

Planning Services

Gateway Determination Report

LGA	Murray River Council
PPA	Murray River Council
NAME	Insert 'public administration building' as additional permitted use with consent within certain land on Moama Recreation Reserve zoned RE2 Private Recreation (0 homes, 0 jobs)
NUMBER	PP_2018_MRIVE_001_00
LEP TO BE AMENDED	Murray Local Environmental Plan 2011
ADDRESS	52 Perricoota Road, Moama
DESCRIPTION	Lot 261 DP 728943
RECEIVED	30 July 2018
FILE NO.	IRF18/4175
POLITICAL DONATIONS	There are no donations known or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to include in Schedule 1 Additional permitted uses, the land use, “public administration building” in respect of Lot 261, DP728943 being land accessed off Perricoota Road, Moama. This will facilitate future consideration of a Development Application for consent the use the land for Council offices and facilities.

Site description

The building is located on Lot 261 DP 728943 and is an ‘L’ shaped parcel with a total area of 3.4 hectares identified in Figure 1 below. This land is a Crown Land parcel forming part of the overall area identified as the Moama Recreation Reserve. The land is also currently subject to a perpetual lease land held by Rich River Golf Club Limited (Special Lease 1989/2 Deniliquin – expires 31/12/2029.)

While the subject land has legal access to Kirchhofer Street from the eastern frontage, that apart of Lot 261 DP728943 occupied by the Moama Sports Club building is more generally accessed from the south off Perricoota Road via a sealed accessway along Lot 266 DP822981.

The building is a two storey complex located in the southern section of the land. Also situated on the land to the north of the building is a part of the Moama Playpark, part of a multi-purpose playing field, part of a toilet block facility, and land used for vehicle access and public carparking.



Figure 1: Subject Site

Existing planning controls

The site is currently zoned RE1 Public Recreation and RE2 Private Recreation as shown in Figure 2 below. The following land use tables apply to the land:

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Advertising structures; Boat launching ramps; Building identification signs; Business identification signs; Camping grounds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*
- To provide for, and promote, development for the purposes of registered clubs.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Advertising structures; Airstrips; Biosolids treatment facilities; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewage treatment plants; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

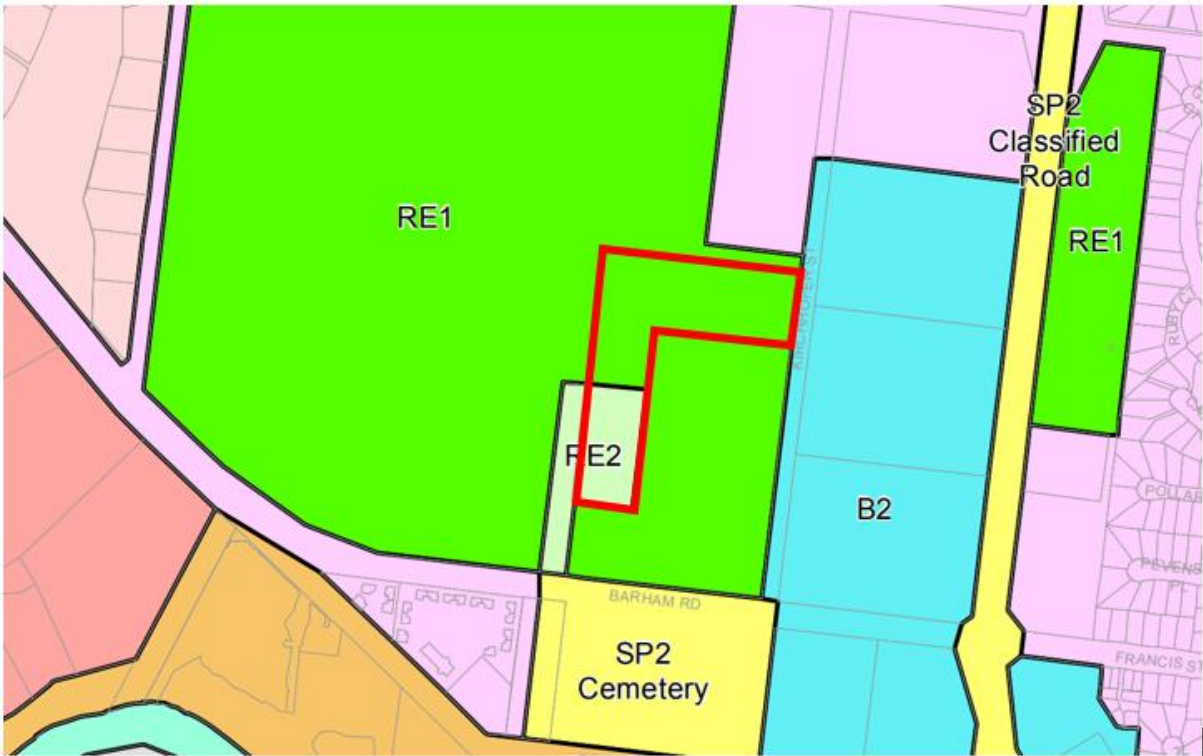


Figure 2: Land Zoning Map

Surrounding area

As identified in Figure 1 and Figure 2 the site is surrounded by a mixture of recreational land, a private school, a cemetery and a mixture of different business uses. The site is located to north of Moama town centre as identified in Figure 3 below, however is considered to be central to the town, considering the extent of residential land to the east and west and Industrial land to the north.

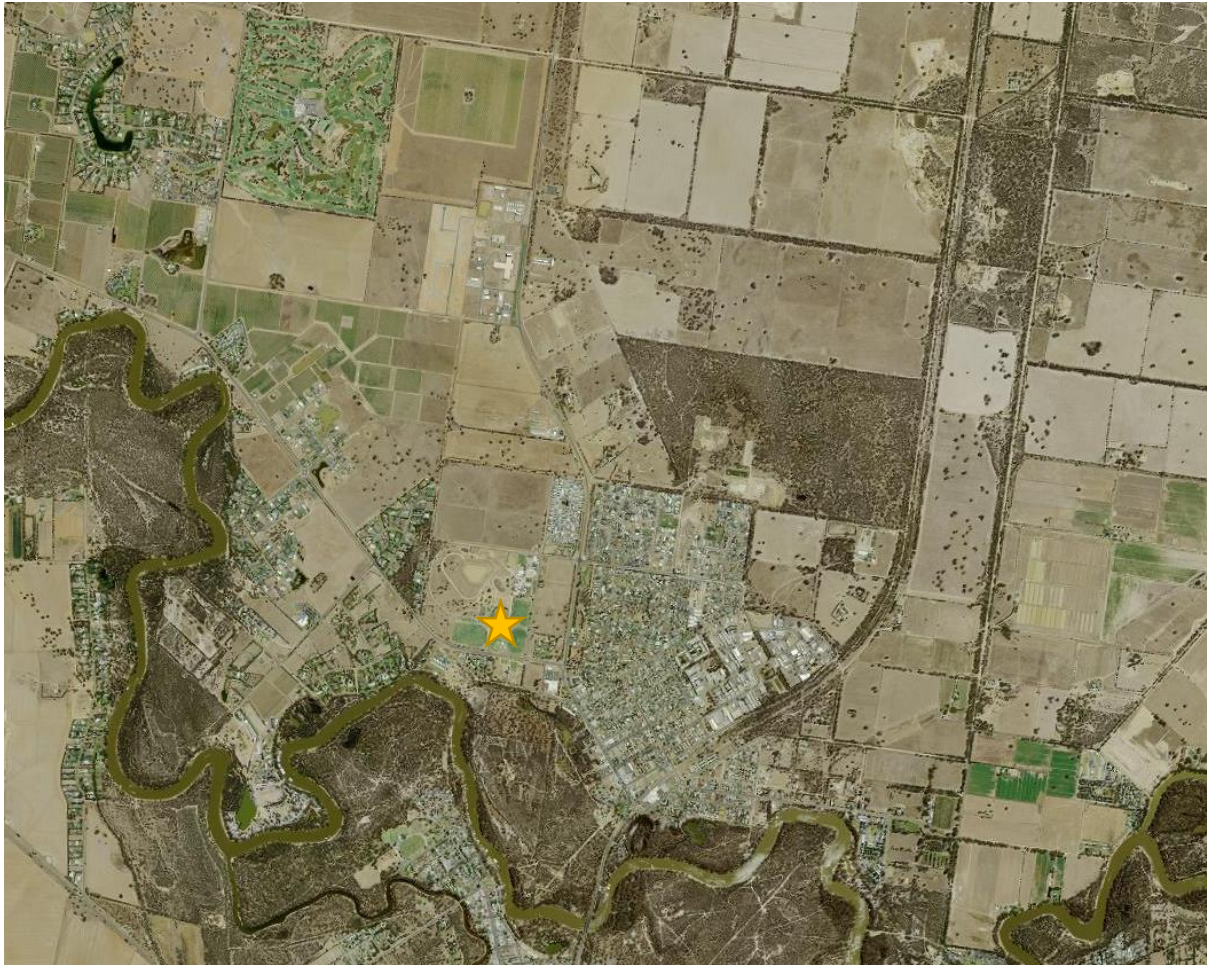


Figure 3: Surrounding area

Summary of recommendation

Proceed with Conditions – The application generally meets the relevant Section 9.1 Directions and relevant provisions in the State Environmental Planning Policies.

A condition is recommended to ensure a map is prepared for public exhibition, to identify the part of the Moama Recreation Reserve stated in Part 2 – Explanation of Provisions in the planning proposal.

A condition is recommended to remove the 'Draft' watermark from the planning proposal.

The planning proposal addresses 5.1 Implementation of Regional Strategies, which appears to be an error. A condition is recommended to ensure the planning proposal is updated to correct the reference.

PROPOSAL

Objectives or intended outcomes

The planning proposal states:

The objective of this planning proposal is to include in Schedule 1 Additional permitted uses, the land use, "public administration building" in respect of Lot 261, DP728943 being land accessed off Perricoota Road, Moama. This will facilitate

future consideration of a Development Application for consent the use the land for Council offices and facilities.

Comment: The objective and intended outcome is considered to be adequate.

Explanation of provisions

The planning proposal states:

The planning proposal does not involve changes to the Land Zoning Map. The proposed amendment is limited to the written instrument, in particular Schedule 1 of the MLEP. The proposed amendment to Schedule 1 is as follows:

Schedule 1 Additional permitted uses

Insert the following entry

2 Use of part of the Moama Recreation Reserve, Perricoota Road, Moama

(1) This clause applies to land within the Moama Recreation Reserve, Perricoota Road, Moama, being Lot 261, DP728943.

(2) Development for the purpose of a public administration building is permitted with development consent.

Relevant to the above it is also to be noted that under the existing provisions of the MLEP the following definition is applicable:

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

Comment: Subject to a condition requiring the preparation of an additional use map to identify the area that will be subject to the additional use on the lot, the explanation of provisions is considered to be adequate.

Mapping

No maps have been prepared for the planning proposal, however a condition is recommended to ensure that an additional permitted uses map is prepared to identify the part of land to be used for the additional use.

NEED FOR THE PLANNING PROPOSAL

The need for the planning proposal is to facilitate a significant opportunity to improve public access to Council's administration functions in Moama in a fit-for-purpose building. Council are intending to provide greater flexibility and opportunities to the building, given the recent departure of the Rich River Golf Club.

It is agreed that the best means of achieving the intended outcome is by way of inserting an additional permitted use in Schedule 1, as it retains the existing use of the land being private recreation.

STRATEGIC ASSESSMENT

Riverina and Murray Regional Plan 2036

The planning proposal identifies the Riverina Murray Regional Plan 2036 as being applicable. The planning proposal provides the following Goals, Directions and Actions within the plan;

GOAL 1 – A growing and diverse economy

DIRECTION 6: Promote the expansion of education and training opportunities

Action: 6.3 Facilitate joint venture opportunities for the development of shared community/school facilities on school sites, including sporting fields, amenities, parking, community halls, child care, arts and library facilities.

GOAL 4 – Strong, connected and healthy communities

DIRECTION 23: Build resilience in towns and villages

Helping towns and villages to become more robust and dynamic places will increase their appeal for residents and contribute to their growth and prosperity.

Action 23.2 Work with councils to better understand the drivers of population change and implications for local communities.

DIRECTION 28: Deliver healthy built environments and improved urban design.

Good urban design can add to the community's cultural, economic and physical wellbeing by creating safe, healthy and socially inclusive places that meet the needs of children, young people, families, singles, people with disabilities and seniors.

The planning proposal provides the following commentary against the above:

Murray River LGA provides a wide range of community services and functions to the greater council area, administered through the customer services centres in Mathoura, Moulamein, Barham and Moama.

In response it is to be noted that through a change of use of an existing conveniently located building that a significant opportunity now presents itself for Council to improve public access to its administration functions in Moama in a fit-for-purpose building that will serve the community for many years to come.

This outcome is seen as a potentially important strategy to not only cater for the existing community but also provide an outcome where the economic life of a significant vacant two storey building within the Moama township is protected through a change in tenancy.

Comment: The planning proposal is considered to be consistent with the relevant goals, objectives and actions in the plan. The planning proposal provides an opportunity to repurpose a building for public use, which compliments existing surrounding uses on the site.

Local

The planning proposal states:

In respect of Council's Community Strategic Plan 2015/2016-2024/25 under Theme 1 – Governance the Plan seeks to establish:

“ ... strong government and regional networks, involving the community to contribute to the future direction of the Murray Shire and providing sound governance and administrative frameworks.

Under Strategic Area (C) and (E) the following objectives are of relevance:

Develop a workforce and work environment that maximises its ability to be at the forefront of Local Government industry, providing best practice customer service.

Establish and maintain administrative and information technology systems that underpins the delivery of corporate goals.

In addition to the above, under the Theme 4 – Economic , Strategic Area (B) Asset Management the following objective is also of relevance:

Develop and maintain asset management governance, skills, processes, systems and data in order to provide the level of service the Murray Shire community need at present and in the future, in the most cost effective and fit for purpose manner.

Further to the above Council's draft Community Strategic Plan 2018-2028 (August 2017) seeks to outline the community's aspiration and long-term vision of the communities of the Council area. This draft plan acknowledges that the growth in population is likely to continue to focus on growth in Moama and that this means that Council and community need think about future demand for services and infrastructure, and where to provide those services to support the communities

The Planning Proposal is considered to be consistent with the above, in this instance seeking to follow through on an opportunity to significantly improve public access to Council's administration functions in Moama.

Comment: The above statement is considered to be satisfactory and the planning proposal is generally consistent with the relevant local plans.

Section 9.1 Ministerial Directions

The planning proposal has identified the following Section 9.1 Ministerial Directions:

5.10 IMPLEMENTATION OF REGIONAL Plans: This Direction does apply to the planning proposal as the Riverina Murray Regional Plan 2036 applies to the land. The planning proposal addresses 5.1 Implementation of Regional Strategies, which appears to be an error. A condition is recommended to ensure the planning proposal is updated to correct the reference.

The proposal is considered to be CONSISTENT with this direction as demonstrated above.

6.1 APPROVAL AND REFERRAL REQUIREMENTS: This Direction does not apply to the planning proposal as it does not include provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.

6.2 RESERVING LAND FOR PUBLIC PURPOSES: This Direction does apply to the planning proposal as it will alter existing zonings of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposal is considered to be CONSISTENT with this direction as the Gateway determination will issue the necessary approval. The Director Regions, Western can be satisfied and approve this change in recreation land.

RECOMMENDATION: The Director Regions, Western of the Department approves of the proposal to alter the zonings of land for public purposes.

6.3 SITE SPECIFIC PROVISIONS: This Direction does apply to the planning proposal as it allows a particular development to be carried out.

The proposal is considered to be CONSISTENT with this direction as the planning proposal will not result in any unnecessary restrictive site specific planning controls.

State environmental planning policies

The planning proposal provides commentary against each State Environmental Planning Policy. In summary, the majority of SEPP's are not applicable to Murray River Council and those that are, are generally not applicable to the circumstances of the Planning Proposal.

SITE-SPECIFIC ASSESSMENT

Social, Environmental and Economic

The additional permitted use is considered to have no significant adverse environmental impacts. The site is already developed and currently being used as a registered club and sports fields. Council has advised that the additional permitted use will provide better services to the largest township in the Murray River Council area, therefore having a net benefit social impact.

CONSULTATION

Community/ Agencies

The planning proposal states:

The proposal is considered to be low impact as described in the Guide and as a consequence an exhibition period of 28 days is considered appropriate.

Consultation will be carried out in accordance with the statutory requirements set by the EP & A Act and its regulation.

The proposed consultation strategy for this proposal will include:

- *written notification to landowners adjoining the subject land;*
- *public notices to be provided in local media, including in a local newspaper and on Councils' website;*

- *static displays of the Planning Proposal and supporting material in Council public buildings; and*
- *electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).*

The Gateway determination will confirm the public consultation requirements.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and prepare a report to Council.

Comment: The community consultation is considered appropriate given the nature of the planning proposal.

Council has not proposed any agency consultation. It is considered that consultation with the Department of Industry – Crown and Water as the land owner be undertaken.

TIME FRAME

A project timeline has been proposed in the planning proposal. An estimated approximate completion date is May 2019, based on the projected timeline and including Christmas and Holiday shutdown periods. Therefore, it is considered to reasonable to recommend that a 12 month timeframe be required to complete the LEP.

LOCAL PLAN-MAKING AUTHORITY

Council have not requested to be the local plan-making authority. However, given the nature of the proposal and with Council's interest it is not considered appropriate to issue delegation in this instance.

CONCLUSION

- Preparation of the planning proposal is supported to proceed with conditions.
- The planning proposal addresses the Department's 'A guide to preparing planning proposals'.

RECOMMENDATION

[1] It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Directions 5.10 Implementation of Regional Plans, 6.2 Reserving Land for Public Purposes – approval granted, 6.3 Site Specific Provisions.

[2] It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation with Crown Lands is required.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

4. Given Council's interest in the planning proposal, Council should not be authorised to exercise local plan-making delegations.
5. A LEP Additional Permitted Use Map is required to be prepared prior to public exhibition, to identify the part of the Moama Recreation Reserve stated in Part 2 – Explanation of Provisions in the planning proposal.
6. Prior to proceeding to public exhibition remove the 'Draft' watermark from the planning proposal.
7. Prior to proceeding to public exhibition Section 9.1 Ministerial Direction, 5.1 Implementation of Regional Strategies is to be deleted from the Planning Proposal and replaced with 5.10 Implementation of Regional Plans.



16.8.18

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18.8.18

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