

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 6. PLANNING PROPOSAL TO AMEND MURRAY LOCAL ENVIRONMENTAL PLAN 2011 – “KOORYONG PARK”

AUTHOR: Peter O'Dwyer, EDM Group
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

1. That the report provided by Council's independent planning consultant, EDM Group, on the Planning Proposal in relation to “Kooyong Park”, Moama, be received and noted by the Council.
2. That the Planning Proposal in relation to the development of “Kooyong Park”, off Holmes Street, Moama, be lodged with the Department of Planning and Environment for a Gateway Determination.

BACKGROUND INFORMATION

Additional comments inserted by Council's staff:

Council's Town Planner has carried out a comprehensive review of the final Planning Proposal documentation drafted by EDM Group. During this review, Council's Town Planner identified a number of issues/concerns with the report, which were raised with EDM Group (via email). EDM Group have responded (via email) to these concerns. A copy of the issues raised and associated responses are attached to this report (refer Appendix 3). EDM Group have subsequently amended some aspects of the Planning Proposal to address some of the identified issues/concerns. However, some of the identified issues remain unresolved.

Murray River Council has engaged EDM Group as an independent planning consultant to facilitate and prepare a Planning Proposal for the possible rezoning of a property located to the east of the Moama Township known as “Kooyong Park”. The purpose of the project is to provide Council with sufficient information to make an informed decision in respect of the proposal to develop the land for a range of residential and commercial land uses as part of an overall development to be known as “Kooyong Park Sustainable Development”.

Council (formerly Murray Shire Council), at its meeting of 20 October 2015 considered a progress report on the planning proposal which included a separate site-specific review report. The Council subsequently resolved the following:

RESOLVED (Crs Campbell/Moon) that:

1. *The Site Specific Review report prepared by EDM Group be received and noted by the Council;*
2. *The Murray Development Control Plan (DCP) Chapter 6 be amended to reinstate notation over the subject land identifying “Kooyong Park” as a potential development site, subject to further investigation (including extension of town flood levee);*
3. *Council place a draft copy of the Murray Development Control Plan (DCP) 2012 – Amendment 5, on public exhibition for a period of 28 days;*
4. *The landowner be invited to engage a suitably qualified floodplain practitioner, agreeable to Council, to prepare, at no cost to Council, an independent flood assessment, as outlined within the Site Specific Review report; and*
5. *Upon receipt of an agreed comprehensive flood risk report and having regard to any recommendations of such a report, that Council give further consideration to preparation of a Planning Proposal for the subject land.*

Following the Council meeting of 20 October 2015, the Murray Development Control Plan (DCP) 2012 – Amendment 5 was exhibited. Following consideration of the submissions received, Council (formerly Murray Shire Council) subsequently resolved at its meeting of 19 January 2016 (adjourned to 2 February 2016) the following:

RESOLVED (Crs Bilkey/Campbell) that the Council approves the amended draft version of the Development Control Plan (Murray Development Control Plan (DCP) 2012 – Amendment 5) in the form which it was publicly exhibited.

In further response to Council’s abovementioned resolution of 20 October 2015, the landowner also subsequently engaged Water Technology to complete the necessary flood investigation. The Flood Report for Kooyong Park Planning Proposal documented a flood assessment of existing conditions flood behaviour for a 1% AEP flood event on the Murray River system at Kooyong Park, Moama, and the impacts of further developing the rural ring levees surrounding the property to an urban levee standard.

Following consideration of this Flood report and having regard to the previous thorough review of the numerous detailed background documents relating to the Kooyong Park proposal, Council, at its meeting of 15 November 2016 resolved as follows:

RESOLVED (Mr Shaw) that:

- i. *The report is received and noted.*
- ii. *Council instruct the EDM Group to continue with the preparation of the required Planning Proposal in respect of “Kooyong Park”.*
- iii. *A Planning Proposal be submitted back to Council for consideration prior to lodging with the Department of Planning and Environment for a Gateway Determination.*

Subject Land

The subject land known as “Kooyong Park” is identified as Lot 2, DP 1078090 off Moama Street and Lots 1-17, DP 1228353 Cadell Street, Moama, being a total area of approximately 39.1ha.

The property has frontage to Moama Street to the west, and Holmes Street to the south. To the west, the property also has frontage to Old Deniliquin Road.

Located to the north east of the subject land is the “Kooyong Park” homestead lot being, Lot 1, DP1078090 and 6.34ha in area.

Situated to the west of the subject land across Moama Street is the rail corridor, which also acts as a flood levee. Further west across Barnes Road is the Moama Industrial Estate.



Figure 1: Site context plan (source SIX Viewer)

In summary, relevant site characteristics include the following:

- Located within the 60km/hr speed limits in relatively close proximity of the Moama town centre;
- Has frontage to Moama Street to the west, and Holmes Street to the south. To the west, the property also has frontage to Old Deniliquin Road;
- Largely protected by an existing rural levee bank system (Map 9);
- Land uses to the east of the railway line in the vicinity of the subject land include a mixture of farming, rural living, holiday homes/tourist developments;
- The property is generally flat terrain draining from south to north at a grade of around 0.5%;
- Some scattered paddock trees across the property; and
- Native vegetation largely constrained to the road reserves around the site.

Discussion

This proposed Amendment to the Murray Local Environmental Plan (LEP) 2011 comes about following not only a long history of Council deliberations and reporting on this site but also a range of positive outcomes as a consequence of further investigations, as provided under the terms of the Moama Strategic Land Use Plan (SLUP).

On the basis that Council has previously reached a point where it was prepared to entertain a fresh Planning Proposal for consideration under the Gateway Process pending further

information in respect of flooding, EDM Group has further consulted with NSW DPI-Water and the final version of the Water Technology Flood Report (June 2017) is now considered to form a firm basis of support for the matter to proceed to a determination.

In this regard, it is to be noted that EDM Group has now prepared the necessary Planning Proposal report (attached as Appendix 4), which in summary recommends:

1. Rezoning the existing “Kooyong Parklands” estate being Lots 1-16, DP 1078090 from E3 to R2 Low Density Residential to reflect the approved large lot residential subdivision of the land;
2. Facilitating the development of balance land described as Lot 2, DP 1078090 and Lot 17, DP1228353 located off Holmes Street and Moama Street Moama for residential, function centre and restaurant purposes; and
3. Introducing specific provisions for “Kooyong Parklands” that includes reference to a development control plan that will reflect an agreed masterplan providing for residential and commercial development within a Community Title scheme. This will cater for the variations in lot size envisaged across the estate, allowing future development applications to be considered on a merits basis having regard to the overall agreed layout.

Explanation of Provisions

It is firstly noted that the subject land straddles the boundary of two (2) Land Zoning Maps. Having regard to this situation, the Amendment of the Murray LEP 2011 will comprise a number of components, namely:

- (a) Amending the Land Zoning Map LZN_006 in the Murray LEP 2011 to show the subject land zoned as R2 Low Density Residential.
- (b) Amending the Land Zoning Map LZN_006B in the Murray LEP 2011 to show the subject land zoned as R2 Low Density Residential.
- (c) Amending the Minimum Lot Size Map LSZ_006 in the Murray LEP 2011 to indicate no minimum lot size for subdivision of the subject land.
- (d) Amending the Minimum Lot Size Map LSZ_006B in the Murray LEP 2011 to indicate no minimum lot size for subdivision of the subject land.
- (e) Inserting Additional Permitted Uses Map APU_006 in the Murray LEP 2011 to identify the subject land.
- (f) Inserting Additional Permitted Uses Map APU_006B in the Murray LEP 2011 to identify the subject land.
- (g) By inserting the following clause in the Murray LEP 2011:

7.9 Development of certain land in Holmes Street, Moama (known as Kooyong Parklands)

- (1) This clause applies to land identified as “Kooyong Parklands” on the Additional Permitted Uses Map.*
- (2) Despite clause 4.1, the consent authority may grant development consent to the subdivision of land to which this clause applies to create a lot of any size if:*
 - (a) the development comprises subdivision of individual lots in a community title scheme yielding no more than a total of 226 dwellings;*
 - (b) the overall density of development has an average of not less than 1 dwelling per 1730m² ,*
 - (c) the community title subdivision occurs in a logical and cost effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*

- (3) *Development consent must not be granted for development on land to which this subclause applies unless a development control plan that provides for the following matters has been prepared in relation to the development:*
 - (a) *sustainable stormwater management, including water re-use,*
 - (b) *visual impacts, view corridors and design principles for the development,*
 - (c) *the identification of any recreation, community and social facilities on the land,*
 - (d) *traffic, pedestrian and cycle networks,*
 - (e) *the identification of an area for a function centre and restaurant;*
 - (f) *the staging and sequencing of the development on the land, and*
 - (g) *the identification of landscape areas for revegetation,*
- (4) *The Council shall not consent to development on land to which this clause applies unless it has made an assessment of the degree to which the development:*
 - (a) *exhibits a high architectural standard,*
 - (b) *is sympathetic to the existing landscape features, and*
 - (c) *is likely to achieve agreed sustainable development outcomes including water sensitive urban design and energy efficiency gains.*
- (5) *The Council shall not consent to the erection of a dwelling, on land to which this clause applies unless the land is surrounded by a levee constructed with a crest level equal to the Flood Planning Level of 96.0 to 96.08 metres above sea level.*

(h) By inserting in Schedule 1 Additional Permitted Uses the following:

2. Use of certain land known as “Kooyong Parklands”

- (1) *This clause applies to land identified as Lot 17, DP1228353, Holmes Street, Moama.*
- (2) *Development for the purpose of a function centre and a restaurant is permitted with development consent.*

Concluding Comments

Following a thorough review of the numerous detailed background documents relating to the Kooyong Park proposal, including the most recent Flood Report for Kooyong Park Planning Proposal (June 2017) prepared by Water Technology, it is now concluded that the matter should proceed to be submitted to the Department of Planning and Environment for a Gateway Determination.