

NOTICE is hereby given that the **ORDINARY MEETING** of **MURRAY RIVER COUNCIL** will be held on **TUESDAY 8 AUGUST 2017**, commencing at **1:00PM** at the **RIVERSIDE RECEPTION CENTRE**, 15 Murray Street, Barham.



Margot Stork
Interim General Manager

Agenda

1. Acknowledgement of Country
2. Opening Prayer
3. Leave of Absence/Apologies
4. Conflict of Interest Declarations
5. Confirmation of Minutes:
 - *Ordinary Meeting on 18/07/17*
6. Deputations
7. Mayor's Minute
8. Standing Committee Reports
9. Notices of Motion/Notices of Rescission
10. Interim General Manager's Report & Supplementary Matters
11. Officer's Reports & Supplementary Matters
12. Questions on Notice
13. Correspondence Report
14. Sundry Delegates Report
15. Births and Condolences
16. Confidential Reports
 - *Please refer over the page for a detailed listing*
17. Notice of Urgent Business
18. Close of Meeting

Deputations

- 1:10pm** Mr Jason Fritsch and/or representative
1:25pm Mr Matt Atkinson of Masterplan
Re: Director Planning, Environment & Economic Development Report, Clause 5 (DA 108/17)
- 1:40pm** Mr Chris Bilkey
1:50pm Mr Kron Nicholas
2:00pm Mr Michael Sweeney
Re: Director Planning, Environment & Economic Development Report, Clause 6

Inspections

NIL



CLAUSE 4. PRIVATE PLANNING PROPOSAL TO AMEND MURRAY LOCAL ENVIRONMENTAL PLAN 2011 – SCHEDULE 1 ADDITIONAL PERMITTED USE

AUTHOR: Chris O'Brien, Town Planner
TRIM REF:

Issues considered in writing this report: Community Strategic Plan, Delivery Program, Council Policy, Legislation, Resources (financial, community & staff), Environmental Issues, Risk Issues & Options – issues applicable have been reported on.

RECOMMENDATION

That the subject Planning Proposal be sent to NSW DPE for Gateway Determination.

BACKGROUND INFORMATION

PLANNING PROPOSAL: AMEND MURRAY LEP 2011 TO INSERT RESTAURANT AS AN ADDITIONAL PERMITTED USE WITHIN CERTAIN LAND ON MURRAY RIVER ZONED W2 RECREATION WATERWAYS

ADDRESS: NSW CROWN WATERWAY (VICTORIAN SIDE OF THE MURRAY RIVER) AT THE CURRENT LOCATION OF COMMERCIAL LICENCE CL 6224

CROWN RESERVE: R56146

OPPOSITE: LOT 1 DP 903914, FORBES STREET, MOAMA NSW 2731

ADJACENT: ECHUCA WHARF, ECHUCA VIC 3564

OWNER: NSW DEPARTMENT OF INDUSTRY – LANDS (NSW CROWN LANDS)

APPLICANT: PLANRIGHT SURVEYING

Introduction

The process for preparing and amending a Local Environmental Plan (LEP) is stipulated in the *Environmental Planning and Assessment Act 1979* and covered within the NSW Department of Planning and Environment (NSW DPE) document entitled: '*A guide to preparing local environmental plans*', attached as Appendix 1.

The plan making process normally involves the following key components:-

- The preparation of a Planning Proposal
- The issuing of a Gateway determination
- Community and other consultation on the Planning Proposal (as required)
- Finalising the Planning Proposal
- Drafting of the LEP (plan)

- Making the plan
- Notifying the LEP on the NSW Government Legislation website

A Planning Proposal is a document that explains the intended effect of the proposed LEP and provides the justification for making it. *'A guide to preparing planning proposals'*, attached as Appendix 2 provides detailed advice on the preparation of a Planning Proposal.

Submitted Planning Proposal

The Applicant has supplied Council with a Planning Proposal pertaining to the subject land. The planning proposal seeks a Resolution of Council to send the planning proposal to NSW DPE for a 'gateway determination', in order to amend the Murray LEP 2011 via amending Schedule 1 of the Murray LEP 2011 to include 'restaurant' as a permitted land use on certain land within the Murray River zoned W2 Recreation Waterways. A copy of the submitted Planning Proposal is attached as Appendix 3 and Appendix 4.

Subject land

The subject land is the main channel of the Murray River, located on the Victorian side of the NSW Crown Waterway. The site is the current location of commercial licence CL 6224 and is known as Crown Reserve R56146. The site is opposite Lot 1 DP 903914, Forbes Street, Moama NSW 2731, and is adjacent to the Echuca Wharf, Echuca VIC 3564.

The subject land is zoned W2 Recreational Waterways and is mapped as Murray REP2 Riverine Land, Flood Prone Land, Key Fish Habitat (Aquatic Biodiversity) and Wetlands.

The Murray River is classed as a Watercourse under the Murray LEP 2011.

The site directly adjoins land mapped as Bush Fire Prone Land and Terrestrial Biodiversity (Native Vegetation).

The subject land is not mapped as an Urban Release Area, RAMSAR Wetlands, Contaminated Land or Mining Resources.

The site is located within the State Heritage Listed Moama Historic Precinct and in close proximity to the State Heritage Listed Echuca Wharf.

The site is owned by the NSW Department of Industry – Lands (NSW Crown Lands).

The site contains an existing mooring and pontoon which is used to berth the paddle steamer 'Hero'.

Road access to the subject land is via Echuca. See the below figures for more information.

Figure 1 – Subject land (highlighted by black star)

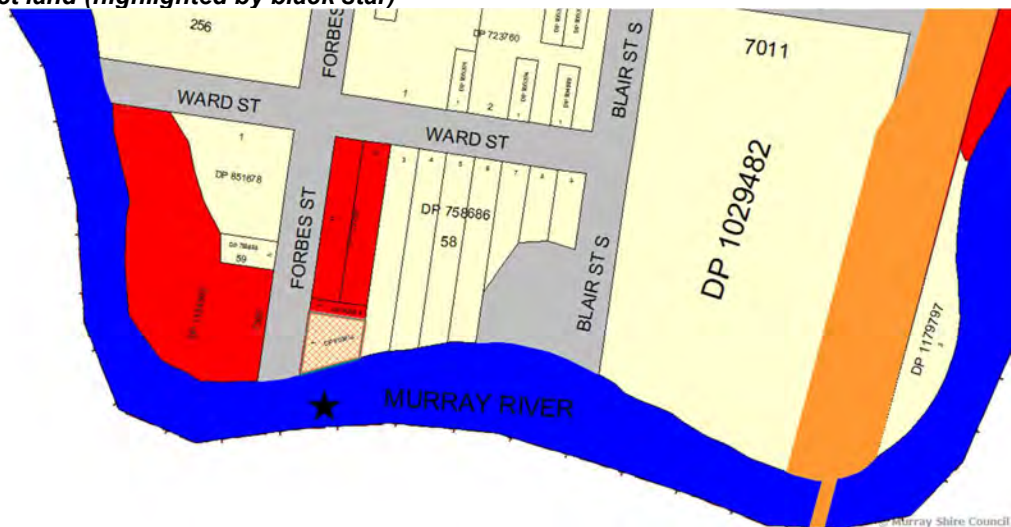


Figure 2 – Aerial Photograph of subject land – Photo taken 7 November 2015



Figure 3 – Current zoning – W2 Recreational Waterways Zone indicated by aqua shading

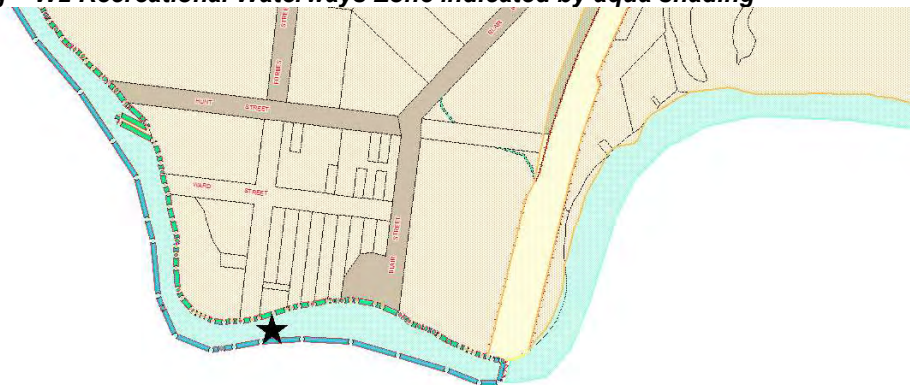


Figure 4 – Murray REP2 Riverine mapping



Figure 5 – Flood prone land mapping



Figure 6 – Bush fire prone land mapping



Figure 7 – Terrestrial Biodiversity mapping (Native Vegetation)



Figure 8 – Key Fish Habitat mapping (Aquatic Biodiversity)



Figure 9 – Wetlands mapping



Figure 10 – Heritage mapping



Assessment of Planning Proposal submitted to Murray River Council (Relevant Planning Authority)

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

Comment: This section of the planning proposal requires the Applicant to provide a short, concise statement setting out the objectives and intended outcomes of the Planning Proposal. The Applicant has advised that the intended outcome of the Planning Proposal is “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”. The Applicant is considered to have provided a suitable statement in response to this Part. See submitted Planning Proposal for further information.

PART 2 - EXPLANATION OF PROVISIONS

Comment: This section of the planning proposal is required to demonstrate how the objectives or intended outcomes are proposed to be achieved. The Applicant has advised that the Planning Proposal is seeking to achieve the intended outcomes listed in Part 1 by introducing restaurant as an additional permitted use into Schedule 1 of the Murray LEP 2011 via Clause 2.5. The Applicant is considered to have provided a suitable statement in response to this Part. See submitted Planning Proposal for further information.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Comment: The Applicant has advised that the planning proposal is not a result of any strategic study or report, but instead ‘is the result of a former regionally acclaimed dining venue intending to re-establish in a new location’. It is considered that the Applicant has satisfactory addressed Question 1.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Comment: The Applicant has advised that the planning proposal is the best means of achieving the objectives or intended outcomes. It is considered that the Applicant has satisfactory addressed Question 2.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Comment: The Riverina Murray Regional Plan was released by NSW DPE in April 2017 and is applicable. The applicant has advised that the Planning Proposal is consistent with the plan. See the submitted Planning Proposal for more information. Council staff have also compiled the following more detailed assessment against the Plan.

Direction 1.1 – Grow the economic potential of the agribusiness sector

Action 1.1.1 – Provide enabling planning controls to facilitate diversification and attract investment in the agribusiness sector

Comment: The Planning Proposal is not inconsistent with this action. The Planning Proposal does not affect rural land and will have no adverse impact on flexible planning controls which have the potential to provide diversification and attract investment in the agribusiness sector.

Action 1.1.2 – Encourage value- add manufacturing opportunities across the region to increase regional economic diversification

Comment: The Planning Proposal is not inconsistent with this action. The Planning Proposal does not pose an adverse impact to value-added manufacturing of agriculture opportunities, the export of regional agricultural commodities, the strategic positioning of future value-add enterprises, or manufacturing and intensive operations. The planning proposal will not inhibit the encouragement of value-add manufacturing opportunities to increase regional economic diversification in agriculture and agribusiness, and will not adversely affect the factors which enable future agricultural enterprise to harness innovation technologies or agricultural research.

Direction 2 – Manage productive agricultural lands in a sustainable way

Action 1.2.1- Identify and protect regionally important productive agricultural lands

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal will not adversely impact resource availability and will not adversely affect agricultural efficiency or pose fragmentation of productive rural lands. The planning proposal does not seek to rezone any rural land, and will not adversely affect the agricultural supply chain or State significant agricultural lands.

Action 1.2.2 – Establish a strategic planning framework that protects the productive values of agricultural land and manages land use conflict

Comment: The Planning Proposal is not inconsistent with this action. The proposal will not inhibit the delivery of strategic plans and policies to protect rural land uses, natural resources, developing industries, or dependent industries and communities, and is not predicted to result in land use conflict.

Action 1.2.3 – Encourage the increased use of biosecurity measures to protect the regions agricultural assets

Comment: The Planning Proposal is not inconsistent with this action. The Planning Proposal is not considered to present a biosecurity risk to the region or locality.

Direction 1.3 – Manage and use the regions natural resource sustainably

Action 1.3.1 – Support the sustainable use and conservation of water resources

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal is not considered to adversely impact water resources, water catchments, or watercourses. The applicant has stated that any subsequent development application will address compatibility with the riverine environment. The planning proposal will not generate significant pressure on urban water supply.

Action 1.3.2 – Protect areas of mineral and energy, extractive and renewable energy potential

Comment: The Planning Proposal is not inconsistent with this action, and will have no effect on the aim of the plan to protect the regions natural resource base and renewable energy infrastructure potential.

Action 1.3.3 – Avoid urban expansion and rural residential development on productive agricultural land identified mineral resource and energy resources

Comment: The Planning Proposal is not inconsistent with this action. The Planning Proposal does not propose the rezoning of any RU1 Primary Production zoned land.

Action 1.3.4 – Implement the NSW Renewable Energy Plan to increase renewable energy generation

Comment: The Planning Proposal is not considered inconsistent with this action. The planning proposal has no effect on the implementation of this plan.

Action 1.3.5 – Support the protection of native and plantation forests from encroachment

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal has no effect on the considerations discussed within this action.

Direction 2.1 – Enhance the regions freight networks through coordinated investment

Action 2.1.1 - Identify and prioritise pinch points in the freight network

Comment: The Planning Proposal is not considered inconsistent with this action. The planning proposal has no effect on the considerations discussed within this action. The planning proposal is not considered to pose any impact to freight efficiency, future bypasses or bridge crossings (including the Moama Echuca Bridge Crossing upgrade).

Action 2.1.2 - Identify and protect intermodal freight terminals to facilitate growth in the freight and logistics sector

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal has no effect on the considerations discussed within this action.

Action 2.1.3 - Identify and prioritise opportunities to improve regionally significant local road connections

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal has no effect on the considerations discussed within this action.

Action 2.1.4 – Work with the Australian Government on the proposed Melbourne-Brisbane inland rail corridor

Comment: The Planning Proposal is not inconsistent with this action, and has no effect on the considerations discussed within this action.

Direction 2.2 – Improve inter-regional transport services

Action 2.2.1 – Implement local planning controls that protect regional airports from the encroachment of incompatible land uses

Comment: The Planning Proposal is not inconsistent with this action, and has no effect on the considerations discussed within this action.

Action 2.2.2 – Identify and protect future rail corridors

Comment: The Planning Proposal is not inconsistent with this action, and has no effect on the considerations discussed within this action.

Direction 2.3 – Coordinate infrastructure delivery to facilitate economic opportunities

Action 2.3.1 – Coordinate the delivery of infrastructure to support the future needs of residents, business and industry

Comment: The Planning Proposal is not inconsistent with this action, and is not considered to pose an adverse impact with respect to supply of energy, waste services, water, or telecommunication within the region and locality.

Action 2.3.2 – Establish monitoring mechanisms to enable better demand forecasting to inform infrastructure coordination

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal has no effect on the considerations discussed within this action.

Direction 3.1 – Grow the regional cities of Albury, Wagga Wagga and Griffith

Action 3.1.1 – Develop a regional cities strategies for Albury, Wagga Wagga and Griffith

Comment: The Planning Proposal is not inconsistent with this action and has no effect on the considerations discussed within this action.

Action 3.1.2 – Implement an industrial land monitoring program to maintain a supply of well-located and serviced industrial land

Comment: The Planning Proposal is not inconsistent with this action and has no effect on the considerations discussed within this action.

Action 3.1.3 – Develop and deliver strategies that strengthen the commercial function of the CBDs and town centres

Comment: The Planning Proposal is not inconsistent with this action and has no effect on the considerations discussed within this action.

Direction 3.2 – Enhance the liveability and economic prosperity of the region's towns and villages

Action 3.2.1 – Deliver improved tools and partnerships to build community capacity in towns and villages to strengthen community resilience

Comment: The Planning Proposal is not inconsistent with this action and will not adversely impact on community resilience or the alleviation of skill shortage, particularly in the agribusiness sector.

Action 3.2.2 – Support the continued identification and protection of the region's heritage

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal will not impact the consideration of the heritage within the planning system, heritage protection, promotion, or management of heritage assets. The proposal is located within the State Heritage Listed Moama Historic Precinct and in close proximity to the State Heritage

Listed Echuca Wharf. It is considered that proposal has the potential to enhance the use of the locality which allows the community to experience its heritage significance.

Action 3.2.3 – Deliver enabling planning controls to diversify regional tourism markets and increase tourism opportunities

Comment: It is considered that the Planning Proposal is consistent with this action. The planning proposal will continue to promote tourism within Murray River Council and has the potential to continue to provide diversity to the tourism market, and is not inconsistent with the aims of the Murray Regional Tourism Board.

Action 3.2.4 – Deliver regionally specific urban design guidelines

Comment: The Planning Proposal is not inconsistent with this action and will not impact the delivery of such guidelines.

Action 3.2.5 – Identify opportunities to provide improved and increased transport connections between the region's town and villages to the regional cities

Comment: The Planning Proposal is not inconsistent with this action.

Direction 3.3 – Enhance the economic self-determination of Aboriginal communities

Action 3.3.1 – Conduct a strategic assessment of land held by the region's Local Aboriginal Land Councils to identify priority sites for further investigation of their economic opportunities

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal has no effect on the considerations discussed within this action.

Direction 3.4 – Provide a continuous supply of appropriate housing to suit the different lifestyles and needs of the region's population

Action 3.4.1 – Deliver enabling planning controls that facilitate an increased range of housing options including infill housing close to existing jobs and services

Comment: The Planning Proposal is not inconsistent with this action. The planning proposal has no effect on the implementation of considerations discussed within this action.

Action 3.4.2 - Facilitate a more diverse range of housing for seniors

Comment: The Planning Proposal is not inconsistent with this action.

Action 3.4.3 Develop a framework to facilitate a range of accommodation options for itinerant workers

Comment: The Planning Proposal is not inconsistent with this action and has little effect on the considerations discussed within this action.

Action 3.4.4 – Develop and implement principles for rural residential development

Comment: The Planning Proposal is not inconsistent with this action and has little effect on the considerations discussed within this action.

Action 3.4.5 – Facilitate the delivery of more affordable housing options through improved planning policies

Comment: The Planning Proposal is not inconsistent with this action and has little effect on the considerations discussed within this action.

Direction 3.5 – Enhance connections and planning between cross-border communities to improve service quality and infrastructure delivery

Action 3.5.1 – Investigate opportunities to improve cross-border planning outcomes, including infrastructure and service delivery

Comment: It is considered that the Planning Proposal is consistent with this action. The submitted planning proposal has the potential to further promote a cohesive cross border community, as the subject development has the potential to be utilised by citizens from both sides of the Murray River.

Action 3.5.2 – develop a cross-border land monitoring program

Comment: The Planning Proposal is not inconsistent with this action and will not inhibit improved tracking and forecasting of housing and employment of land release within the region.

Direction 4.1 – Protect the nationally significant Murray River

Action 4.1.1 – Actively manage settlement and competing land uses along the Murray River

Comment: It is considered that the planning proposal is not inconsistent with this action. The submitted planning proposal seeks permission to permit 'restaurant' as a land use with consent in the subject location of the Murray River zoned W2. No adverse land use conflict is predicted to occur, however it is noted any subsequent development on the subject land is required to be assessed on its merits. This will continue to ensure that the nationally significant Murray River is protected from adverse impact.

Direction 4.2- Protect the region's environmental assets and biodiversity values

Action 4.2.1 – Facilitate improved access to quality information relating to high environmental values, to avoid, minimise and mitigate the impacts of development on significant environmental assets

Comment: The Planning Proposal is not inconsistent with this action. It is considered that the submitted planning proposal is not inconsistent with the requirement to protect key environmental assets (including the Murray River). All development applications will continue to be assessed on their merits against the requirements of Section 79C of the Act.

Action 4.2.2 – Maintain healthy waterways and wetlands, including downstream environments

Comment: The Planning Proposal is not inconsistent with this action. It is considered that the submitted planning proposal will not significantly adversely impact upon the Murray River, which is a key fish habitat and nationally important natural watercourse. Any subsequent development on the subject land will continue to be assessed on their merits against the requirements of Section 79C of the Act.

Direction 4.3 – Increase the region's resilience to natural hazards

Action 4.3.1 – Review and map natural hazard risks to inform land use planning decisions

Comment: The Planning Proposal is not inconsistent with this action. The subject land is mapped as Flood Prone Land and adjoins land mapped as Bush Fire Prone Land.

It is considered that the submitted planning proposal will not increase the natural hazard risks associated with the subject land. Any subsequent development on the subject land will continue to be assessed on their merits against the requirements of Section 79C of the Act.

Action 4.3.2 – Support communities to build resilience to the impacts of natural hazards and climate change

Comment: The Planning Proposal is not inconsistent with this action.

Action 4.3.3 – Minimise the potential impacts of naturally occurring asbestos on communities

Comment: The Planning Proposal is not inconsistent with this action.

It is also noted that the planning proposal is not inconsistent with Council's Community Strategic Plan 2015/2016 – 2024/25. The planning proposal is considered to have suitably addressed the requirements of Question 3.

Strategic Merit

Comment: Throughout the various sections of the Planning Proposal, the Applicant has suitably demonstrated the strategic merit of the planning proposal. Although not specifically addressed in this Part of the Planning Proposal, there is no applicable local strategy endorsed by the Secretary of Department of Planning and Environment affecting this area of Murray River Council. Subsequent sections of the Planning Proposal also demonstrate compliance with the relevant Section 117 Directions and the suitability of the subject land for the proposal based on a variety of issues including its close proximity to existing, infrastructure, and environmental features. The planning proposal is considered not incompatible with the surrounding land uses, the natural environment, existing uses, approved uses and the future use of land near the planning proposal. The Applicant is considered to have suitably addressed the assessment requirements.

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Comment: The Murray Strategic Land Use Plan 2010-2030 (SLUP) is applicable. The SLUP has been adopted by Council and has been in operation for some time; however has not been endorsed by NSW DPE. The purpose of the SLUP is outlined below:

"The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond. More specifically the purpose of the SLUP is to assist in:

- *preparing a new Shire-wide Local Environmental Plan;*
- *providing the community with a degree of certainty for the location of various land uses in the future;*
- *maintaining in production agricultural land not required for urban expansion;*
- *protecting the riverine environment from use and development detrimental to it;*
- *separating incompatible land uses;*
- *reducing development speculation;*
- *considering tourist development proposals; and*
- *discouraging development on flood prone land.*

It is considered that the planning proposal is not inconsistent with the overall purpose and specific purposes on the Murray SLUP. The planning proposal will allow for the future development and use of land within the Council for the next 20 years and beyond, and will provide the community with a degree of certainty for the location of various land uses in the future. The planning proposal will not impact productive agricultural land, and assessment of any subsequent development applications enabled by the proposal will not result in adverse impacts upon the riverine environment.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Comment: As detailed in the submitted planning proposal, the Applicant has stated that the subject proposal is not inconsistent with all applicable State Environmental Planning Policies. Please see submitted planning proposal and State Environmental Planning Policies below for more information.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Comment: Not applicable to the subject planning proposal. No additional opportunities for affordable rental housing will be created as a result of the planning proposal.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Comment: Not applicable to the subject planning proposal. No additional opportunities for BASIX affected development will be created as a result of the planning proposal.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 1 General

Clause 1.3 Aims of Policy

Comment: It is considered that the planning proposal is consistent with the aims and intent of this Policy. The planning proposal does not adversely affect existing exempt and complying development requirements.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Comment: Not applicable.

State Environmental Planning Policy (Infrastructure) 2007

Comment: The proposal is not inconsistent with this SEPP.

State Environmental Planning Policy (Integration and Repeals) 2016

Comment: Noted.

State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Kurnell Peninsula) 1989

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Comment: Not applicable.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

Comment: Not applicable.

State Environmental Planning Policy (Penrith Lakes Scheme) 1989

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Rural Lands) 2008

Comment: Not applicable. The subject land is not rural land.

State Environmental Planning Policy (State and Regional Development) 2011

Part 1 Preliminary

Clause 3 Aims of Policy

Comment: It is considered that the planning proposal is consistent with the aims and intent of this Policy. The planning proposal does not adversely affect existing requirements outlined within the Policy.

State Environmental Planning Policy (State Significant Precincts) 2005

Comment: The planning proposal does not affect State Significant Precincts.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Three Ports) 2013

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Urban Renewal) 2010

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy (Western Sydney Parklands) 2009

Comment: Not applicable to Murray River Council.

Murray Regional Environmental Plan No 2—Riverine Land

Comment: The Applicant has provided a suitable assessment against this deemed SEPP. See submitted Planning Proposal for more detail.

State Environmental Planning Policy No 1—Development Standards

Comment: Not applicable to the Murray LEP 2011.

State Environmental Planning Policy No 14—Coastal Wetlands

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy No 19—Bushland in Urban Areas

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy No 21—Caravan Parks

Comment: Not applicable.

State Environmental Planning Policy No 26—Littoral Rainforests

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy No 30—Intensive Agriculture

Comment: Not applicable.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

Comment: Not applicable. Hazardous and/or offensive development, or potentially hazardous and offensive development is not permitted on W2 Recreational Waterways zoned land.

State Environmental Planning Policy No 36—Manufactured Home Estates

Comment: Not applicable.

State Environmental Planning Policy No 44—Koala Habitat Protection

Comment: Not inconsistent.

State Environmental Planning Policy No 47—Moore Park Showground

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy No 50—Canal Estate Development

Comment: The planning proposal is consistent with the aims, objectives etc. of this Policy. The planning proposal will not adversely impact upon the requirements of this Policy.

State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas

Comment: Not inconsistent.

State Environmental Planning Policy No 55—Remediation of Land

Comment: Not inconsistent.

State Environmental Planning Policy No 62—Sustainable Aquaculture

Comment: Not inconsistent.

State Environmental Planning Policy No 64—Advertising and Signage

Comment: The Applicant has provided a suitable assessment against this SEPP. See submitted Planning Proposal for more detail.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

Comment: Not applicable.

State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)

Comment: Not applicable to Murray River Council.

State Environmental Planning Policy No 71—Coastal Protection

Comment: Not applicable to Murray River Council.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Comment: As detailed in the submitted planning proposal, the Applicant has stated that the subject proposal is consistent with all applicable Directions. Please see the submitted planning proposal and Directions below for more information.

1. Employment and Resources

1.1 Business and Industrial Zones

Comment: Not applicable. The planning proposal does not affect land within an existing or proposed business or industrial zone.

1.2 Rural Zones

Comment: Not applicable. The planning proposal does not affect land within an existing or proposed rural zone.

1.3 Mining, Petroleum Production and Extractive Industries

Comment: This direction does not apply. The planning proposal will not have the effect of:

- (a) *prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) *restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.*

1.4 Oyster Aquaculture

Comment: Not applicable to Murray River Council.

1.5 Rural Lands

Comment: Not applicable.

2. Environment and Heritage

2.1 Environment Protection Zones

Comment: It is considered the Planning Proposal is consistent with this Direction. No adverse impact to the River Murray is predicted to occur as a result of the application.

2.2 Coastal Protection

Comment: Not applicable to Murray River Council.

2.3 Heritage Conservation

Comment: The Applicant has stated that the Planning Proposal is consistent with this Direction. See submitted Planning Proposal for more detail.

2.4 Recreation Vehicle Areas

Comment: The proposal does not affect this Direction.

2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs

Comment: Not applicable to Murray River Council.

3. Housing, Infrastructure and Urban and Urban Development

3.1 Residential Zones

Comment: This direction does not apply. The planning proposal does not affect land within:

- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or*
- (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*

3.2 Caravan Parks and Manufactured Home Estates

Comment: The proposal does not affect this Direction.

3.3 Home Occupations

Comment: The proposal does not affect this Direction.

3.4 Integrating Land Use and Transport

Comment: Not applicable. The planning proposal will not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

3.5 Development Near Licensed Aerodromes

Comment: This direction does not apply. The planning proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

3.6 Shooting Ranges

Comment: Not applicable.

4. Hazard and Risk Hazard and Risk

4.1 Acid Sulfate Soils

Comment: Not applicable.

4.2 Mine Subsidence and Unstable Land

Comment: This direction does not apply. The planning proposal will not apply to land within a Mine Subsidence District proclaimed pursuant to Section 15 of the *Mine Subsidence Compensation Act* 1961, or which has been identified as unstable land.

4.3. Flood Prone Land

Comment: The Applicant has stated that the Planning Proposal is consistent with this Direction. See submitted Planning Proposal for more detail. Any subsequent development application enabled by the proposal will be subject to a merit-based assessment against the flood provisions contained within the Murray LEP 2011, Murray DCP 2012 and the Floodplain Development Manual 2005.

4.4 Planning for Bushfire Protection

Comment: The Applicant has stated that the Planning Proposal is consistent with this Direction. See submitted Planning Proposal for more detail. It is considered the Applicant has satisfactorily addressed this Direction.

5 Regional Planning

5.1 Implementation of Regional Strategies

Comment: This direction does not apply. The following strategies do not apply to Murray River Council:

- (a) *South Coast Regional Strategy (excluding land in the Shoalhaven LGA), and*
- (b) *Sydney–Canberra Corridor Regional Strategy.*

5.2 Sydney Drinking Water Catchment

Comment: Not applicable to Murray River Council.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Comment: Not applicable to Murray River Council.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Comment: Not applicable to Murray River Council.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)

Comment: Noted.

5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)

Comment: Noted.

5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)

Comment: Noted.

5.8 Second Sydney Airport: Badgerys Creek

Comment: Not applicable to Murray River Council.

5.9 North West Rail Link Corridor Strategy

Comment: Not applicable to Murray River Council.

5.10 Implementation of Regional Plans

Objective

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

Comment: The planning proposal is consistent with the objective of this direction.

Where this direction applies

(7) *This direction applies to land to which a Regional Plan has been released by the Minister for Planning.*

Comment: The Riverina Murray Regional Plan applies to the land. This document was in draft form when the proposal was submitted. The planning proposal is not inconsistent with this document.

When this direction applies

(8) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

(9) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

Comment: The Riverina Murray Regional Plan is applies. The planning proposal is not inconsistent with this document.

Consistency

(10) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:

- (a) is of minor significance, and*
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.*

Comment: Not applicable. The planning proposal is consistent with this direction.

6 Local Plan Making

6.1 Approval and Referral Requirements

Comment: The Applicant has stated that the Planning Proposal is consistent with this Direction. See submitted Planning Proposal for more detail.

6.2 Reserving Land for Public Purposes

Comment: The submitted proposal is not inconsistent with this Direction.

6.3 Site Specific Provisions

Comment: The Applicant has stated that the Planning Proposal is consistent with this Direction. Council staff agree the proposal is not inconsistent with this Direction. See submitted Planning Proposal for more detail.

7 Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney

Comment: Not applicable to Murray River Council.

7.2 Implementation of Greater Macarthur Land Release Investigation

Comment: Not applicable to Murray River Council.

7.3 Parramatta Road Corridor Urban Transformation Strategy

Comment: Not applicable to Murray River Council.

7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

Comment: Not applicable to Murray River Council.

The Applicant is considered to have suitably addressed the Section 117 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?

Comment: The Applicant has advised that whilst the proposal applies to the Murray River, the proposal is very unlikely to have any adverse effects on the items listed above. Due to the nature of the proposal, Council staff concur with this initial assessment. Any future development of the subject land will be subject to a merit based development application assessment against Section 79C of the *EP&A Act* 1979 and all other relevant legislation. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed the assessment requirements of Question 7.

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

Comment: The Applicant has noted that there is unlikely to be significant environmental effects because of the planning proposal. Noise may be generated by the proposal however any subsequent Development Application which will be required can be appropriately assessed and conditioned to protect the amenity of the area. The Applicant is considered to have suitably addressed the assessment requirements of Question 8.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Comment: The Applicant has provided a detailed assessment against net community benefit considerations. The Applicant has stated that 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'. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed the assessment requirements of Question 9.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Comment: The Applicant has advised that there is adequate public infrastructure available to support the planning proposal. Council staff concur with this initial assessment. Any upgrades to infrastructure required because of the proposal will be required to be paid by the developers. The Applicant is considered to have suitably addressed the assessment requirements of Question 10.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Comment: The Applicant has conducted some pre Gateway Determination consultation with various authorities. These authorities include NSW Office of Environment and Heritage, Shire of Campaspe (Victoria), NSW Roads and Maritime Services, NSW Department of Primary Industries – Fisheries, and Victoria Police. The consulted authorities did not have any objections at the initial stage. It is noted that relevant State and Commonwealth authorities will be consulted in accordance with Section 56 (2)(d) of the *Environmental Planning and Assessment* 1979 as a result of the Gateway determination.

PART 4 – MAPPING

Comment: No mapping is proposed to change as a result of the planning proposal.

PART 5 – COMMUNITY CONSULTATION

Comment: The Applicant believes the subject proposal can be classed as low impact under this heading, and that the exhibition period of the proposal can be for 14 days. It is noted that the consultation requirements are to be dictated by any Gateway determination, however it is considered the Applicant has suitably addressed the assessment requirements of Part 5.

PART 6 – PROJECT TIMELINE

Comment: The Applicant has submitted a draft Project Timeline; however the dates have changed due to the timing the Application has taken to be submitted to a Council Meeting for determination. It is considered that the subject planning proposal can be appropriately progressed in an efficient manner subject to Council staffing resources. The Applicant is considered to have suitably addressed the assessment requirements of Part 6.

SUMMARY

After a review of the submitted Planning Proposal, Council staff is of the opinion that the submission by the Applicant provides sufficient detail to meet the requirements of the Act and 'A guide to preparing Planning Proposals'. It is therefore recommended that the Planning Proposal be sent to NSW DPE for Gateway Determination.