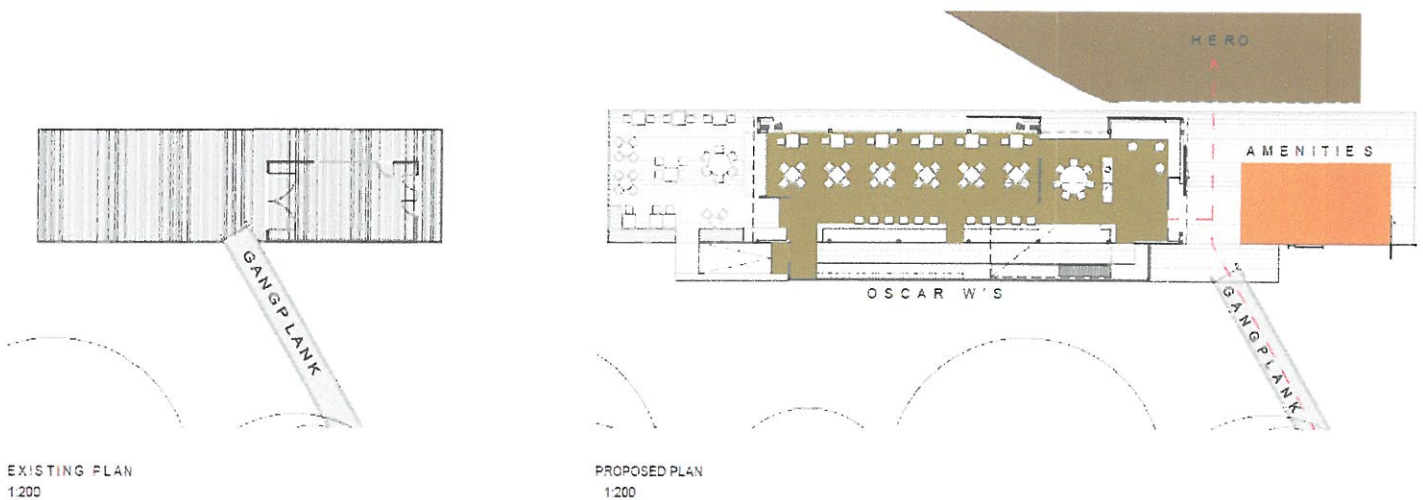


6. PS Hero and Mooring

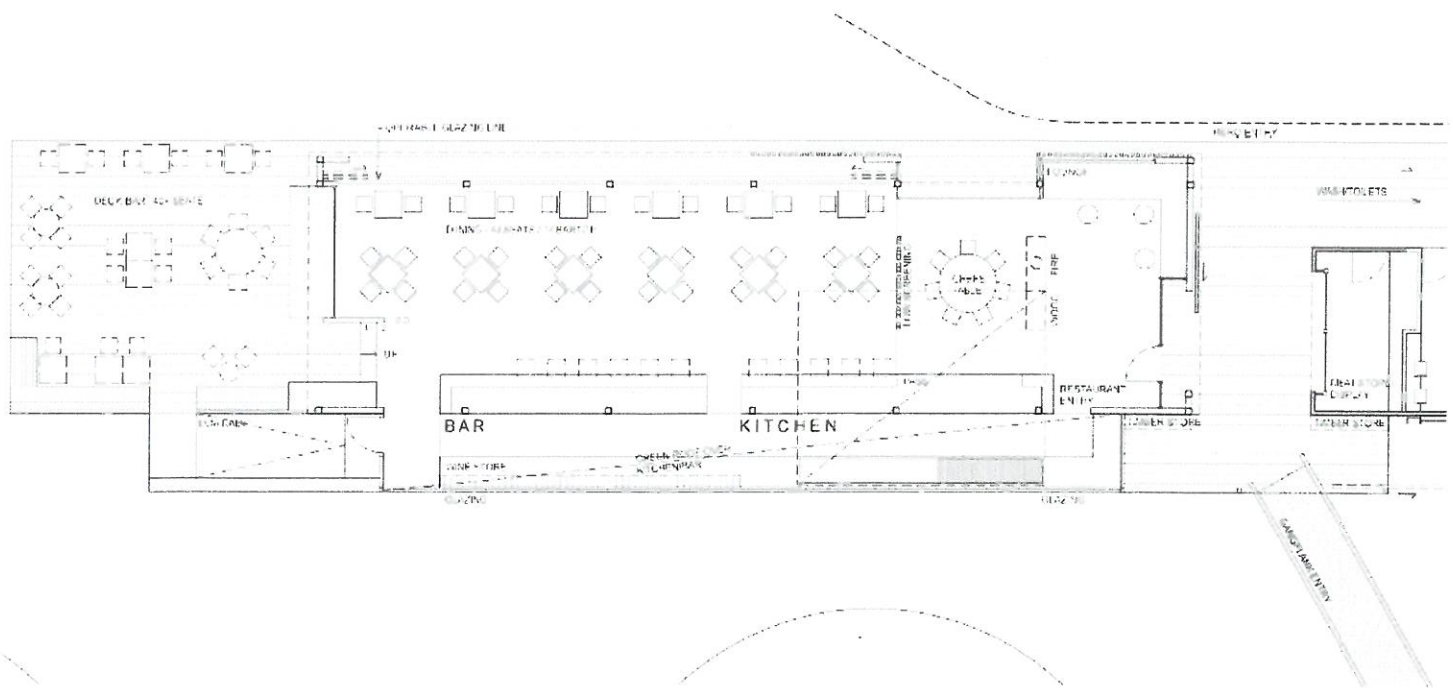


7. Schematic Design - Existing and proposed plan views.

M U R R A Y R I V E R

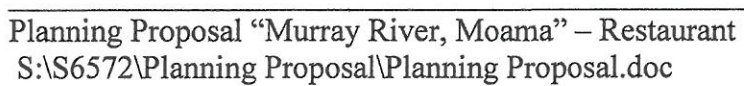


8. Schematic Design – Proposed plan

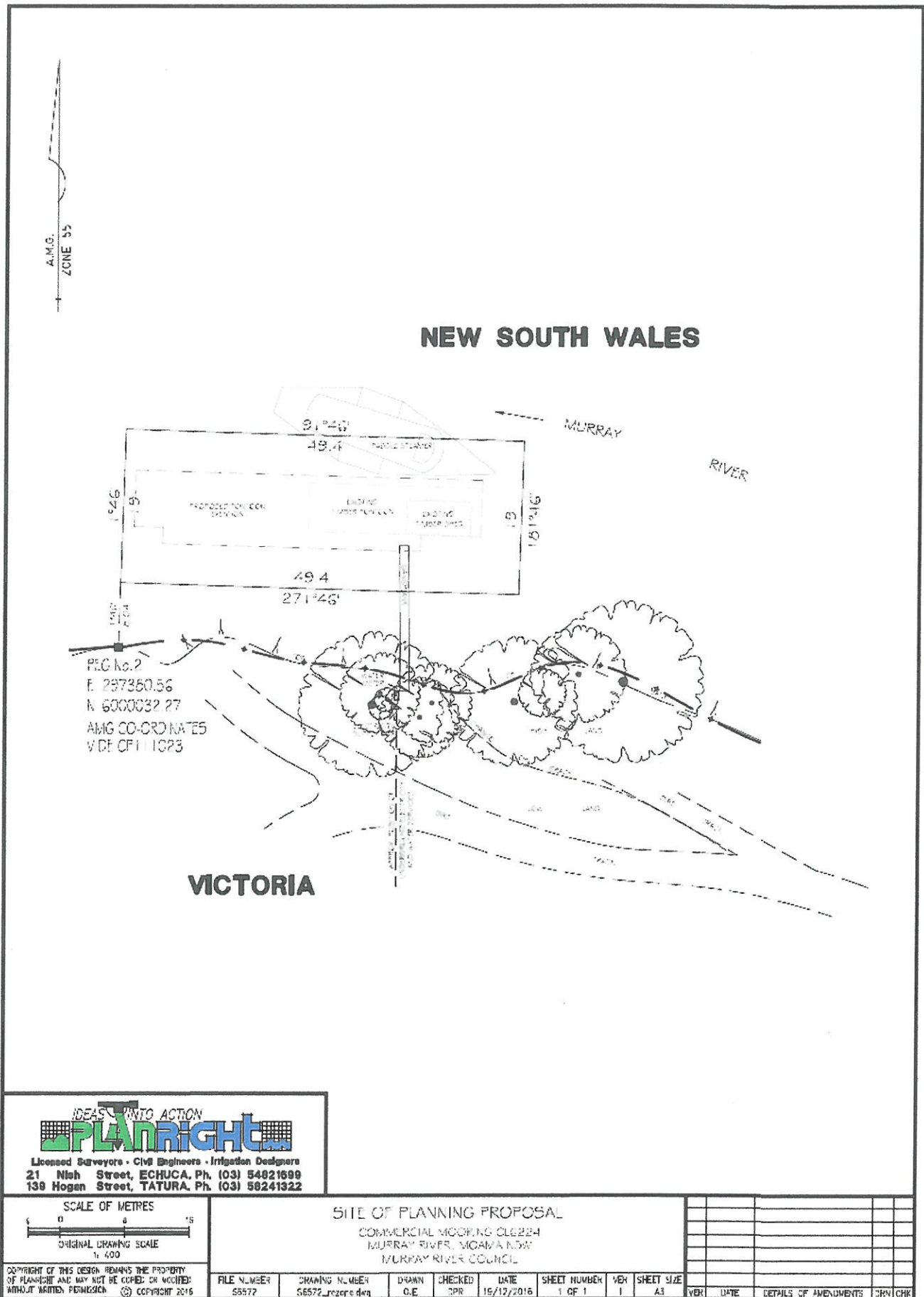


9. Schematic Design – North-East perspective





12. Site Plan



Planning Proposal "Murray River, Moama" – Restaurant
 S:\S6572\Planning Proposal\Planning Proposal.doc

11. Commercial Mooring Licence CL6224

RENEWAL

08/12/2016

MARITIME PRODUCT SERVICES
Locked Bag 5100 CAMPTOWN NSW 1450
13 12 56
Internet: www.rms.nsw.gov.au



Transport
Roads & Maritime
Services

COMMERCIAL MOORING LICENCE

(AN OCCUPATION LICENCE ISSUED UNDER THE MANAGEMENT OF WATER AND WATERSIDE LAND REGULATIONS N.S.W.)

1-4235516025
RENEWAL No.

Belinda Byford
Riverina Development Pty Ltd
27 Welsford St
SHEPPARTON VIC 3630

LOCATION

ECHUCA

COMMERCIAL LICENCE No.

CL6224

IMPORTANT: ► IF YOU CHOOSE THE QUARTERLY PAYMENT OPTION FOR YOUR INITIAL PAYMENT ALL REMAINING PAYMENTS MUST BE BY QUARTERLY INSTALLMENTS
► IF PAYMENT IS NOT RECEIVED BY THE PAY BY DATE YOUR LICENCE MAY BE CANCELLED AND WILL NOT BE REISSUED UNTIL A REINSTATEMENT FEE IS PAID

EXPIRY DATE	FEE PAYABLE	PAY BY DATE	RECEIPT No.
8/5/2017	\$0.00 *	08/05/2017	BANK DETAILS
			TELLER'S STAMP & INITIALS
			DATE PAID
			AMOUNT PAID

NUMBER OF SITES: 1

For instalments, the first instalment can only be made at a RMS office, by BPAY or by mail

\$
\$
\$
\$

Standard Conditions: Please be aware and comply with all conditions contained in the enclosed 'Commercial Mooring Licence' leaflet.

SPECIAL CONDITIONS:

DO NOT DETACH. FULL FORM TO BE RETURNED WITH PAYMENT

Westpac
InstitutionalBank ABN 33 007 457 141

RMS ABN 76 236 371 088

Signature of Licensee

CREDIT

PAYMENT METHODS FOR CL6224



INTERNET: www.licence.nsw.gov.au
and follow payment instructions.



TELEPHONE: Call 13 12 36 anytime
to pay by Visa or MasterCard.



MAIL: Forward this certificate to the address
on the top of this notice. Payment may be
made by cheque, money order or credit card
(see overleaf).



BPAY: Biller Code: 126409
Customer Reference Number



IN PERSON: Present this certificate at any
Registry or Maritime Service Centre, Westpac
Branch or Government Access Centre.

Contact your Financial Institution by Internet
or telephone to make this payment directly
from your nominated account. When prompted
enter the Biller Code and your Customer
Reference Number.

142355160250

For Credit: ROADS AND MARITIME SERVICES
User Code

003-886

Total \$

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TELLER'S STAMP & INITIALS

DATE PAID

Teller Use

\$100
\$50
\$20
\$10
\$5

Notes

Coins

Cheques (see reverse)

MARWWSCER014 (0313)

PLANNING PROPOSAL

MURRAY LEP 2011

COMMERCIAL MOORING CL6224

MURRAY RIVER

MOAMA

**ZONE W2 RECREATIONAL
WATERWAYS**

CL.2.5 ADDITIONAL PERMITTED USE

RESTAURANT

**PLANNING PROPOSAL
ADDITIONAL PERMITTED USE
COMMERCIAL MOORING CL6224
MURRAY RIVER, MOAMA NSW**

PART 1 – OBJECTIVES OR INTENDED OUTCOME

To amend the Murray LEP 2011 to allow a floating restaurant to be established on the mooring associated with the Paddle steamer Hero in the Murray River at Echuca.

PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- Introducing “Restaurant” as an additional permitted use for the PS Hero mooring into Schedule 1 of the Murray LEP 2011 via Clause 2.5. Such use is to be carried out with Development Consent.

The extent of the site affected by the proposal is shown on the plan at Attachment 3.

PART 3 – JUSTIFICATION

SECTION A – Need for the Planning Proposal

Q1. *“Is the Planning Proposal a result of any strategic study or report?”*

No. The Planning Proposal is the result of a former regionally and internationally acclaimed dining venue intending to re-establish in a new location.

The intended position of the restaurant on the mooring associated with the Paddle steamer Hero compliments/further the intended outcome of the recently completed Port of Echuca Revitalisation Plan (PERP). The PERP was a multimillion dollar program funded by the Commonwealth, State and Local Government to reinvigorate the Port of Echuca to attract more tourists.

The PERP was expected to deliver amongst other things:

- an additional 22,000 visitors annually to the Port of Echuca and;
- provide indirect economic benefit to the region.

The PERP recognised that the visitor experience must be strengthened, valued and must meet or exceed expectations.

The re-establishment of a local icon in the proposed location is seen to be a way of enhancing the visitors experience to Echuca/Moama and compliments the PERP.

A copy of the PERP is attached at item 10.

- Q2. *"Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?"*

The Planning Proposal is to allow an additional permitted use only on a particular site.

The particular use to be permitted is deemed appropriate to the site given the location of the site and its position relative to the Port of Echuca which is an important tourist attraction.

As the site is within the Murray River it is not considered appropriate to re-zone the site from the current W2 Recreational Waterways Zone.

The Planning Proposal to allow an additional permitted use on the particular site requires less of a change to the LEP than a re-zoning and provides a more appropriate outcome.

SECTION B – Relationship to Strategic Planning Framework

- Q3. *"Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?"*

RIVERINA - MURRAY REGIONAL PLAN 2036

The NSW Government has released the Riverina - Murray Regional Plan 2036 to guide sustainable growth in the region over the next 20 years.

The plan establishes a framework to grow the regions cities and local centres, supports the protection of high value environmental assets and makes developing a strong, diverse and competitive economy central to building prosperity and resilience in the region.

A priority of the plan is to capitalise on the regions strengths in the Agribusiness sector. The plan proposes greater investment in agricultural value-adding and to make the town's cities and villages more vibrant places in which to live and work.

The plan identifies that agribusiness is a key economic sector for the region. Agribusiness includes food, beverage and other product outlets. The plan also recognises that the Murray River has great scenic beauty, a rich cultural heritage and provides enviable lifestyle and tourism opportunities.

These qualities need to be enhanced but also protected.

The plan will guide the NSW Governments land use planning priorities and decisions over the next 20 years. It is not intended to be a step by step approach to all land use planning. Rather, it provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions.

As such the Planning Proposal is consistent with the general aims of the plan in that it will;

- Provide employment opportunities
- Strengthen the agri-business sector
- Diversify and strengthen the local economy
- Enhance the lifestyle in the towns of Echuca and Moama
- Attract additional tourists to the area
- Capitalise on, as well as add to, the scenic beauty of the Murray River
- Add to the character of the nearby important heritage precinct of the Port of Echuca

A more detailed assessment of how the Planning Proposal is consistent with the goals and actions of the plan is provided in the response to Q6 item 5.10 of this proposal.

ASSESSMENT CRITERIA

a) *“Does the proposal have strategic merit?”*

Yes. The Planning Proposal is consistent with and furthers the aims of the Riverina – Murray Regional Plan 2036.

b) *“Does the proposal have site-specific merit, having regard to the following:*

- *the natural environment (including known significant environmental values, resources or hazards)”*

The use of the expanded mooring for a restaurant will enhance and compliment the surrounding environmental values.

The mooring is close to the Echuca Wharf and surrounding heritage precinct. The restaurant has been designed to reflect the architectural forms and materials of this important tourist attraction.

The mooring is on the edge of the Murray River sent against a background of River Red Gums. The colours and materials of the restaurant have been selected to integrate with the natural environment.

- *“the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal”*

The nearby land on the Victorian side of the Murray River is Crown Land. It is set aside for public purposes and includes a walking and cycling track around the aquatic reserve.

The land on the opposite side of the Murray River in NSW contains two existing residences. These are separated from the river by a stand of mature River Red Gums. No further development will occur in this area as the land is subject to flooding.

Between the site of the Planning Proposal and the Port of Echuca, the Shire of Campaspe, as manager of the Port, have approval for some additional paddle steamer moorings.

The Planning Proposal is not in conflict with any of these uses.

- *“the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision”*

The Planning Proposal is to take place on an existing mooring that is used to berth the PS Hero. The Hero has approval to carry 78 passengers and as such the relevant infrastructure required is already in place at the mooring.

The Shire of Campaspe have installed electricity and water to the site. Sewerage is stored in stainless steel tanks below the mooring (or boat) and is collected and pumped out by a contractor on a regular basis.

Access is via the walking track that exists along the river bank.

Car parking for patrons is available at the nearby tourist information centre.

- Q4. *“Is the Planning Proposal consistent with the Councils local strategy or other local strategic plan?”*

Murray River Council prepared the Strategic Land Use Plan 2010-2030 to address key planning issues affecting the Shire.

The vision statement includes that “Councils vision is for a prosperous community with a diversified economy integrated with a sustainable and productive natural resource base.”

The Council recognises that there is a rich history associated with agriculture and the river trade.

The Council also states in the Strategic Land Use Plan that “Since around 1980, tourism has become the principal economic activity in Moama. Moama features a wide range of tourist accommodation and related facilities and has experienced a boom in this type of development over the past 10 years. It is reasonable to presume that tourist activities and accommodation will continue to expand in Moama.”

“The river environments of the Shire are the principal attraction for visitors and in recent times there has been an increase in demand to accommodate them in locations adjacent to or near the water. Given the sensitivity of the riverine environment, it is essential that any development undertaken within it is done in a manner that has nil environmental impact. Activities that have potential to impact detrimentally on the environment are bank disturbance, effluent disposal and human presence.”

The Planning Proposal is consistent with the Strategic Land Use Plan in that it:

- will add to a diversified economy
- assist the local agricultural producers
- enhance the heritage precinct of the Echuca Wharf and Port
- add another tourist attraction to the local area
- provide an opportunity to enjoy the riverine environment without causing any detrimental impact

Q5. *“Is the Planning Proposal consistent with applicable State Environmental Planning Policies?”*

Yes. The Murray Regional Environmental Plan No 2 – Riverine Land is a deemed State Environmental Planning Policy (SEPP) as of 1 July 2009. This plan is applicable to the subject site.

Clause 13 of MREP2 contains a Planning Control and Consultation table that defines various types of development and the relevant controls applicable.

The Planning Proposal is to use an existing mooring for an additional purpose being a restaurant.

Item 25 of Clause 13, MREP2 is “Single mooring”. This use is permissible with Council consent and has been in place at this site for a number of years.

Item 27 of Clause 13 MREP2 is “Tourist Related Facility”. It is important to this proposal to note that the additional use of the mooring for the purposes of a restaurant does not turn the mooring into a Tourist Related Facility.

The definition of Tourist Related Facility under item 27 is “*An establishment, place or vessel which provides for either accommodation or entertainment or food or beverage and which is permanently fixed in or on the River Murray or is on land adjacent to the River Murray*”.

Given that the proposal is to use a larger pontoon than is currently being used, and that this pontoon is not permanently fixed in or on the Murray River (as it is able to be untied and towed away during time of flood or for repairs), the use remains classified as either (20) Marina (Small) or (25) Single Mooring. Both of these uses are consistent with MREP2.

This view is confirmed by the NSW Office of Environment and Heritage. A legal opinion from Bazzani Scully Priddle has also been provided to confirm these views.

(27) Tourist Related Facility is a prohibited use under MREP2 hence the opinions provided are important in establishing that the Planning Proposal is consistent with MREP2.

Q6. *"Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 directions)?"*

The Minister for Planning has issued directions under Section 117 of the *Environmental Planning and Assessment Act* which must be considered when making Planning Proposals.

The Section 117 Directions relevant to this Planning Proposal are:

2. Environment and Heritage
2.3 Heritage Conservation
4. Hazard and Risk
4.3 Flood Prone Land
5. Housing, Infrastructure and Urban Development
5.10 Implementation of Regional Plans
6. Local Plan Making
6.3 Site Specific Provisions

The specific objectives of each direction and the consistency with the Planning Proposal are as follows;

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The site of the Planning Proposal is in the C1 Moama Historic precinct which is classified as being of State Significance in Schedule 5 Part 2 of the Murray LEP 2011.

The proposed restaurant has been architecturally designed so that it will compliment the style, colours and materials of other buildings in the heritage precinct.

The heritage precinct is a vibrant tourist attraction and the Planning Proposal will enhance the area.

4.3 Flood Prone Land

The objective of this direction are;

- a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Although the Murray River is subject to flooding and the site of the Planning Proposal is within a Flood Planning Area, the provisions of this direction are not directly relevant to the Planning Proposal. The restaurant is to be located on a mooring which of course is designed to float. The mooring rises and falls as the water level in the river fluctuates. The subject restaurant will always remain safely above the level of any flood that might occur hence the provisions of this direction are met by the proposal.

5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

In this instance the Riverina Murray Regional Plan 2036 is relevant.

The plan contains a vision, four goals and twenty nine directions with actions that any Planning Proposal must be consistent with.

These directions are listed as follows and comment is provided on the consistency of the Planning Proposal with those directions.

Direction 1: Protect the regions diverse and productive agricultural land

The planning proposal is not inconsistent with this direction and associated actions. The restaurant will provide local agricultural producers with another opportunity for the sale of their produce.

Direction 2: Promote and grow the agribusiness sector

The planning proposal will provide a food and beverage outlet that is a part of the overall agribusiness sector. The proposal is consistent with this direction.

Direction 3: Expand advanced and value-added manufacturing

The planning proposal to re-establish an iconic local restaurant that specialises in using local produce is consistent with this direction.

Direction 4: Promote business activities in industrial and commercial areas

The planning proposal to re-establish the restaurant in this particular location is consistent with adding to the vitality of the commercial precinct of Echuca-Moama.

Direction 5: Support the growth of the health and aged care sectors

The planning proposal does not directly relate to this direction and associated actions and is not inconsistent.

Direction 6: Promote the expansion of education and training opportunities

The restaurant will provide employment and training opportunities for people in the fine wine and dining industry. This is consistent with the aims of this direction and associated actions.

Direction 7: Promote tourism opportunities

The regionally acclaimed restaurant that will establish as a result of this proposal will attract visitors to Echuca-Moama from Melbourne, Sydney and even overseas. It will add significant weight to Echuca-Moama as a tourist destination. The location will enhance the existing tourist destination of the historic Port of Echuca and capitalizes on the iconic Murray River.

The proposal is consistent with this direction and actions.

Direction 8: Enhance the economic self-determination of Aboriginal communities

The planning proposal is not inconsistent with the aims of this direction.

Direction 9: Support the forestry industry

The planning proposal is not inconsistent with the aims of this direction.

Direction 10: Sustainably manage water resources for economic opportunities

The planning proposal is not inconsistent with the aims of this direction.

Direction 11: Promote the diversification of energy supplies through renewable energy generation

The planning proposal is not inconsistent with the aims of this direction.

Direction 12: Sustainably manage mineral resources

The planning proposal is not inconsistent with the aims of this direction.

Direction 13: Manage and conserve water resources for the environment

The planning proposal is not inconsistent with the aims of this direction.

Direction 14: Manage land uses along key river corridors

The planning proposal is for the extension of an existing mooring associated with the Paddle steamer Hero and its use as a floating restaurant. Access to the mooring is already in place and as such no additional development that will impact on riverfront land or biodiversity along the river corridor is proposed.

The planning proposal is not inconsistent with the aims of this direction and associated actions.

Direction 15: Protect and manage the regions many environmental assets

The proposal is not inconsistent with the proper management of the regions environmental assets. It has been assessed by various NSW Government Departments including the OEH and has been considered as meeting the aims of this direction.

Direction 16: Increase resilience to natural hazards and climate change

The planning proposal has addressed the issues of relevant natural hazards such as flooding and bushfire.

Item 4.3 in response to Q6 of this proposal deals with flooding. The Murray River is not bushfire prone however the vegetation on the river banks needs to be assessed. A response to item 4.4 Planning for Bushfire Protection has been submitted to Murray River Council and the NSW Department of Planning. The requirements of Planning for Bushfire Protection have been met and approved.

The planning proposal is consistent with this direction.

Directions 17, 18, 19, 20 & 21 of the plan provide strategies for:

Transforming the region into the eastern regions freight and logistics hub;

Enhancing road and rail freight links;

Support and protect ongoing access to air travel;

Identify and protect future transport corridors; and

Align and protect utility infrastructure investment.

The planning proposal is not inconsistent with these directions.

Direction 22: Promote the growth of regional cities and local centres

The planning proposal is to re-establish an iconic local and regional restaurant in a new location on a mooring that is near the historic Port of Echuca. This will provide employment opportunities, increase tourism and boost the economy of Echuca-Moama.

The proposal is consistent with this direction.

Direction 23: Build resilience in towns and villages

One of the aims of this direction is that by helping towns and villages to become more robust and dynamic places will increase their appeal for residents and contribute to their growth and prosperity.

The planning proposal to re-establish the iconic Oscar W restaurant on the floating mooring, in conjunction with the Paddlesteamer Hero, is consistent with this direction in that it will attract residents and visitors alike and will increase the growth and prosperity of Echuca-Moama.

Direction 24: Create a connected and competitive environment for cross-border communities

The planning proposal has obtained gateway planning approval from the NSW Department of Planning. It still requires Development Approval from the Murray River Council and a Planning Permit from the Shire of Campaspe.

The planning proposal is subject to the laws and requirements of both states and is not inconsistent with the intentions of this direction.

Direction 25: Build housing capacity to meet demand

Direction 26: Provide greater housing choice

Direction 27: Manage rural residential development

Direction 28: Deliver healthy built environments and improved urban design

These directions promote strategies to:

- provide sufficient, suitable housing for the changing population of the regions towns;
- provide for a greater choice in housing types;

- effectively manage Rural Residential development;
- improve urban design and to incorporate environmental considerations into the decision making process of Councils.

The planning proposal is not directly related to these directions and is not inconsistent with their aims.

Direction 29: Protect the region's Aboriginal and historic heritage

The planning proposal is to re-establish the Oscar W's restaurant on the mooring associated with the Paddlesteamer Hero. Both the restaurant and the Paddlesteamer form part of the heritage of the Echuca Port precinct hence the proposal is seen to be protecting and enhancing the heritage of the region.

The site of the proposal is within the C1 Moama Heritage precinct which is classified as being of state significance in the Murray River LEP 2011. The NSW Department of Planning has provided a Gateway Determination for the Planning Proposal to proceed.

The planning proposal is consistent with this direction.

6.3 Site Specific Provisions

- 1) The objective of this directions is to discourage unnecessarily restrictive site specific planning controls.

What a relevant planning authority must do if this directions applies:

- 4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:
 - a) Allow that land use to be carried out in the zone the land is situated on, or
 - b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already required in the zone, or
 - c) Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal planning instrument being amended.

Option (c) is the appropriate alternative selected in this case. The introduction of the land use into Schedule 1 of the Murray LEP will specify that it may be carried out with development consent. This requires development approval be granted for the use and such approval will contain conditions as Council deems appropriate.

The Planning Proposal is consistent with the relevant ministerial directions.

SECTION C – Environmental, Social and Economic Impact

- Q7. *“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?”*

Whilst the Planning Proposal is within the Murray River it is very unlikely to have any adverse effect on these items. This is because the proposal is on an existing mooring. The restaurant will collect all wastes in stainless steel tanks that will be regularly pumped out and discharged into the relevant sewerage system. There will be no pollution of the river as evidenced by the manner in which the mooring and PS Hero have operated for a number of years.

- Q8. *“Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?”*

The mooring site is not affected by any environmental issues such as landslip, erosion or bushfire.

Noise from patrons may be considered an environmental issue however it is believed this will be minimal.

The venue is to be established to provide a fine food and dining experience and for patrons to enjoy the ambience of the Murray River. Loud noise is not expected to be associated with this type of venue. The planning controls to be imposed will limit the hours of operation of the venue. This will further ensure that noise should not cause a nuisance.

- Q9. *“Has the Planning Proposal adequately addressed any social and economic effects?”*

The social and economic impacts of the Planning Proposal are seen to be positive.

The proposal will add an additional venue to the popular tourist destination of Echuca/Moama. The venue will provide a dining experience that is not available anywhere else. The operators of the venue are experienced restaurateurs and hospitality professionals who will ensure the venue is operated in a socially responsible manner.

It is expected that the venue will also attract visitors in its own right thus adding economic benefit to the towns. The venue will also provide economic benefit by providing employment opportunities.

The proposal will not have any impact on items or places of Aboriginal heritage. The mooring and the associated paddle steamer are already on site and operational.

Schools and hospitals will not be affected by the proposal.

The Planning Proposal is located away from the existing retail areas of Echuca and Moama. The venue is not a retail venue and will not detract shoppers from these areas. It will more likely attract patrons who may then visit the local shops, thus value adding to the local retailers.

SECTION D – State and Commonwealth Interests

Q10. *“Is there adequate public infrastructure for the Planning Proposal?”*

Yes. The proposal will operate from an existing commercial mooring. The Shire of Campaspe, as part of the Port of Echuca Revitalisation Plan, have provided electricity and water to the mooring. These services are already used by the PS Hero and will service the new venue.

Road access is available to the nearby Echuca/Moama visitor centre where a bitumen car park is available for use by patrons.

It is then approximately a 200m walk from the car park to the mooring. The access track is partly along a bitumen path and partly along a dirt road.

The dirt road leads from the bitumen car park and runs past the site. It then continues towards the onion patch and dry dock where it ends. This road is used by service and delivery vehicle tending the PS Hero and is suitable for the provision of services to the proposed venue.

As discussed elsewhere in this proposal, sewerage from the PS Hero is collected in stainless steel tanks and then pumped out by a contractor on a regular basis. A similar system will be used by the proposed restaurant.

Any additional upgrades required to infrastructure to service the proposed venue will be paid for by the operators.

Q11. *“What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?”*

The NSW Office of Environment and Heritage (OEH) were consulted some time ago with respect to this proposal.

The view of OEH is that the proposal can be considered by the Murray River Council under classification 20 of MREP2.

The proposal will be referred to OEH for comment. They will comment on biodiversity and the office advises that at this stage they consider such impacts to be minor.

The OEH will also comment on the assessment of impacts on Aboriginal objects.

The OEH also mentioned that the EPA may comment on erosion and sedimentation mitigation measures. Mitigation measures to prevent pollution of the Murray River will also be relevant.

EPA and Fisheries may also have additional requirements.

The Shire of Campaspe (Victoria) have also been consulted about this project and have indicated their support.

ATTACHMENTS

- 1. Information Checklist**
- 2. Cadastral Plan showing site and surrounds**
- 3. Aerial photograph with site highlighted**
- 4. Site Photographs**
- 5. Existing Zone Map with site highlighted**
- 6. PS Hero and Mooring**
- 7. Schematic Design - Existing and proposed plan views**
- 8. Schematic Design – Proposed plan**
- 9. Schematic Design – North-East perspective**
- 10. Port of Echuca Revitalisation Plan**
- 11. Commercial Mooring Licence CL6224**
- 12. Site Plan**

Attachment 1 – Information checklist

STEP 1: REQUIRED FOR ALL PROPOSALS
(under s55(a) – (e) of the EP&A Act)

- | | |
|---|---|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation
(including compliance assessment against relevant
section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS
(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	Not considered	Yes	Not considered	Yes
Strategic Planning Context				
Consistent with the relevant regional plan, district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flooding	<input checked="" type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land/site contamination (SEPP55)	<input type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years.	<input type="checkbox"/>	<input type="checkbox"/>	Sea level rise	<input type="checkbox"/>
Site Description/Context			Urban Design Considerations	
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Existing site plan (buildings vegetation, roads, etc)	<input checked="" type="checkbox"/>
Site photos/photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Building mass/block diagram study (changes in building height and FSR)	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Lighting impact	<input type="checkbox"/>
Local traffic and transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>
TMAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Considerations	
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic impact assessment	<input checked="" type="checkbox"/>
Cycle and pedestrian movement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Retail centres hierarchy	<input type="checkbox"/>
Environmental Considerations			Employment land	<input type="checkbox"/>
Bushfire hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Social and Cultural Considerations	
Acid Sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heritage impact	<input checked="" type="checkbox"/>
Noise impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aboriginal archaeology	<input checked="" type="checkbox"/>
Flora and/or fauna	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Open space management	<input type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment, and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	European archaeology	<input checked="" type="checkbox"/>
Water quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Social & cultural impacts	<input checked="" type="checkbox"/>
Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stakeholder engagement	<input type="checkbox"/>
			Infrastructure Considerations	
			Infrastructure servicing and potential funding arrangements	<input type="checkbox"/>
			Miscellaneous/Additional Considerations	
			List any additional studies that should be undertaken post Gateway determination	

4. Site Photographs



Photo Number 1
View downstream towards Echuca Wharf
from pontoon.



Photo Number 2
Western end of Timber Shed on Timber Pontoon,
with security system.



Photo Number 3
Bollard with rope work on Pontoon.



Photo Number 4
Rope fender between Paddle Steamer and Pontoon.

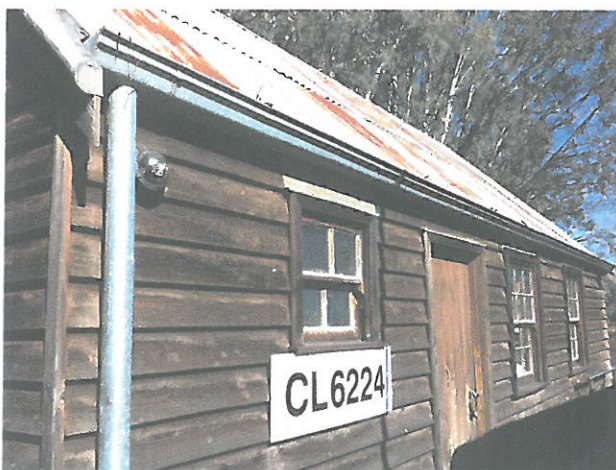


Photo Number 5
Northern Side of Timber Shed on Timber Pontoon,
with security system.



Photo Number 6
View upstream towards the Echuca – Moama Bridge.

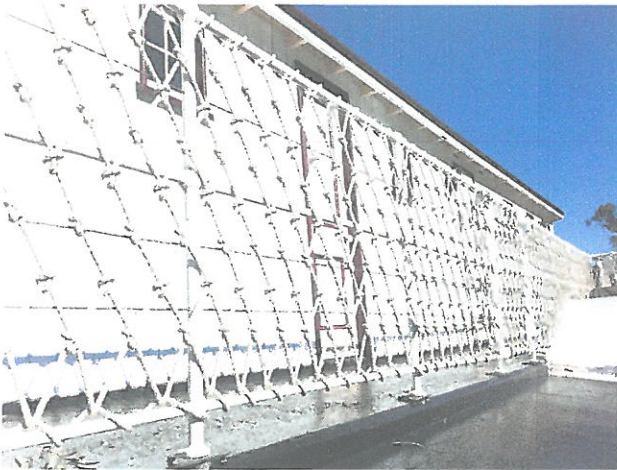


Photo Number 7

Rope work on top deck of the Paddle Steamer 'Hero'.



Photo Number 8

Ceiling low level of the Paddle Steamer 'Hero'.



Photo Number 9

Rope and Bollard on the Paddle Steamer 'Hero'.



Photo Number 10

Rear entrance on the Paddle Steamer 'Hero'.

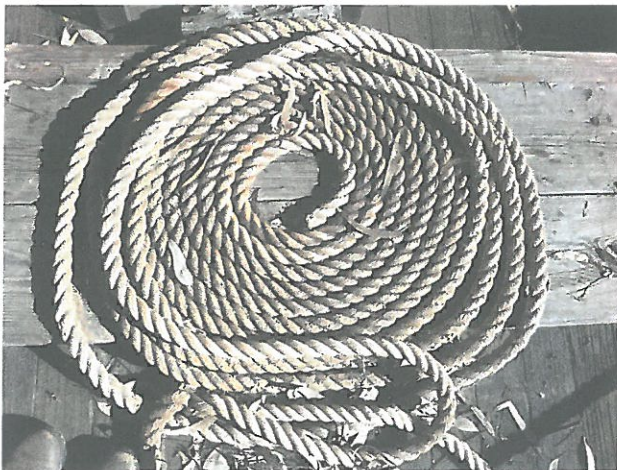


Photo Number 11

Rope work on Timber Deck of Pontoon.



Photo Number 12

Gangplank to Timber Pontoon.



Photo Number 13
Gangplank, Timber Pontoon and Eastern end
of Timber Shed.

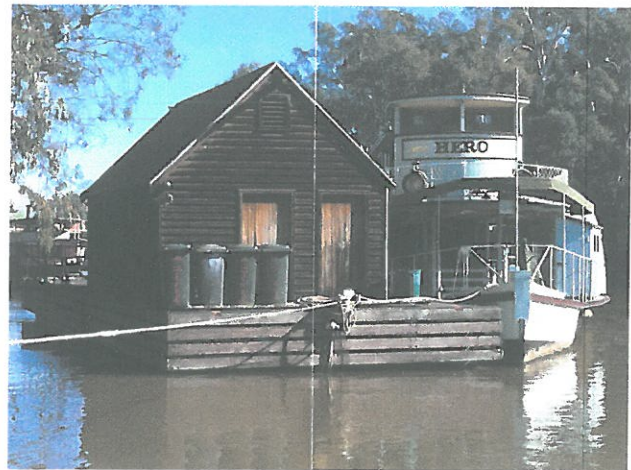


Photo Number 14
Timber Pontoon, Eastern end of Timber Shed and
the Paddle Steamer 'Hero'.

5. Existing Zone Map with site highlighted



Murray Local
Environmental
Plan 2011

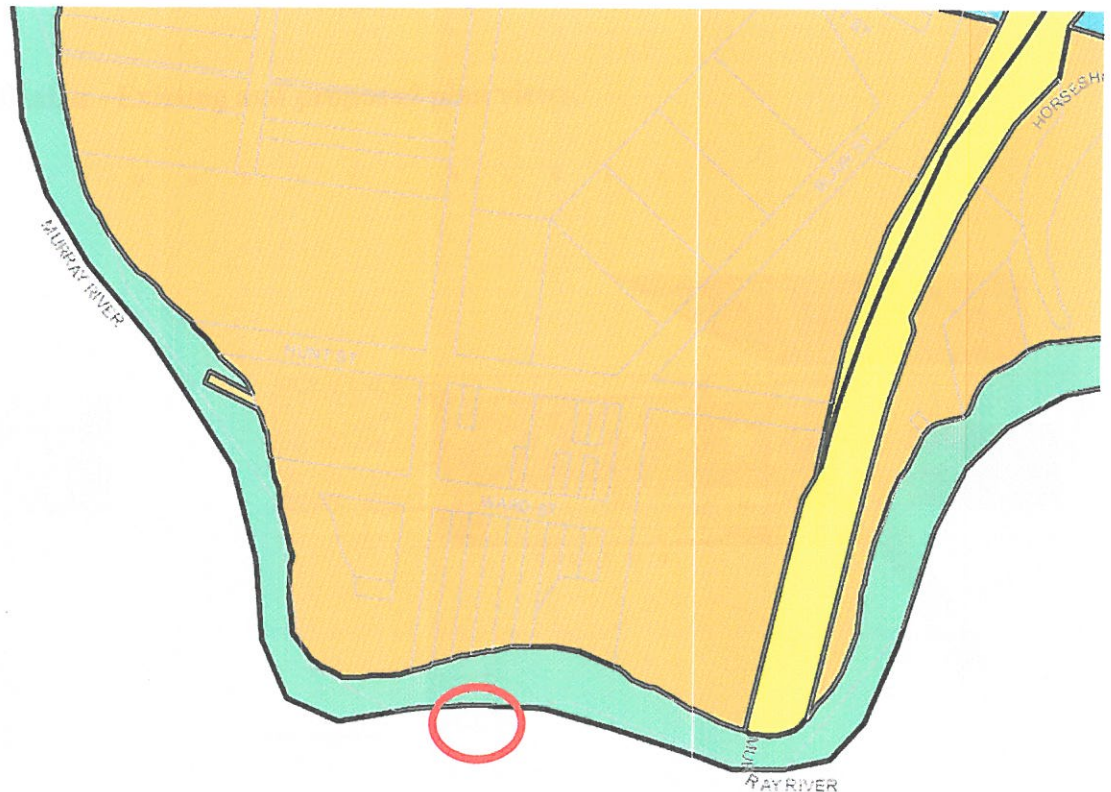
Land Zoning Map - Sheet LZN_006B

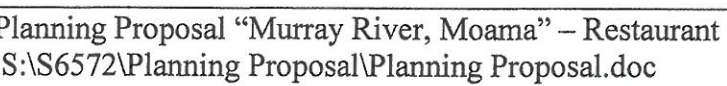
Zone

- E2** Local Centre
- B6** Enterprise Corridor
- E1** National Parks and Nature Reserves
- E3** Environmental Management
- IN1** General Industrial
- R1** General Residential
- R2** Low Density Residential
- R5** Large Lot Residential
- RS1** Public Recreation
- RE2** Private Recreation
- RU1** Primary Production
- RU3** Forestry
- RU5** Village
- SP1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways

Cadastral

Cadastral 01/01/2014 © Land and Property Information (LPI)





11. Commercial Mooring Licence CL6224

RENEWAL

08/12/2016

MARITIME PRODUCT SERVICES
Locked Bag 5100 CAMPERDOWN NSW 1450
13 12 56
internet: www.rms.nsw.gov.au



Transport
Roads & Maritime
Services

COMMERCIAL MOORING LICENCE

(AN OCCUPATION LICENCE ISSUED UNDER THE MANAGEMENT OF WATER AND WATERSIDE LAND REGULATIONS N.S.W.)

1-4235516025
RENEWAL No.

Belinda Byford
Riverina Development Pty Ltd
27 Welsford St
SHEPPARTON VIC 3630

LOCATION ECHUCA

COMMERCIAL LICENCE No.

CL6224

IMPORTANT: ▶ IF YOU CHOOSE THE QUARTERLY PAYMENT OPTION FOR YOUR INITIAL PAYMENT ALL REMAINING PAYMENTS MUST BE BY QUARTERLY INSTALMENTS
▶ IF PAYMENT IS NOT RECEIVED BY THE PAY BY DATE YOUR LICENCE MAY BE CANCELLED AND WILL NOT BE REISSUED UNTIL A REINSTATEMENT FEE IS PAID

EXPIRY DATE	FEE PAYABLE	PAY BY DATE	RECEIPT No.
8/5/2017	\$0.00 *	08/05/2017	BANK DETAILS
			TELLER'S STAMP & INITIALS
			DATE PAID
			AMOUNT PAID

NUMBER OF SITES: 1

For instalments, the first instalment can only be made at a RMS office, by BPAY or by mail

\$
\$
\$

Standard Conditions: Please be aware and comply with all conditions contained in the enclosed 'Commercial Mooring Licence' leaflet.

SPECIAL CONDITIONS:

DO NOT DETACH. FULL FORM TO BE RETURNED WITH PAYMENT

Westpac
Institutional Bank ABN 33 007 457 141

RMS ABN 76 236 371 088

Signature of Licensee

CREDIT

PAYMENT METHODS FOR CL6224



INTERNET: www.licence.nsw.gov.au
and follow payment instructions.



TELEPHONE: Call 13 12 36 anytime
to pay by Visa or MasterCard.



MAIL: Forward this certificate to the address
on the top of this notice. Payment may be
made by cheque, money order or credit card
(see overleaf).



BPAY: Biller Code: 126409
Customer Reference Number



IN PERSON: Present this certificate at any
Registry or Maritime Service Centre, Westpac
Branch or Government Access Centre.

Contact your Financial Institution by Internet
or telephone to make this payment directly
from your nominated account. When prompted
enter the Biller Code and your Customer
Reference Number.

142355160250

For Credit: ROADS AND MARITIME SERVICES
User Code

003-886

Teller use

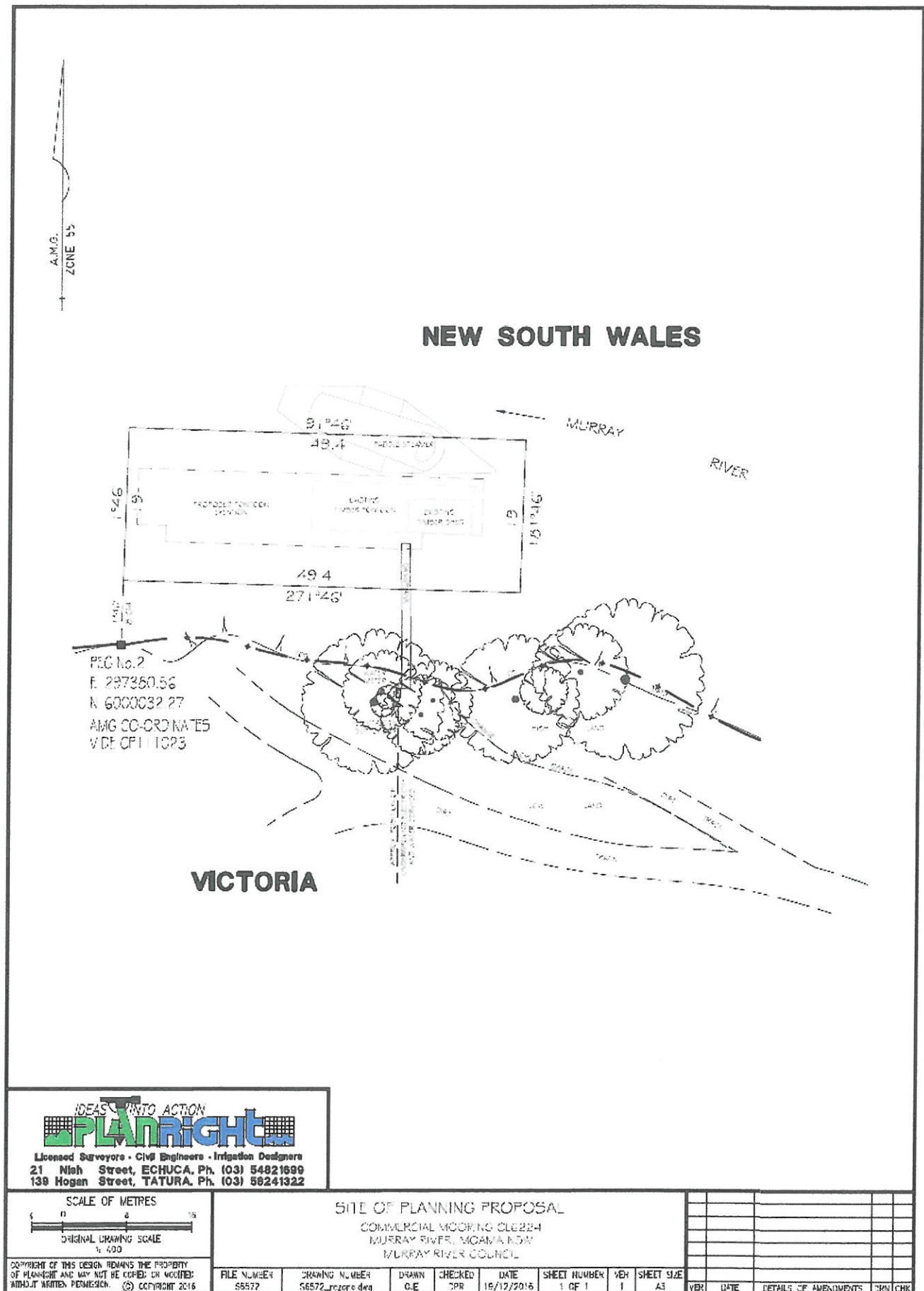
\$100
\$50
\$20
\$10
\$5

Notes

Coins
Cheques (see reverse)

Total \$

12. Site Plan



Planning Proposal "Murray River, Moama" – Restaurant
S:\S6572\Planning Proposal\Planning Proposal.doc