

# Murray Shire Council

## Kooyong Park Planning Proposal

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### **Brief**

**Closing Date: Friday 11 July 2014**

All quotations sent by post are to be clearly marked with the name of the expression of interest and submitted in a sealed envelope, prior to the closing date, to the following address.

**Kooyong Park Planning Proposal  
General Manager  
Murray Shire Council  
PO Box 21  
Mathoura NSW 2710**

For further information regarding this specification contact:

**Glenn Bulmer  
Murray Shire Council  
Ph: (03) 5884 3400  
Mb: 0429 916 539**

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## Summary

The town of Moama is situated on the banks of the Murray River within the Shire of Murray. Moama is a rapidly growing centre with the population increasing significantly over the last census periods. It is situated opposite the Victorian city of Echuca upstream of the Campaspe River.

In the past, Moama has suffered from mainstream flooding from the Murray River. Murray Shire Council has received a planning proposal for the rezoning of a property located in Moama known as 'Kooyong Park Sustainable Development'.

As such Murray Shire Council invites a fee proposal from an appropriately qualified consultant to manage all aspects of this planning proposal on the subject site.

To provide a strategic context to respondents as to the principles and outcomes the shire aspires to achieve, the following are the stated values the Council, as an organisation, together with the elected Councillors and staff share:

- Provide community **leadership**;
- To act **impartially** and in the **best interests** of the community with **honesty** and **integrity** to promote community and economic **development**;
- Base decisions on **sustainability**, including financial, environmental, social and economic;
- Be **creative** and **innovative**;
- Be **open, accessible** and **inclusive**;
- Be **fair** and **equitable**;
- Promote a culture of **teamwork** and **cooperation**;
- Provide **value for money**;
- Foster a "**Can Do**" approach within the legal framework.

## Subject Site

The subject site is referred to as the 'Kooyong Park Sustainable Development'. The site is approximately 44 hectares in size and located on the boundary of Old Deniliquin Road, Moama St and Holmes St in Moama. The site is located is approximately 1.5km from the town centre.

**LOCATION MAP - KOOYONG PARK DEVELOPMENT**

This map illustrates the Kooyong Park Development area, highlighting the park itself in green. The surrounding urban environment includes various streets and residential zones. A prominent 'B' logo is located in the lower-left section of the map. The Yarra River is shown flowing along the bottom edge, with the text 'NEUF RIVER' and 'VICTORIA' visible. The map also includes a scale bar and a north arrow for orientation.

In 2005, Murray Shire Council commenced a review of its Local Environmental Plan (LEP). As part of this process Council prepared a Strategic Land Use Plan (SLUP). A draft SLUP was prepared in early 2007 and placed on public exhibition.

*"that Council support the proposal in principle (subject to a detailed site specific flood study proving the land is suitable for urban development) and amend the Draft SLUP to indicate such support".*

*"that the site is suitable for a combination of urban (including residential and commercial/tourism), semi-urban and conservation land uses, based on available information".*

**Murray Shire Council**  
**Kooyong Park Planning Proposal**

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As a result of a code of conduct review, on the 26 August 2013, Glenn Bulmer (Manager Planning & Building) was been given delegated authority to engage an independent Town Planner for the duration of the consideration of the re-zoning application.

The preparation of this planning proposal will enable the Council to make an informed decision in respect to the support or otherwise of the subject site in respect to its rezoning in accordance with Council's original resolution and the applicable s117 Directions. It is noted that should Council support the rezoning of the subject site that it will proceed as a planning proposal under the 'gateway system'.

## **Objectives of the Brief**

As discussed above, Murray Shire Council requires an independent Town Planner to manage all aspects of this planning proposal application. The independent Town Planner is to facilitate and prepare a planning proposal that provides Council with the ability to make an informed decision in respect to the proposal to rezone the property to support a range of residential and commercial development.

The management of this planning proposal is to encompass the following;

- Liaise with key stakeholders,
- Identify and request further information or studies (if required),
- Ensure the level of detail in the background information provided is sufficient to respond to the statutory requirements of the *Environmental Planning and Assessment Act 1979* and the supplementary information requirements set out in the "guide to preparing planning proposals".
- Preparation of a planning proposal in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979* and the "guide to preparing planning proposals" NSW Department of Planning and Environment.
- Preparation of report(s) to Council for consideration of the planning proposal. The reports are to make recommendations
- Preparation of the submission to the Department of Planning & Environment for a Gateway determination,
- Facilitate post gateway determination conditions as required by the Department of Planning & Environment (e.g. public hearings, preparation of council reports, assessment of submissions, etc.).

## **Relevant Planning Instruments and research requirement**

Respondents should note in preparing their tender submission that a variety of relevant current data resources and background papers required to undertake the management of the planning proposal are available. An initial package of information is provided in Appendix 1 to assist in the quotation phase of this process. A collated package of these resources will be provided to support the planning proposal assessment which will include the following documents:



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## Strategic Documents

- a) 'Floodplain Development Manual' (April 2005). NSW Department of Infrastructure, Planning and Natural Resources
- b) Local Environmental Study (LES): 'Kooyong Park' prepared by Coomes Consulting

This study was prepared to assist Council in making a decision in respect to the most suitable use of 'Kooyong Park'. The LES references comments made in respect to flooding by Councils Land Use Strategy. The LES recommends that a 'detailed flood study be undertaken to determine areas under inundation and determine access road levels'.

- c) Murray Shire Strategic Land Use Plan

This land use plan is the Shire's principle strategic planning document for guiding future land use and development in the Murray Shire.

- d) 'Kooyong Park Sustainable Development' Background and Information Presentation Papers. Prepared by Applicant May 2007 and February 2012.

## Flooding

- a) Moama Floodplain Management Study (Vol 2 SKM January 2001)

This study was commissioned by Murray Shire Council to address flooding issues on the NSW floodplain between Gilmour Rd, Barmah to 24 Lane, Moama. Issues addressed in the study was developed into a floodplain management plan (adopted as DCP Chapter 7) which provided Council with specific management measures to guide development and management of flood affected land. On the basis of the recommendations of this study a levee has been constructed around the township of Moama to protect the township from flooding. This study used MIKE-11 one-dimensional numerical modeling to prepare a flood model for a number of flood events across the floodplain.

- b) Moama Floodplain Management Plan (Vol 1 SKM June 2002)

- c) Murray Development Control Plan 2012.

- d) Ground Water and Flood Assessment. Kooyong Park Sustainable Development. (Advanced Environmental Systems Jul 2010 and revised Jan 2012)

- e) Site Contour Map showing 1% ARI flood levels (Murray Shire Department of Engineering Services 2007)

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- f) Levee Realignment Study on site for NSW Department of Water (Water Technology Aug 2007)

#### Land Use, Social and Environmental

- a) Flora and Fauna Assessment. Kooyong Park Sustainable Development. (Advanced Environmental Systems Jul 2010 and revised Nov 2011)
- b) Soil Contamination Assessment (SEPP 55). Kooyong Park Sustainable Development. (Advanced Environmental Systems Mar 2010 and revised Nov 2011)
- c) 'Kooyong Park Sustainable Development' Background and Information Presentation Papers. Prepared by Applicant May 2007 and February 2012.
- d) Bush Fire Assessment. Kooyong Park Sustainable Development - Stage 2 (Advanced Environmental Systems Mar 2010 and revised Nov 2011)
- e) Infrastructure Report. Kooyong Park Sustainable Development. (DKP Hardiment Pty Ltd Nov 2011).

#### Cultural

- a) Aboriginal and European Cultural Heritage Assessment. Kooyong Park Sustainable Development. (Advanced Environmental Systems Jul 2010 and revised Nov 2011)

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## **Additional Information**

Council may provide additional correspondence and related reports that provide complimentary background information to undertake the management of the planning proposal. Examples of this are demographic data for Moama.

It is the responsibility of the applicant, Matthew O'Farrell, to provide any requested additional background information or studies as deemed necessary by the independent town planner. All costs associated with any additional studies identified as being required by the independent town planner are to be borne by the applicant.

## **Project Coordination**

The project is to be co-ordinated by the successful consultant.

The primary contact for Murray Shire is Council's Manager Planning & Building Glenn Bulmer.

The primary contact for the applicant / landholder is Matthew O'Farrell.

## **Project Methodology and Deliverables**

The methodology is to be developed by the successful consultant and agreed to by Council prior to commencement. However it is envisaged that the planning proposal will commence with a site visit and meetings/consultation with applicant/property owner and Council staff.

## **Timing**

The timing of the project will be agreed upon during the formation of the project methodology.

## **Conditions of Engagement**

### ***Fee Proposal***

The project budget will be determined by Council following the submission of fee proposals.

### ***GST***

The consultant must provide Council with its Australian Business Number (ABN) and indicate that it is registered for GST.

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### ***Payment***

Council will only make payments if it is satisfied the work meets the requirements of the brief and is carried out using robust methods to a high professional standard.

The Council must first authorise any extra work that is to be subject of a claim for payment outside the scope of this brief or the budget determined by Council.

### ***Termination***

The consultant's commission may be terminated due to non-performance or inability to meet set target dates. The consultant will be informed in writing of such termination, which will not be subject to further correspondence.

### ***Insurances and Licenses***

The consultant will be required to hold the following insurances and be able to produce Certificates of Currency upon request:

1. Workers Compensation Insurance
2. Public Liability Insurance (\$10 million minimum)
3. Professional Indemnity Insurance (\$5 million minimum)

### ***Amendment of the Terms of Reference***

The 'terms of reference' for this consultation may only be amended with the written agreement of the landowner and the Council.

### ***Confidentiality, Ownership and Copyright***

All research, findings, documents arising and reports will remain confidential until release is authorised by Council. The findings and reports will be made available to the applicant/land.

Where as a result of carrying out the study the consultant or any sub-consultant obtains information regarding any matter not related to the study the information shall not be used or disseminated elsewhere.

Ownership and copyright at all times shall be vested in the Council and any reproduction or distribution whether for money or otherwise of intellectual property or project deliverables will only be with the prior authorisation of the Council.

Council may permit the consultant to use information gained in the course of the project for the purpose of learned papers or other publications provided that these are appropriately acknowledged and that confidentiality is respected.



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**Appendix 1:**

## MURRAY SHIRE COUNCIL

23<sup>rd</sup> May 2014

Date Rec: 26.05.14

Doc id: ..... X Ref: .....

Mr Glen Bulmer

Manager Planning &amp; Building

PO Box 21

Mathoura NSW 2710

Retention Period: 10yrs

File: LU+P1/plan/Plan-Cen

Ref to: AB For: Info

Ref to: ..... For: .....

Ack'ment Letter: ☐ Sent: .....

Matthew O'Farrell

Kooyong Park

PO Box 65

Moama NSW 2731

Dear Mr Bulmer,

I am writing to formally apply for the rezoning of a parcel of land owned by our family, known as 'Kooyong Park'. We have been advised that it would proceed through the 'Gateway' process. The Council have previously voted to support the rezoning of this land (see correspondence dated 21 May 2007 attached).

We were notified in correspondence from the council dated 26 August 2013 (attached) that you have been delegated the authority to engage an independent Town Planner to manage the process of the re-zoning application. It is as per this notification that I am now sending you this application.

A 'Local Environmental Study' has been undertaken on this site. This was prepared by Coomes Consulting and is dated 2008. A copy of it will be on council records under 'Kooyong Park'. As per the conclusions of this study, at this stage we are applying for the site to be rezoned E4 Environmental Living.

As way of background to restart the application process, I have included a briefing paper that was provided to Councillors for consideration at their meeting on 15 May 2007. This needs updating, but generally details various aspects of the site and what we wish to achieve with the rezoning.

Also included with this correspondence is a preliminary plan for what the outcome of the rezoning may look like.

To assist the independent Town Planner is assessing our application, there are a number of studies that have already been undertaken on the site. These include a flood and groundwater study, infrastructure report, flora and fauna assessment, bushfire assessment, aboriginal and heritage assessment and a SEPP 55 contaminated site study. These studies should be on council records, however if you can't locate them we are happy to provide copies.

If you have any questions, queries or require additional information please do not hesitate to contact me.

Yours sincerely,



Matthew O'Farrell

e: [Matthew.ofarrell@bigpond.com](mailto:Matthew.ofarrell@bigpond.com)

t: 0407 347 768



Our Ref: Confidential/Staff/Code of Conduct: id 150262

26 August 2013

Mr M O'Farrell  
PO Box 65  
MOAMA NSW 2731

Dear Sir

**RE: CODE OF CONDUCT REVIEW**

I refer to the Code of Conduct Review Report prepared by Korda Mentha that has been provided to you.

You are advised that, as General Manager of the Murray Shire Council, I am implementing the recommendations of the Report and the following actions have been taken:

1. I have counselled Mr Arkinstall in relation to the necessity to set out full and complete information in Council reports stemming from his Department;
2. Council's staff will investigate the introduction of a standard reporting template in respect of re-zoning applications;
3. I have nominated Mr Glenn Bulmer, Manager Planning & Building, to be the Council contact for any dealings in relation to your re-zoning application. I have also delegated authority to Mr Bulmer to engage an independent Town Planner for the duration of the consideration of the re-zoning application, when required.

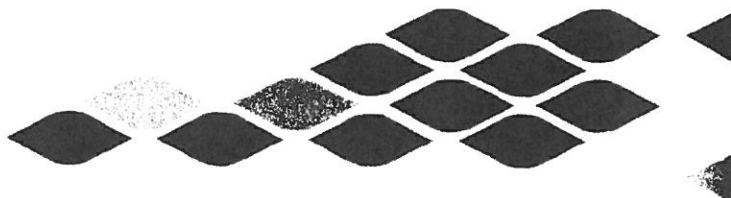
I trust that this information is of assistance.

Should you require further information, please contact the undersigned on 03 5884 3302.

Yours sincerely

Greg Murdoch  
**General Manager**

GJM/km



**Partnering for a sustainable community**

PO Box 21 Mathoura NSW 2710 Ph 03 5884 3302 Fax 03 5884 3417 [admin@murray.nsw.gov.au](mailto:admin@murray.nsw.gov.au) [www.murray.nsw.gov.au](http://www.murray.nsw.gov.au)

