

Mr Ashley Albury
Regional Manager
Department of Planning & Environment
PO BOX 58
DUBBO NSW 2830

30 June 2015

Dear Ashley,

**RE: PLANNING PROPOSAL - PROPOSED ZONING AMENDMENT TO WAKOOL
LOCAL ENVIRONMENTAL PLAN RU1 to RE2 AND
REQUEST FOR ENDORSEMENT OF WAKOOL LAND USE STRATEGY AS IT
RELATES TO LOT 1 DP 1134973**

Council at its meeting of 11 March 2014 resolved to support a planning proposal in respect of amendments to the Local Environmental Plan to rezone Lot 1 in Deposited Plan 1134973 at Murray Downs from RU1 Primary Production to RE2 Private Recreation Zone. A copy of minute 160215 is attached.

Mr. Brian Mitsch has been engaged and authorised to prepare all required documentation in relation to this Planning Proposal and formally submit such to the Department of Planning NSW for Gateway Determination. The consultation / exhibition process shall be administered by Council with a 28 days period deemed to be suitable.

In March 2011 the Wakool Land Use Strategy (WLUS) was conditionally endorsed by the Department of Planning NSW as the basis to guide the direction of Wakool Shire's land use planning for the next 25 years. That conditional endorsement required Council to undertake further environmental analysis and agency consultation, including preparation of a Floodplain Risk Management Plan prior to the WLUS being revised and resubmitted for endorsement.

The site, Lot 1, is identified in the Wakool Land Use Strategy as a tourism area based on existing active development (DA32/07) issued to Mr McNeill for a tourist facility comprising 10 cabins and Manager's residence and a two lot subdivision of Lot 3 DP 844955, the subdivision component of which has been completed.

A Murray Downs Flood Study was commissioned by the Wakool Shire Council and completed by GHD in late 2014. The study has assessed Murray River flooding conditions at Murray Downs. The study has been carried out in accordance with the NSW Government's Floodplain Development Manual (2005). The primary objective of the NSW Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual

owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods.

The subject land, Lot 1 in Deposited Plan 1134973, has been mapped as being outside the area of the 100 Year ARI Flood event. A copy of the Murray Downs flood study is available from Councils web site at <http://www.wakool.nsw.gov.au/news/1161686-flood-study-released>. An extract from Figure A2 – Murray Downs Flood Study – 100-Year ARI Flood Event and Depth with Lot 1 DP 1134973 highlighted in RED is attached.

Due to a range of factors including the location of the site adjacent to the existing Murray Downs Marina it is the professional opinion of the writer that that the approved tourism use is an appropriate use for the site. This approved development provides opportunity for the development of tourist industry in Murray Downs now or at some point in the future.

With the completion of the Murray Downs flood study adequately addressing the necessary requirement for additional environmental assessment, Council requests further conditional endorsement of the WLUS as it relates to the subject site.

If you require any additional information in respect of the Wakool Land Use Strategy please do not hesitate to contact the undersigned or in relation to the Planning Proposal, Brian Mitch (Consultant) of **Brian Mitsch & Associates** on (03) 5881 2177.

Yours sincerely,



Paul O'Brien
Deputy General Manager
Wakool Shire Council

160215

PLANNING PROPOSAL – RU1 to RE2 – MURRAY DOWNS

DGM

Cr Crowe Moved and Cr Lockhart Seconded

- i. *That the officer's report be received and noted.*
- ii. *That Council support the proposition to undertake a Planning Proposal to amend Wakool Local Environmental Plan to rezone Lot 1 in Deposited Plan 1134973 from RU1 Primary Production to RE2 Private Recreation Zone.*
- iii. *That the completion of the Planning Proposal be managed by Councils Deputy General Manager Development Services.*
- iv. *That the preparation of the Planning Proposal be at the full cost of the proponent, Mr Mark McNeill*

Voted for

Cr Lockhart
Cr Membrey
Cr Crowe
Cr Gorey

Voted against

NIL

CARRIED



Extract from Figure A2 – Murray Downs Flood Study – 100-Year ARI Flood Event and Depth
with Lot 1 DP 1134973 highlighted in RED