
CLAUSE 5. Amendment to Murray LEP - Additional Permitted Use Schedule 1 - Lot 261 DP 728943, Perricoota Road, Moama

REPORT GROUP

DIRECTOR PLANNING, ENVIRONMENT AND ECONOMIC DEVELOPMENT

REPORT PREPARED BY

DIRECTOR PLANNING, ENVIRONMENT & ECONOMIC DEVELOPMENT - Simon Arkinstall

RECOMMENDATION

1. That the Council endorses the development of a Planning Proposal in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 for the inclusion of an additional permitted use of 'public offices' on land at Lot 261 DP728943 Perricoota Road, Moama under the Murray Local Environmental Plan 2011.
2. That Council, on completion of the Planning Proposal refer same to the Department of Planning for Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.
3. That the Council receives a report, subject to the Gateway Determination, at the conclusion of the notification period to enable consideration of submissions to the proposed amendment the Murray Local Environmental Plans 2011.

BACKGROUND

INTRODUCTION

Staff have reviewed the Murray LEP 2011, and determined that to provide greater flexibility it permit with consent an additional land use on land at the Moama Recreation Reserve, Perricoota Road, Moama. The Planning Proposal will seek to include the land use, public offices in Schedule 1 Additional permitted uses of Murray Local Environmental Plan 2011 (MLEP 2011) on Lot 261, DP728943 at Perricoota Road, Moama. The intent is to allow for an additional use to be permitted, thus providing greater flexibility and opportunities.

If supported by Council a planning proposal will be required to be developed.

The purpose of this report is to inform the Council of the proposal and for the Council to determine whether to proceed to include public offices in Schedule 1 Additional Permitted Use of MLEP 2011, for Lot 261 DP728943 Perricoota Road, Moama

BACKGROUND

The report describes the subject land and explains the justification and intended outcome of the proposed amendment.

DISCUSSION

Site Context

The subject site has a total area of 3.4 hectares and is located on the Moama Recreation Reserve, Moama. The overall site is 'L' shaped and obtains access of Perricoota Road.

The site contains a two storey commercial building, located at the southern end of the land. The site is owned by the State Government and incorporates a private lease arrangement.

Development in the immediate vicinity of the subject site includes a school to the north, residential development to the west, tourist and commercial development to the south and commercial development to the east. The proposed building is surrounded by a reserve consisting of recreational facilities.

The current site is zoned RE2 – Private Recreation, with surrounding zones consisting of RE1 – Private Recreation, R1 – Residential and B6 – Business.

The land is not affected by environmental constraints and is not mapped as bush fire prone

The subject site incorporates the Moama Sports Club, which is operated by the Rich River Golf Club. Council Staff have been working with the Rich River Golf Club to determine the most efficient way to incorporate additional land uses that would provide opportunities for alternative development. This would assist in providing additional commercial opportunities for the Club. The approach described in this report is considered to both achieve the planning intent and streamline the process through the Department, such that a development application can be lodged where deemed appropriate, to permit additional development.

Planning Context

The subject site is currently zoned RE2 – Private Recreation under the MLEP 2011 and as such the current facility is deemed a permissible use in accordance with the 'Permitted Uses'.

Even though *public offices* are a permitted use in a RE2 – Private Recreation zone under the Departments Land Use matrix, such was not incorporated into the permitted uses in the MLEP 2011 land use tables applicable for the RE2- Private Recreation zones.

The Planning Proposal

A Planning Proposal will be required to be prepared by an external consultant if Council support the recommendations of this report. The Planning Proposal will seek to amend the MLEP 2011 by including the land use, *public offices*, in Schedule 1 – Additional Permitted Uses for the subject site at Lot 261 DP 728943, Perricoota Road, Moama.

The inclusion of an additional permitted use for the site requires the making of, and amending the LEP under Part 3 of the Environmental Planning and Assessment Act 1979. The applicable Principal LEP is MLEP 2011

Merits of the Planning Proposal

As discussed above, the site is located on the Moama Recreation Reserve, Moama. The uses surrounding the site are long standing. The Club was constructed in the 1990's and is situated on a long term lease with the NSW Department of Industry – Crown Land.

Access to the subject land is currently provided across a separate leased section of land with Murray River Council off Perricoota Road. This same access point also provides vehicular access to the facilities located on the Reserve, such as sporting fields, botanic gardens, play park and similar. As such, the existing recreation facilities, surrounding development and the commercial club have co-existed for a significant period of time, and while the subject site remains a recreational land use, at certain practical levels, it is absorbed into the commercial club. The proposal, to permit with consent a *public office* on the subject site, creates a legal planning pathway for the club to expand and create opportunities, subject to development approval.

The proposal, to permit with consent the use *public office* on the subject site, is considered consistent with the long term approved use of the existing building and will provide additional opportunities.

The *public office* is a permitted use under the Murray LEP land use matrix, however was not incorporated into the land use tables when the MLEP 2011 was adopted.

Delegated Authority

The Department of Planning and Environment has returned some of the responsibility for the plan making back to Councils. The changes give local Councils responsibility for LEPs of local significance, including spot rezoning consistent with surrounding areas. The delegation operates in respect of a Draft LEP on receipt by council of a Written Authorisation to Exercise Delegation and is issued as part of the Gateway Determination. The proposal is considered to be low impact and for this reason Council will seek delegated authority under Section 59 of the Environmental Planning and Assessment Act 1979.

Consultation

The Gateway Determination is issued by the Department of Planning and Environment and will prescribe the community consultation that must be undertaken on the Planning Proposal. Generally, Planning Proposals require a consultation period of 28 days.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The building infrastructure is existing, hence, the impact will potentially be internal only.	Nil
Social	There are no foreseeable adverse social impacts arising from the recommendations of this report. The proposal does not alter the land use zone on the site but will provide an additional land use to be carried out in conjunction with long adjoining land uses.	Nil
Economic	The additional permitted use will allow for consideration of the expansion of an existing building.	Nil
Governance	<p>The proposal appears to have merit. The additional permitted land use for the site is deemed appropriate in the context, on an environmental, social and economic level.</p> <p>The planning proposal process is to follow the State government Gateway process, including transparent community consultation.</p>	Nil

STRATEGIC IMPLICATIONS

This would provide an additional permitted land use within the MLEP2011.

BUDGETARY IMPLICATIONS

Nil implications.

POLICY IMPLICATIONS

Nil implications.

LEGISLATIVE IMPLICATIONS

The requirements for amending the MLEP 2011 will be completed in accordance with the legislative requirements.

RISK ANALYSIS

What can happen?

Land use not permitted.

How can it happen?

Department not supporting the planning proposal

What are the consequences of the event happening?

Restricted permitted uses

What is the likelihood of the event happening?

Low

Adequacy of existing controls?

Medium.

Treatment options to mitigate the risk?

Complete the planning proposal.

CONCLUSION

This report recommends that the Council resolve to commence the process to amend the MLEP 2011 by including the land use, public offices, in Schedule 1 – Additional permitted uses for Lot 261 DP 728943, Perricoota Road, Moama

This application to include the land use public offices as an Additional Permitted Use is deemed the most appropriate mechanism to achieve the planning intent, and will not result in any foreseeable adverse environmental, social or economic impacts. A planning proposal will be required to be developed by a consultant, in accordance with section 55 of the Environmental Planning and Assessment Act 1979. On completion, this report will be required to be referred onto the Departments Gateway process.

The Planning Proposal will also be accompanied by a request that the proposal be considered to be low impact, and the Council will also seek delegations for this proposal.

**CLAUSE 3. CHANGES TO CROWN RESERVE MANAGEMENT UNDER THE
CROWN LAND MANAGEMENT ACT 2016**

Moved Councillor AM Mathers **Seconded** Councillor NF Cohen

310318 RESOLVED that Council note the information on the changes to Crown Reserve Management under the Crown Land Management Act 2016.

Carried Unanimously.

CLAUSE 4. CHANGES TO THE BIODIVERSITY CONSERVATION ACT 2016

Moved Councillor AM Mathers **Seconded** Councillor NF Cohen

320318 RESOLVED that Council note the information on the NSW Biodiversity Conservation and Land Management Reform, effective from 25 August 2017.

Carried 8-1.

**CLAUSE 5. AMENDMENT TO MURRAY LOCAL ENVIRONMENTAL PLAN 2011 –
ADDITIONAL PERMITTED USE SCHEDULE 1
LOT 261, DP728943, PERRICOOTA ROAD, MOAMA**

Moved Councillor TE Weyrich **Seconded** Councillor GW Wise

330318 RESOLVED

1. That the Council endorses the development of a Planning Proposal in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* for the inclusion of an additional permitted use of 'public offices' on land at Lot 261, DP728943, Perricoota Road, Moama, under the Murray Local Environmental Plan 2011.
2. That Council, on completion of the Planning Proposal refer same to the Department of Planning for Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*.
3. That the Council receives a report, subject to the Gateway Determination, at the conclusion of the notification period to enable consideration of submissions to the proposed amendment the Murray Local Environmental Plan 2011.

Carried Unanimously.

FOR: Councillors Aquino, Bilkey, Campbell, Cohen, Crowe,
Gorey, Mathers, Weyrich and Wise

AGAINST: Nil