



23 Lot Residential Subdivision

17 Maidensmith Drive, Moama

OCTOBER 2021

Submitted to Murray River Council
On behalf of North East Survey Design

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1. Introduction

This Statement of Environmental Effects (SEE – Rev B) has been prepared by Habitat Planning on behalf of North East Survey Design and is submitted to Murray River Council in support of a Development Application (DA) for a twenty three (23) lot Torren's title subdivision at Lot 17 DP 258661 and addressed as 17 Maidensmith Drive, Moama.

The DA and this report have been prepared in accordance with the Environmental Planning and Assessment Act 1979 ("EP&A Act") and the Environmental Planning and Assessment Regulation 2000 ("EP&A Regs").

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

1.1. Background

The subject site was previously subject to a Planning Proposal to amend the Murray River Local Environmental Plan 2011. Specifically, the Planning Proposal sought to amend the Lot Size Map as it applies to 17 Maidensmith Drive Moama 2731 (Lot 17 DP 258661) by reducing the minimum lot size from 3,000m² down to 1,000m². The reduced lot size is now in effect.

1.2. Supporting Plans and Documentation

This application is accompanied by:

- Proposed Subdivision Plan, prepared by North East Survey Design
- Bush Fire Assessment Report, prepared by North East Survey Design
- Servicing Strategy, prepared by North East Survey Design
- Test of Significance, prepared by Hamilton Environmental Services
- Development Control Plan Compliance Tables, prepared by Habitat Planning

2. Site Analysis

2.1. Site Location and Context

The subject land to which this Development Application relates is described as Lot 17 DP258661 and addressed as 17 Maidensmith Drive, Moama.

The subject site is located within an Urban Release Area located north-west of the Moama town centre. The location of the site is shown at **Figure 1**.

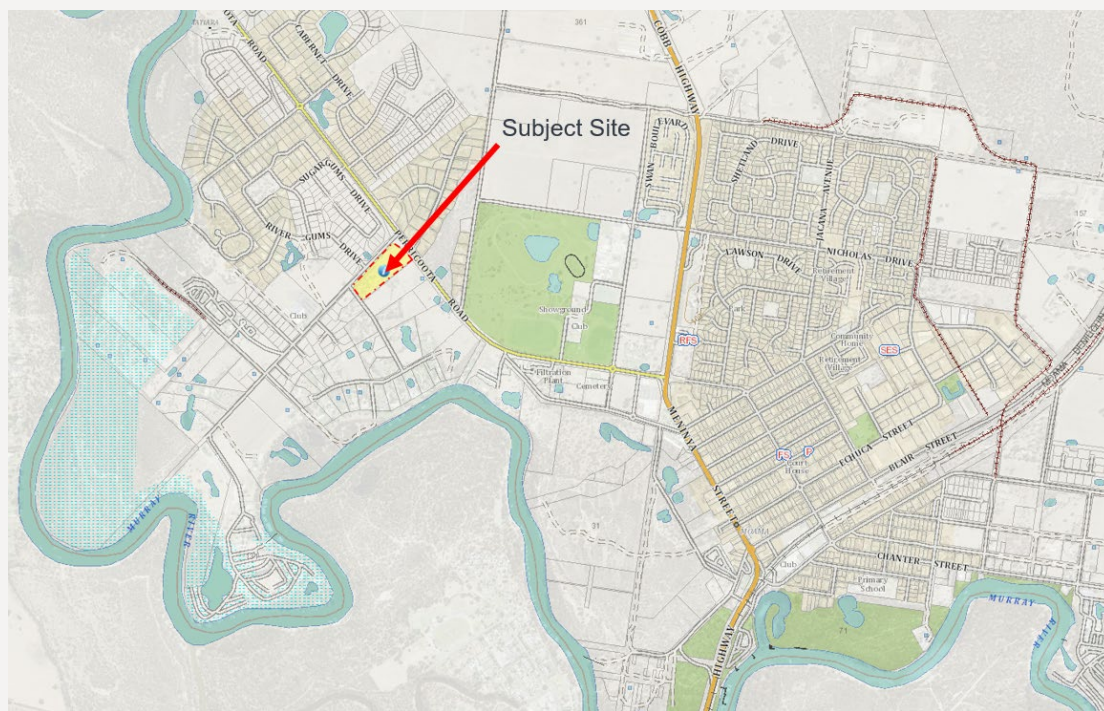


Figure 1: Context Map (Source: SixMaps)

2.2. Site Description

The subject land is located on the corner of Merool Road, Maidensmith Drive and Perricoota Road within a low density residential zone to the north west of Moama's town centre. The property is generally rectangular in shape and has a total area of approximately 3.08 hectares.

The land is improved with an existing dwelling and is surrounded by both remnant and planted vegetation primarily along the driveway and perimeter of the site. The topography of the land is generally flat and contains no significant landforms.

An aerial image of the property is provided in **Figure 2**.



Figure 2: Development Site Locality (Source: Nearmap, 2024)

2.3. Surrounding Development and Built Form

The subject site is located within a greenfield housing area that has been subject to more urban transition.

To the north west of the site are several recently constructed residential subdivisions with lots ranging in size from 1000-1500m². The subsequent houses that have been constructed on this land have all been developed over the past 5 years. The land to the north and north east of the site contains large lot residential development, as well as a reserve which is heavily vegetated and contains a stormwater drainage basin.

The land to the south and south east of the site has been developed for residential purposes with lot sizes ranging from low density residential lots (approximately 1,500m² in size) up to larger semi-rural style lots (approximately 7,000m² in size) that have frontage to the Murray River. Land located further south along Merool Road contains the Moama RSL Club, Discovery Parks Moama, Morrisons Winery, as well as the Merool Holiday Park.



Figure 3 – Maidensmith Drive looking toward Merool Road



Figure 4 – Maidensmith Drive looking opposite to the property entrance



Figure 5 – Existing vegetation on the subject site looking north



Figure 6 – Existing vegetation on the subject site



Figure 7 - Existing vegetation on the subject site



Figure 8 – Existing house contained on the subject site

3. Description of Proposal

3.1. Overview

The proposal seeks approval to subdivide the subject land into 23 residential lots, remove existing vegetation, demolition of the existing dwelling and carry out associated civil works including the creation of a new internal road and T-intersection and subdivision infrastructure.

A detailed description of the proposal is provided in the following sections. The proposed subdivision concept plan is shown in the following sections and is attached in **Appendix A**.

3.2. Subdivision

The proposed subdivision comprises of 23 residential lots. The proposed is to be constructed and released in one stage as indicated by the attached concept plans and as shown in **Appendix A**.

Lots within the proposed subdivision will range in size from approximately 1,000m² to 1,317m². The subdivision seeks to provide additional low-density residential lot sizes, with varied dimensions and orientations. The intention of the proposed development is to offer variation to the residential market and capitalise on a unique residential setting.

The new residential lots are to be established within a new internal road that connects Maidensmith Drive and Merool Road. The proposed internal road network is proposed in accordance with Murray River Council's engineering design standards and will provide a standard capable of accommodating the likely rates of traffic expected from the residential development. The proposed intersections will provide suitable treatments to ensure efficient and safe traffic movements.



Figure 9 – Proposed Subdivision Layout

3.3. Demolition

The subdivision will necessitate the demolition of one existing dwelling located on the site (Refer to **Figure 8**).

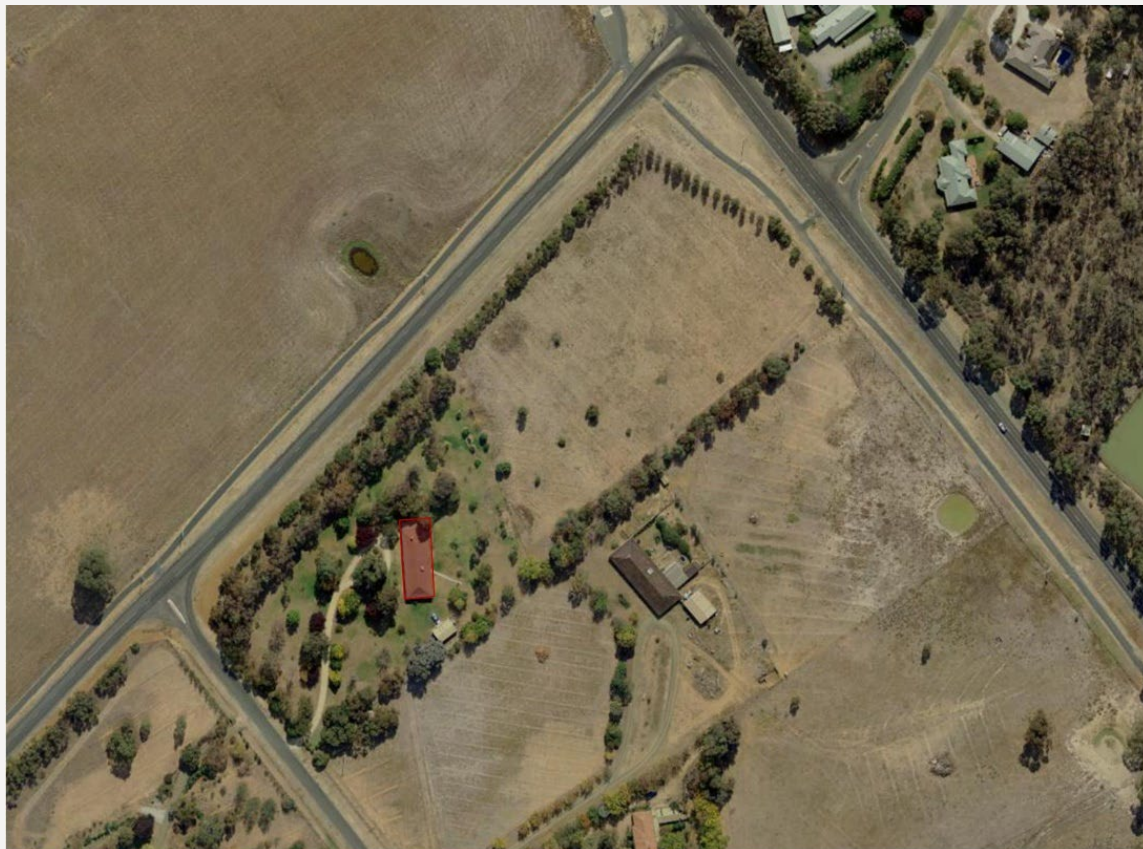


Figure 10 – Location of building proposed for demolition

3.4. Vegetation Removal

The Test of Significance carried out by Hamilton Environmental Services identifies that approximately 39 trees are proposed to be impacted and subsequently removed as a result of the subject subdivision. The site contains a total of 83 tree and shrub individuals across the parcel.

It was considered by the report that all assessed trees were planted and did not contain any remnant indigenous trees or shrubs. In the paddock area, Trees 1, 2, 18, 25 and 26 are separately planted, while Trees 3 to 17 are recruits from the planted Hakea Wattles within the north-eastern plantation. All other assessed trees are within the garden area.

Trees that are proposed to be retained will be suitably protected by Tree Protection Zones (TPZ's) during the course of construction activities in accordance with Australian Standards. Further discussion regarding the existing vegetation can be found in **Appendix E**.

The proposed trees to be removed are detailed in **Appendix E**.

3.5. Stormwater and Drainage

Stormwater and drainage plans have been prepared to support the proposed development and are included in the **Appendix D**. The plans have been prepared concerning the total anticipated development. This has been undertaken to verify and rationalise drainage requirements for the full extent of the property and also to ensure that overall water balances can be produced.

4. Planning Assessment

Under Section 4.15(1) of the EP&A Act when considering an application for development, the consent authority must take into consideration the relevant environmental planning instruments. This section details and responds to the relevant planning framework applicable to the proposal.

4.1. Applicable Environmental Planning Policies, Instruments and Controls

- Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 Vegetation in non-rural areas
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 Koala habitat protection 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 River Murray lands
- Murray Local Environmental Plan 2011
- Murray Development Control Plan 2012

Compliance with the applicable legislation and policies is discussed below.

4.2. Biodiversity Conservation Act 2016

The NSW *Biodiversity Conservation Act 2016* (“the BC Act”) is the NSW state legislation that seeks to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. This legislation includes the requirements considerations regarding biodiversity conservation.

In respect of Part 4 developments, the *Biodiversity Conservation Act 2016* (BC Act) establishes a framework to avoid, minimise and offset the impacts of the proposed development and land-use change on biodiversity. It provides a scientific method for assessing the likely impacts of the proposed development on biodiversity values, for calculating measures to offset those impacts and for assessing improvements in biodiversity values. The Act aims to maintain the diversity and quality of ecosystems and to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature.

The primary requirement of the BC Act is to determine if a proposed development is considered *likely to significantly affect threatened species*. According to clause 7.7(2), this is if:

- a) *The development is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, (5-part Test) or*
- b) *The development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- c) *The development is carried out in a declared area of outstanding biodiversity value.*

As assessment has been conducted against the BC Act Thresholds in the supporting Biodiversity Assessment. Note that Biodiversity Certified Land is not required to be considered. No thresholds have been exceeded and a BDAR is not required.

A Test of Significance prepared by Hamilton Environmental Services is included as **Appendix E** and addresses these matters in detail.

4.3. Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 ("the EP&A Act") is the principal piece of legislation governing the use and development of land in NSW. The objects of the Act are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The objects of the EP&A Act are intended to guide land planning and management. Section 4.15 (discussed below) of the Act lists matters for consideration when assessing and determining a development application.

4.3.1. Section 4.15 - Evaluation

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.”*

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

4.3.2. Division 4.8 – Integrated Development

The application has been identified as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as the subject development requires concurrence under the following Acts:

- *Rural Fires Act 1997 (s100B)* - authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes. As the development application proposes subdivision on bushfire prone land, concurrence is required from the NSW Rural Fire Service.

Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body concerning the development.

4.3.3. Section 3.39 – Making and consideration of certain development applications (cf previous s 72J)

[Section removed as planning proposal for minimum lot size reduction is now finalised]

4.3.4. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (formerly *State Environmental Planning Policy No. 55 – Remediation of Land* (“SEPP 55”)) sets out considerations relating to land contamination across the state. The SEPP intends to establish ‘best practice’ guidelines for managing land contamination through the planning and development control process.

In the context of this application, Chapter 4 of *SEPP Resilience and Hazards* generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose.

The subject land has historically been used for large lot rural residential purposes and is therefore not expected to be at risk of any significant contamination given its historical use and surrounding context. The subject allotment is zoned for residential purposes and is intended for the use proposed.

Consequently, the land is considered fit for use for its intended purposes (residential) and therefore the relevant considerations of *SEPP Resilience and Hazards* are satisfied by the current proposal.

4.3.5. State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 2 Vegetation in non-rural areas

State Environmental Planning Policy (Vegetation in Non-Urban Areas) 2017 ("Vegetation SEPP") has since been repealed by the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, yet both policies aim to protect the biodiversity and amenity values of trees and other vegetation in non-rural areas of the State.

The *SEPP (Biodiversity and Conservation) 2021* applies to vegetation in any non-rural area of the State (such as the R2 Low Density Residential zone) that is declared by a Development Control Plan to be vegetation to which this Vegetation SEPP applies. Section 9 of the *Murray Development Control Plan 2012* ("the DCP") states that the vegetation to which clause 5.9 of the LEP applies (which has been repealed and replaced by the SEPP provisions) is:

- "trees over 5 metres in height and contains a diameter of 20cm or more",
- is located in a prescribed zone, and
- is of a particular species as listed in Section 9(3) of the DCP. For the Vegetation SEPP, this represents the relevant 'prescribed vegetation'.

It is noted that the provisions of this Vegetation SEPP apply in that vegetation which fits the criteria is proposed to be removed. Detail regarding the proposed tree removal is addressed in **Section 3.4**

4.3.6. State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 Koala habitat protection 2021

The former *State Environmental Planning Policy (Koala Habitat Protection) 2021* ("Koala SEPP") is now contained within Chapter 4 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. This chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The policy applies as the Murray River Council Local Government Area is listed in Schedule 2 to the SEPP that identifies which areas to which the SEPP applies. Clause 4.9 applies to the subject development as there is no approved koala plan of management for the land, and the land has an area of at least 1ha. Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat. It is considered that the development is likely to have low or no impact on koalas or koala habitat. This is evidenced by the Test of Significance prepared by Hamilton Environmental Services that states;

"[Koala's] Inhabit eucalypt woodlands and forests. Spend most of their time in trees, but will descend and traverse open ground to move between trees. The property is not suitable habitat. No records within 10 km. Likelihood: Unlikely to be present"

Therefore, the development complies with the requirements (5)(a) and thus satisfying the requirements and considerations of the SEPP.

4.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 River Murray lands

The Murray Regional Environmental Plan No 2 – Riverine Land (deemed SEPP) has been repealed and it is now contained within *State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 River Murray lands*.

The subject site falls within the area to which *Chapter 5 River Murray lands* applies. The aims of the *Chapter 5 River Murray lands* are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of the MREP are:

- (a) *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray;*
- (b) *to establish a consistent and coordinated approach to environmental planning and assessment along the River Murray; and*
- (c) *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

Chapter 5 River Murray lands requires Council to take into account a number of general and specific principles when considering development proposals to which the plan applies. These controls generally relate to the protection of the River Murray.

Chapter 5 River Murray lands requires Council to take into account a number of general and specific principles when considering development proposals to which the plan applies. These are addressed in **Table 4** below.

The type of development proposed in this application is not included in the list of specific developments for which MREP2 requires additional notification and referral.

Table 1 – Consideration of planning principles in *Chapter 5 River Murray lands*

Principles to be taken into account	Consistency
General	
(a) the aims, objectives and planning principles of this plan.	Satisfaction against the general objectives can be determined by the assessment against the specific principles below.
(b) any relevant River Management Plan	There are no known river management plans endorsed by the Murray Darling Basin Authority (MDBA) relevant to the proposal.
(c) any likely effect of the proposed plan or development on adjacent and downstream local government areas.	Polluted stormwater is the only consequence of the development that potentially could have a detrimental downstream impact. Notwithstanding, given the large setback of the proposed works from the Murray River (over 500 metres) and the fact that stormwater will be discharged to council's drainage network the risk of contaminating river water is low.
(d) the cumulative impact of the proposed development on the River Murray.	The development is not expected to have a cumulative impact on the Murray River.
Access	

Principles to be taken into account	Consistency
The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.	Not applicable, the subject land does not comprise the foreshore of the Murray River.
Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.	Not applicable, the subject land is not located adjacent to the main channel.
Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.	The subject land does not contain any stock and none are proposed.
Bank disturbance	
Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.	Not applicable, the subject land does not comprise the bank of the Murray River.
Flooding	
Where land is subject to inundation by floodwater: <ul style="list-style-type: none"> (a) the benefits to riverine ecosystems of periodic flooding, (b) the hazard risks involved in developing that land, (c) the redistributive effect of the proposed development on floodwater, (d) the availability of other suitable land in the locality not liable to flooding, 	The subject land is not identified as being flood prone.

Principles to be taken into account	Consistency
<p>(e) the availability of flood free access for essential facilities and services,</p> <p>(f) the pollution threat represented by any development in the event of a flood,</p> <p>(g) the cumulative effect of the proposed development on the behaviour of floodwater, and</p> <p>(h) the cost of providing emergency services and replacing infrastructure in the event of a flood.</p>	
<p>Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources</p>	<p>See above for further details.</p>
<p>Land degradation</p>	
<p>Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.</p>	<p>All works will be conducted in accordance with a sediment and erosion control plan.</p>
<p>Landscape</p>	
<p>Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.</p>	<p>Not applicable, the subject land is not located within a 'riverine environment'.</p>
<p>River related uses</p>	

Principles to be taken into account	Consistency
Only development which has a demonstrated, essential relationship with the River Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray	Not applicable.
Development which would intensify the use of riverside land should provide public access to the foreshore.	The proposal will not alter existing public access arrangements.
Settlement	
<p>New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located:</p> <ul style="list-style-type: none"> (a) on flood free land, (b) close to existing services and facilities, and (c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre. 	The development appropriately responds to the natural constraints of the site as demonstrated within this report.
Water quality	
All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.	The proposed land use will not cause 'salt and nutrients' to enter the river.
Wetlands	
Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.	Not applicable, the subject land does not contain a wetland.

Principles to be taken into account	Consistency
<p>Land use and management decisions affecting wetlands should:</p> <ul style="list-style-type: none"> (a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland, (b) consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects, (c) control human and animal access, and (d) conserve native plants and animals 	

4.5. Murray Local Environmental Plan 2011

Murray Local Environmental Plan 2011 (“the LEP”) is the principal planning instrument that guides development within the LGA. The below provides an overview of consistency and compliance of the proposal against the relevant provisions.

The applicable provisions of the LEP are:

- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.6 - Subdivision Consent Requirements
- Clause 4.1 – Minimum subdivision lot size
- Clause 6.1 – Arrangements for designated State public infrastructure
- Clause 6.2 – Public utility infrastructure
- Clause 6.3 – Development control plan
- Clause 5.10 – Heritage conservation
- Clause 7.1 – Essential services
- Clause 7.2 – Earthworks

Table 2 below provides an assessment of consistency and compliance of the proposal against the relevant provisions.

Table 2 – LEP Provisions Overview

Clause	Assessment Response
Clause 2.3 – Zone Objectives and Land Use Table	<p>The subject land is predominantly within the R2 Low Density Residential Zone (‘R2 zone’) for which the objectives are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment.

Clause	Assessment Response
	<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. To avoid potential land use conflict and protect the amenity of residents. <p>The subject development provides additional housing for the community within the low density environment with appropriate access to facilities and services that meet the day-to-day needs of the residents. The development is well sited to ensure that land use conflicts are minimised and to ensure the protection of the amenity of residents is protected.</p>
Clause 2.6 - Subdivision Consent Requirements	<p>Clause 2.6 of the LEP sets out the development consent requirements associated with any land to which the Plan applies.</p> <ol style="list-style-type: none"> (1) The subject development is not specified as <i>exempt development</i> in the applicable environmental planning instrument or under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>. (2) The subject development is not classified as <i>complying development</i> under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as strata subdivision is not proposed. (3) Clause 2.6(2) is not applicable for the subject development. <p>The subject Development Application complies with the requirements of Clause 2.6 of the LEP.</p>
Clause 4.1 – Minimum subdivision lot size	<p>As discussed in Sections 1.1 and 4.3.3, the site is currently subject to a Planning Proposal to reduce the minimum lot size applying the land. The Planning Proposal seeks to reduce the minimum lot size to 1000m².</p> <p>The development is compliant with the proposed amendment to the minimum lot size, and it is acknowledged that the subject subdivision as proposed it will be compliant at the time of determination of the subject application (i.e. once the gazettal of the Planning Proposal takes place).</p>
Clause 5.10 – Heritage Conservation	<p>Clause 5.10 of the LEP relates to heritage conservation and seeks to conserve the environmental heritage of the Murray River LGA, the heritage significance of heritage items and heritage conservation areas, archaeological sites and Aboriginal objects and places of heritage significance.</p> <p>The subject land is not identified as a heritage item nor is it located within a heritage conservation area following a review of Schedule 5 and the Heritage Map of the LEP.</p> <p>Similarly, matters regarding Aboriginal Cultural Heritage have also been investigated. The Aboriginal Heritage Information Management System (AHIMS) is a legal database of previously recorded Aboriginal heritage sites. A search of the AHIMS database was conducted over the site within a 50 m buffer centred on the proposal area on 17 August 2021. No records have been identified.</p>

Clause	Assessment Response
Clause 6.1 – Arrangements for designated State public infrastructure	<p>The subject site is located within an identified Urban Release Area (URA) and per the provisions of this clause, satisfactory arrangements need to be made for the provision of State public infrastructure.</p> <p>A development consent must not be granted for the subdivision of land in the URA unless the Director-General has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure concerning the land.</p> <p>Notwithstanding the above, it is understood that the NSW Department of Planning and Environment has previously advised Murray River Council that no State infrastructure levies are required for the Urban Release Area. If this is not the case, it is expected that Council will request documentation from the Director-General to certify that satisfactory arrangements have been made for the subject land and that the Department does not object to council determining subdivision applications for this land.</p>
Clause 6.2 – Public utility infrastructure	<p>Clause 6.2 of the LEP requires that development consent must not be granted for the development of land in the URA unless Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make this infrastructure available.</p> <p>The subject site is residentially zoned and has access to reticulated services and infrastructure, which can be extended from the adjoining residential development to the north-west.</p> <p>Further details regarding infrastructure provision are discussed in response to Clause 7.1 of the LEP.</p>
Clause 6.3 – Development control plan	<p>Clause 6.3 of the LEP seeks to ensure that development occurs logically and cost-effectively and specifies that a development application cannot be considered by Council in the URA until a site-specific Development Control Plan has been prepared and adopted.</p> <p>The DCP is required to address the following:</p> <ul style="list-style-type: none"> (a) <i>a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,</i> (b) <i>an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,</i> (c) <i>an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,</i> (d) <i>a network of passive and active recreational areas,</i> (e) <i>stormwater and water quality management controls,</i> (f) <i>amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,</i> (g) <i>detailed urban design controls for significant development sites,</i> (h) <i>measures to encourage higher density living around transport, open space and service nodes,</i>

Clause	Assessment Response
	<p>(i) <i>measures to accommodate and control appropriate neighbourhood commercial and retail uses,</i></p> <p>(j) <i>suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.</i></p> <p>As a means of satisfying this requirement, the Council has adopted Part 7 'Subdivision' of the DCP as it relates to 'General Urban Release Area Provisions'. Adopting this Plan avoids the need for individual landowners to prepare a site-specific DCP's.</p> <p>Further details regarding compliance with the provisions of Part 7 are provided in Section 4.9.3 of this report, and the attached DCP compliance tables.</p>
<p>Clause 7.1 – Essential Services</p>	<p>Clause 7.1 of the LEP requires that development consent must not be granted unless the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.</p> <p>The subject land is residentially zoned and therefore has access to all relevant infrastructure and services including reticulated water, sewerage, electricity, drainage, telecommunications, gas, and vehicular access. The existing site contains the provision of relevant services, and it is considered that these will be adequate to enable appropriate servicing of the site. Where services are required to be augmented as a result of the subdivision, this will be done by the developer as part of the subdivision works.</p>
<p>Clause 7.2 – Earthworks</p>	<p>Clause 7.2 of the LEP requires development consent for earthworks to ensure that the works will not have a detrimental impact on environmental functions and processes. In this instance, the development is seeking to undertake works to construct the subdivision which will involve some level of excavation works. Therefore, consideration of this clause is required.</p> <p>Before the council can grant development consent, it must consider the following matters:</p> <ul style="list-style-type: none"> (a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> (b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both,</i> (d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> (e) <i>the source of any fill material and the destination of any excavated material,</i> (f) <i>the likelihood of disturbing relics,</i> (g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i> <p>The proposed development is consistent with these matters for consideration as follows:</p> <ul style="list-style-type: none"> - The development will not adversely affect existing drainage conditions or soil stability in the area as it does not involve works to an existing drainage line.

Clause	Assessment Response
	<ul style="list-style-type: none"> - The soil to be excavated represents clean virgin fill; - The proposed earthworks are not expected to adversely effect any adjoining properties; - Any surplus excavated material will be removed off site and where possible used in other local construction projects; - As outlined in response to Clause 5.10, the subject land has been disturbed and is not expected to contain any relics; and - The subject land is well setback from nearby watercourses and is not expected to reduce water quality in the area.

4.6. Murray Development Control Plan 2012

The Albury Development Control Plan 2010 (“the DCP”) provides specific requirements for development within the LGA, including the subject site.

The following chapters of the DCP are applicable to the proposed works:

- Part 6 – Strategic Land Use Plan
- Part 7 – Subdivision
- Part 8 – Urban Release Areas
- Part 9 – Vegetation Removal

These matters are addressed in the following sections below.

4.6.1. Part 6 – Strategic Land Use Plan

This chapter of the DCP relates to application of Council's Strategic Land Use Plan (SLUP). The SLUP was prepared as the strategic planning basis for the Murray Local Environmental Plan 2011 (“the LEP”). The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond.

The proposed development is consistent with the SLUP as the land is identified for encouraging restructuring of lots for urban development through the provision of services. The subject land is already appropriately zoned for residential purposes. Currently the subject site is subject to a Planning Proposal to reduce the minimum lot size that applies to the land.

4.6.2. Part 7 – Subdivision

This Part of the DCP applies to the subdivision of land in the Murray River Shire. Compliance with Part 7 is addressed in **Table 5** in **Appendix F**.

4.6.3. Part 8 – Urban Release Areas

This chapter of the DCP applies to land shown on the Urban Release Area (URA) Map of the Murray Local Environmental Plan 2011 (“the LEP”). This land is essentially the ‘greenfield’ development area to accommodate the future growth of Moama over the next 15 to 20 years.

The overall objective of the chapter is to ensure the logical and cost-effective development of future urban land. The chapter is in response to the direction of the Department of Planning and Infrastructure for Council to include Part 6 in the LEP relating to Urban Release Areas. Clause 6.3 of Part 6 prevents any development within the URA unless in accordance with a DCP that addresses a range of development matters. These requirements duplicate many of those already required by other chapters of the DCP. Consequently, compliance with the DCP requirement of Clause 6.3 can be achieved by simply cross-referencing to the relevant section of other chapters in the Murray Development Control Plan 2012.

As such reference is made to Part 7 of the DCP which applies to subdivision. Compliance with Part 7 (for subdivision) will result in subsequent compliance with Part 8 of the DCP.

4.6.4. Part 9 – Vegetation Removal

This part of the Development Control Plan has been addressed in **Section 4.5** as part of its consideration against the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

4.7. Murray Shire Council s94 Development Contributions Plan

The Murray Shire Council s94 (now s7.11) Development Contributions Plan applies to the subject site as the land is zoned R2 Low Density Residential as per the Murray Local Environmental Plan. It is expected that a s7.11 developer contribution will be levied from Council, and that this contribution would form part of a condition of consent on any future determination.

It is also acknowledged that contributions for water and sewer will likely be levied in accordance with Section 64 of the Local Government Act and that this contribution would form part of a condition of consent on any future determination.

4.8. Strategic Planning Considerations

4.8.1. Murray Local Strategic Planning Statement

The Murray River Council Local Strategic Planning Statement 2020-2040 (LSPS) establishes Council's 20-year vision for land use planning and growth focusing on the key themes of social, environmental and economic considerations. The LSPS establishes the community's priorities and aspirations which will guide Council's planning decisions on future land use activities.

The LSPS will inform future reviews of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), as well as identifying strategic planning investigations required to support future development.

The LSPS is based on three key themes as follows:

- A robust, growing and innovative economy.
- Liveable communities with social capital.
- Environment, heritage and climate change.

The subject development application responds to and is consistent with the following priorities:

- Priority 4 – Housing growth, supply and density
- Priority 5 – Recreation and open space
- Priority 6 – Servicing and utility infrastructure
- Priority 7 – Identify and protect environmental values

- Priority 8 – Celebrate culture and heritage

4.9. Murray River Council Local Housing Strategy

The *Murray River Council Local Housing Strategy* aims to produce a tailored, transparent, and proactive plan for housing supply in the right locations, at the right time. The *Implementation Plan* looks to forward to 2041 but seeks to be dynamic and responsive.

Moama is identified as the administrative centre of Murray and is noted for its exceptional high demand and pressure on supply of residential land here. Housing and rental stress is a key concern and the Table 2-15 – Urban land analysis identified a need for 1,407 new dwellings. Figure 2-14 on Page 37 of the strategy highlights the proposed subdivision area for review for R1 and 750 sqm. The market and character of Moama seeks a lot size of 1,000 sqm and the proposal offers an adequate transitional lot sizing.

In the years 2019-2020, a mere 37 lots were released, and 20 dwellings approved. This single proposal for 23 lots would create 62% of the previous record in a single subdivision approval and open the land for the subsequent development of houses.

4.10. Murray Shire Strategic Land Use Plan 2010-2030

The *Murray Shire Strategic Land Use Plan 2010-2030* (Strategic Land Use Plan) seeks to guide the future development and use of land within the Shire for the next 20 years and beyond.

The subject land is located within the township of Moama and the Strategic Land Use Plan outlines the following with regards to 'residential form':

The residential market has become more sophisticated in recent times with the demand for larger residential lots being met more by lots in the range 1,000 to 1,500m² rather than the 'traditional' 4,000m² rural residential allotment. Some of the older and much larger rural residential development (e.g. Maidensmith Drive) should be considered for redevelopment at an urban density to make more efficient use of land closer to Moama's centre.

The Strategic Land Use Plan identifies the land as being within an area that should 'encourage restructuring of lots for urban development through the provision of services'. Land on Maidensmith Drive is directly referenced. The proposed Development Application is considered to be consistent with the Murray Shire Strategic Land Use Plan.

4.10.1. Murray Community Engagement Strategy (Community Participation Plan)

The Community Participation Plan is required to be prepared by the relevant local authority under Division 2.6 of the Environmental Planning and Assessment Act 1979 (EP&A Act). In particular, Section 2.23 of the EP&A Act stipulates that;

- (1) 'A planning authority ... is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions'.

The purpose of the Plan is to clearly explain how and when Council will undertake community engagement in relation to planning matters such as assessment and determination of development applications, including revised plans, modifications and review of applications.

Page 15 of the Community Participation Plan states that notification is required for the subject development. The proposal is not identified as a type of development exempt from notification and therefore must be notified in accordance with the requirements of the Community Participation Plan and Council's Development Control Plan.

4.10.2. Planning for Bushfire Protection 2019

Planning for Bush Fire Protection 2019 (PBP) provides development standards for designing and building on bush fire prone land in New South Wales. PBP provides standards and guidance for:

- strategic land use planning to ensure that new development is not exposed to high bush fire risk;
- creating new residential and rural residential subdivision allotments;
- special fire protection purpose (SFPP) development taking account of occupant vulnerability;
- bush fire protection measures (BPMs) for new buildings; and
- upgrading and maintaining existing development.

PBP is applicable to all development on bush fire prone land (BFPL) in NSW. The general principles underlying this document are that:

- a suite of BPMs are required to reduce the impact of a bush fire;
- protection measures are governed by the degree of threat posed to a development and the vulnerability of occupants;
- minimising the interface of a development to the hazard reduces the bush fire risk to the development; and
- good practice in planning, building and management reduces the risk to developments and their occupants, and increases their resilience.

All development on BFPL must satisfy the aim and objectives of Planning for Bush Fire Protection (PBP). A bush fire assessment report has been prepared to support this application. In particular it is noted due to the type of development proposed, the application will be classed as 'integrated development' as it requires a 'bush fire safety authority' issued by the NSW Rural Fire Service along with their general terms of approval (GTA) for the purposes of Division 4.8 of the EP&A Act.

The bushfire assessment report has been included at **Appendix C** and demonstrates how the proposed development complies with PBP 2019.

5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

5.1. Context and Setting

The land represents a significant parcel of land within the urban release area west of Moama's town centre. It represents an expansion of the existing residential area which will provide important infrastructure links to benefit continued growth to the west.

The subdivision is considered to represent a preferred design having regard to its context. The loss of 'rural character' is a perceived issue in greenfield growth areas, however, this was conceded when the subject land and other areas in Merool and Perricoota Road were identified for future urban residential purposes and zoned accordingly.

The subject land is zoned R2 Low Density Residential and the development is seeking to achieve low density development outcomes. Each lot achieves the 1000m² minimum lot size of the LEP and the size and dimensions of the allotments will allow future dwelling development to be consistent with the character of the surrounding area, as well as allowing for adequate spatial separation and privacy between dwellings.

The lot sizes of the proposed subdivision are considered to be generally consistent with the surrounding context of Moama. The creation of additional residential allotments is considered appropriate for the location as it increases land availability, variety and choice within Moama.

5.2. Access and Traffic

Matters regarding traffic and access have been considered and are appropriate in this instance.

The subject land is currently serviced by the adjoining sealed Merool Road and Maidensmith Drive. Whilst it is acknowledged that the proposed subdivision will increase the volume of traffic on the local road network, given the relatively small-scale nature of the subdivision (23 lots) and the existing standard of local roads, the proposal is considered to avoid creating adverse impacts on the surrounding network.

A new internal road is proposed and has been designed to ensure that its connection and termination points allow for appropriate interfaces, minimisation of traffic related impacts and ensure appropriate sightlines. This road has been located and designed in response to the topography and terrain of the land and seeks to minimise requirements for excessive cut and fill.

5.3. Infrastructure and Services

The development of new residential and urban areas generally will require new and upgraded services and infrastructure to accommodate the expected growth. The subject land is located in Moama's residential growth front and therefore has access to a range of infrastructure and services. The subject land adjoins a newly constructed residential subdivision to the north. Therefore, the subject land has readily available access to reticulated infrastructure and services including water, sewerage, stormwater drainage, road access, telecommunications, electricity and gas.

Given the low scale nature of the proposal (23 lot subdivision), there is ample capacity within the infrastructure network to accommodate the proposed development. Further consideration of infrastructure and services will be undertaken as part of the development application process. Specifically, Part 6 (Urban Release Areas) and Clause 7.1 of the MLEP provides requirements for the provision of infrastructure to ensure development in greenfield areas (such as the subject site) are adequately able to be serviced by public infrastructure.

The DA plan set includes a Servicing Plan for Sewer and a Servicing Plan for Drainage, these plans demonstrate that the land can be serviced by new and expanded infrastructure without detriment to the existing conditions.

5.4. Open Space

The subject subdivision does not propose any additional open space provision as a result of the development. The subject site is located in close proximity to multiple recreation and open space options such as the Moama Show Ground which contains a cycling velodrome, botanic gardens, adventure play park and full size oval and rugby/football fields. Open Space considerations have been addressed in **Table 5** as part of the assessment of compliance with the DCP requirements.

5.5. European Heritage

The subject land and its surrounds are not identified within Schedule 5 of the LEP. Therefore, it is considered that there will be no impact on European heritage matters.

5.6. Cultural Heritage

The subject land is a highly modified site and has a low likelihood of containing any items of cultural heritage significance. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken and it is confirmed that there are no recorded items of Aboriginal cultural significance within 50 metres of the subject site.

In the event that the proponent does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed ('unexpected finds protocol').

A copy of the AHIMS search is **attached**.

5.7. Soils

The subject land represents former large lot residential development and has been subject to previous site disturbance. As outlined in response to SEPP 55, the subject land is not expected to be contaminated given the previous activities conducted on-site.

In order to avoid impacts of sediment loss or erosion, an Erosion and Sediment Control Plan (ESCP) will be prepared in accordance with Managing Urban Stormwater: Soils & Construction (Landcom 2004) and will be implemented throughout the life of the project to minimise impacts. This plan will include provisions to:

- Install erosion and sediment controls prior to and during construction;
- An inspection protocol for erosion and sediment controls, particularly following large rainfall events;
- Regular equipment cleaning to minimise the tracking of sediment from vehicles, plant and equipment;
- Stockpile topsoil appropriately to minimise weed infestation and maintain soil organic matter, soil structure and microbial activity; and

- Minimise surface disturbance and maintain surface cover where possible; and
- Minimise excavation and compaction of soils.

5.8. Flora & Fauna

The site contains a number of trees and remnant vegetation. The site is not identified on the Terrestrial Biodiversity, Riparian Waterways or the Wetlands Maps contained within MLEP. Similarly, the land is not identified on NSW Biodiversity Values Map, and is not classified as a Matter of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

A Test of Significance has been completed by Hamilton Environmental Services and is attached at **Appendix E**.

In summary, the Test of Significance concluded the following;

“The property is not in a declared area of outstanding biodiversity value, the proposed development area is not mapped as Vulnerable or Sensitive Regulated Land according to the State Environmental Planning Policy (Vegetation) 2017, and is also not mapped as an area of Biodiversity Value (DPIE 2020e).

As indicated previously, the proposed subdivision area has already been wholly cleared of any indigenous woody vegetation, and the only indigenous species found on the site is a very sparse and low diversity ground layer vegetation in the disturbed paddock area in the north of the site; this paddock area is highly modified, and does not constitute a derived grassland or shrubland based on the current vegetation conditions, and does not conform to the PCT as mapped.

Therefore, there is no significant native vegetation to be impacted by the proposed development.

The generation of a Biodiversity Offset Scheme Entry Threshold Report (BOSET Report)(DPIE 2021f) reveals that the minimum Lot Size according to the Murray Local Environmental Plan 2011 (New South Wales Government 2019) is 0.08 ha, and that the Area Clearing Threshold required to enter the Biodiversity Offset Scheme (BOS), and for a Biodiversity Development Assessment Report (BDAR) to be completed, is 0.25 ha.

Therefore, the development does not need to enter the BOS or require a BDAR to be undertaken, as there is no significant native vegetation to be impacted.

The whole property has been evaluated and subjected to a Test of Significance under Part 7 Division 1 Section 7.3 of the Biodiversity Conservation Act 2016, and it is concluded that there will be a small loss of some planted vegetation; there will not be any significant impacts on any threatened species or community consequently.”

5.9. Bushfire

The subject site is identified as being bushfire prone. The primary risk presented from the land to the surrounding boundaries will remain and require suitable Asset Protection Zone and design outcomes where the bushfire impact exists. A Bush Fire Assessment Report has been prepared in support of the development and is attached for consideration.

The BFAR considers the proposed layout and identified that the proposed lots can accommodate the required APZ and other necessary bushfire protection measures. Asset Protection Zones are to be established within the subject land to provide protection to future dwellings.

5.10. Flooding

The subject site is not identified as being 'flood prone' for the purposes of Clause 5.21 of the Murray LEP 2011. Therefore, no further consideration is considered relevant.

5.11. Waste

Waste will be generated as part of the construction works for the subdivision, and comprise waste material and products from new services, concrete, spoil and other materials associated with civil works. It is expected that the applicant will be required to prepare a suitable Construction Management Plan for the proposed works, which will detail expected waste, locations of collect areas, removal regimes/frequency and the like.

Waste is also expected from future individual development of proposed lots for residential purposes, both at the construction stage and ongoing occupation. The future development of the proposed lot will generate waste which would be reasonably expected from residential allotments and could be removed via building contractors during construction and via kerbside waste collection services during the residential occupation.

The future development of the proposed allotments will generate waste that would be reasonably expected from residential allotments. The proposed lots will be serviced by kerbside waste collection services.

Existing waste collection services are considered more than adequate to cater for the likely level of waste to be generated. With constant implementation of waste reduction methods at the local Council's landfill, the additional inputs from the subdivision are likely to have no effect.

The location of the land adjacent to the environmental reserves is noted as presenting risk of household wastes and garden wastes entering the reserves. The design of the subdivision includes roads edging the environmental reserves, providing separation of dwellings from the reserve, and a high degree of passive surveillance. These factors act to discourage disposal of waste by future residents into these areas. The reserves will also remain highly accessible for maintenance services from the internal edge roads.

A preliminary Construction Waste Management Strategy is set out within **Table 4** below. This preliminary Strategy sets out the anticipated waste that will be generated at the construction, operation and decommissioning phases of the development.

Table 3: Preliminary Construction Waste Management Strategy

Stage	Anticipated Waste Material	Proposed Management	
Construction	Excess concrete from infrastructure installation	Construction waste will be sorted and stored in stockpiles and skip bins as required, located within a defined laydown area in accordance with the NSW EPA <i>Waste Classification Guidelines</i> for recycling and landfill, as follows:	
	Off cuts and excess construction materials		
	Excess soil and excavated materials		
	Packaging materials including plastic wrapping, cardboard and wooden pallets	<i>Recycling</i>	<i>Landfill</i>
	Cable reels and other electrical waste	Steel & scrap metal	General Waste
	Domestic and putrescible waste (including food waste, bottles, cans and paper)	Recyclable plastics	Domestic & putrescible waste
	Unused or spent chemicals.	Cardboard packaging	Non-recyclable plastics
		Timber product (incl. cable reels & pallets)	
	Recycling and landfill waste will be collected and taken to off-site waste management facilities which can lawfully accept the waste, as required.		

5.12. Noise

Construction noise for the subdivision works will be temporary and isolated to weekday daylight hours only. Subsequent residential construction noise is considered to be of little impact given it is not unreasonable for short-term construction works to occur within residential areas.

5.13. Social Impact & Economic Impact

The proposed subdivision will provide greater variety in lot sizes and housing provision within Moama and within the Murray River region in general. The development also increases the opportunities for low density residential living within a preferred 'lifestyle' location. The development has the potential to increase the permanent population within Moama.

There will be a positive social and economic effect for the Moama community resulting from the development through the provision of additional choice and availability of residential land. The new residents will increase support for both community and commercial interests in the town and will provide an overall positive economic and social impact. The development provides an increase in land availability in Moama and encourages greater investment in preferred lifestyle areas of the Murray River LGA.

6. Conclusion

The DA seeks consent for a 23 Lot Residential subdivision of land described as Lot 17 DP 258661 and addressed as 17 Maidensmith Drive, Moama.

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts.

Having regard for the content of this report, the proposal deserves the support of Council because:

- it is consistent with the relevant environmental planning instruments and development control plan.
- it is consistent with council's long term strategic planning directions as outlined within the Murray Shire Strategic Land Use Plan
- it represents an appropriate low density residential development within an area already characterised and identified for this typology of residential development
- it will not create any adverse environmental or social impacts, nor will it create any land use conflicts with adjoining lands due to the layout and design of the proposed subdivision,

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by Council.

Appendix A: Title Details

Appendix B: Proposed Subdivision Plans

Appendix C: Bush Fire Assessment Report

Appendix D: Servicing Strategy

Appendix E: Test of Significance

Appendix F: Planning Compliance Tables

Table 4: Murray River Development Control Plan Compliance Table

DCP Control	Compliance	Comment
Clause 7.1 – Context		
Subdivision shall be consistent with the Murray Shire Strategic Land Use Plan	Yes	Refer to Section 4.9.2
On land to which the Moama North West Masterplan (2008) applies, subdivision shall be consistent with the recommendations of that plan.	Deemed to comply	None.
Clause 7.2 – Neighbourhood character		
Subdivision to be generally consistent with the theme and character of development relating to the same land use within the vicinity of the subject development.	Complies	The proposed subdivision is considered to be consistent with the theme and character of development relating the R2 zone and seeks to provide additional housing stock in Moama without compromising the amenity and character of the area. It is recognised that the character of the area is currently in transition and further housing will likely be provided further to the south-east of the subject site. To the north of the site is a range of general residentially zoned and developed lots. The proposed development is considered to be responsive to the area and desired character as outlined in the strategic planning documents supporting this urban release area.

DCP Control	Compliance	Comment
On land to which the Moama North West Masterplan (2008) applies, consistency with the recommendations of that plan.	Deemed to comply	None.
Requests to vary minimum lot size on land zoned residential west of Lignum Road will be considered by Council to be inconsistent with the objectives for neighbourhood character.	N/A	Not applicable
<p>Where land zoned R1 or RU5 adjoins land zoned R2 or R5 Council will regard any of the following as inconsistent with the objectives for neighbourhood character:</p> <ul style="list-style-type: none"> - More than two lots in the R1 or RU5 zones adjoining a single lot in the R2 or R5 zones. - A lot with an area of less than 1300m2 in the R1 or RU5 zone adjoining a lot in R2 or R5 zone. 	Complies	The development is suitably separated from the R1 zoned land to the north with Merool Road acting as a suitable buffer to ensure matters such as density and amenity issues being avoided.
Clause 7.3 – Staging	Not applicable	Staging is not proposed

DCP Control	Compliance	Comment
Clause 7.4 – Movement Network		
Compliance with the Murray Shire Engineering Guidelines for Subdivisions and Development Standards.	Complies	The subdivision has been designed to comply with Council's guidelines for subdivisions and developments.
The use of cul-de-sacs in subdivision design should only be contemplated in circumstances where constraints dictate a through street cannot be accommodated.	N/A	Not applicable – no cul-de-sacs are proposed.
On land to which the Moama North West Masterplan (2008) applies, consistency with the recommendations of that plan.	Deemed to comply	None.
Clause 7.5 – Activity centres & community facilities	Complies	The development complies with the Murray Shire Strategic Land Use Plan. Further discussion can be found in Section 4.9.2 .
Clause 7.6 – Public Open Space	N/A	Not applicable – no public open space is proposed as part of the subject development application. The subject land is not identified in the Murray Shire Strategic Land Use Plan as containing land set aside for public open space.

DCP Control	Compliance	Comment
Compliance with the Murray Shire Engineering Guidelines for Subdivisions and Development Standards.	N/A	Not applicable as Public Open Space is not proposed to be provided.
<p>Applications for residential subdivision are to address the provision of Public Open Space (POS). All proposed residential subdivisions seeking consent for 25 lots or more are to provide POS on the subject site to the satisfaction of Council, unless Council is satisfied of an alternative solution which does not require additional POS to be provided. Requirement to provide POS will be assessed by Council on the merits of the application based on the following:</p> <p>Proximity of the proposed subdivision to existing POS - No additional POS will be required if the application can suitably demonstrate that the following is safely and easily accessible to the proposed subdivision:</p> <ul style="list-style-type: none"> - District parks, consisting of 3 ha minimum area and containing a range of recreation settings, are provided within 2 km of all dwellings within the proposed subdivision; and/or 	Complies	The propose subdivision does not propose more than 25 lots and therefore this control is not a relevant consideration.

DCP Control	Compliance	Comment
<ul style="list-style-type: none"> - Large local parks consisting of 0.4-1.0 ha minimum area provided within 500 m safe walking distance of all dwellings within the proposed subdivision; and/or - Small local parks consisting of 0.2 ha minimum area provided they are located within 300 m safe walking distance of all dwellings within the proposed subdivision. - Access to Council's recreation reserves is available within 1km of all the dwellings within the proposed subdivision 		
Connectivity of the proposed subdivision to existing POS via walking and cycling paths;	N/A	Not applicable
Capacity of the existing POS (detailed above) to cater for incoming development (or incapacity).	N/A	Not applicable
The requirement to provide new POS as part of new residential subdivisions will be at the discretion of Council.	N/A	Not applicable

DCP Control	Compliance	Comment
On land to which the Moama North West Masterplan (2008) applies, consistency with the recommendations of that plan.	N/A	Not applicable
Clause 7.7 – Landscaping		
A Landscape Plan is required to be submitted to Council detailing proposed landscaping	Noted	A landscape plan is proposed to be provided as part of the Construction Certificate Package.
On land to which Council's Roadside Vegetation Management Plan (2000) applies, consistency with the recommendations of that plan.	Noted	Will be taken into consideration as part of the development the landscape plan.
On land to which the Local Environmental Study – 2040 Perricoota Road, Moama (2008) applies, consistency with the recommendations of that study	N/A	Subject land is not located at 2040 Perricoota Road.
On land to which any Local Environmental Study has been prepared for Murray LEP 2011 or subsequent amendment, consistency with the recommendations of that study.	Noted	Any relevant plan will be taken into consideration as part of the development the landscape plan.

DCP Control	Compliance	Comment
On land identified on the Natural Resources Sensitivity Map in the LEP as 'Remnant Vegetation Cover', an assessment of that vegetation for biodiversity value and retention if necessary in any future development.	N/A	Not applicable – land is not identified on the subject mapping.
Clause 7.8 – Lot Design		
Compliance with the Murray Shire Engineering Guidelines for Subdivisions and Development Standards.	Complies	The lots have been designed to comply with Council's engineering guidelines for subdivision and development standards.
For battle-axe allotments a minimum width of the access handle is to be: – 3.5m for a maximum length 20 metres; – 4m for a maximum length 30 metres; and – 5m for lengths greater than 30 metres.	N/A	No battle-axe allotments are proposed.

DCP Control	Compliance	Comment
Subdivisions are to be designed to maximise solar access and the number of rectangular shaped allotments	Complies	The subdivision has been designed to maximise solar access and ensure a number of rectangular shaped lots. Overall the development provides a lot size that will also allow appropriate solar access considerations when the lots are subsequently developed with dwellings.
On land to which the Moama North West Masterplan (2008) applies, consistency with the recommendations of that plan.	Deemed to comply	None.
Subdivisions must demonstrate a building envelope measuring 10 metres by 15 metres on each lot or display a dwelling to be constructed on the lot(s) consistent with the objectives and controls of Chapter 2- of this DCP.	Complies	Each lot provides suitable dimensions to accommodate a building envelope of 10 metres x 15 metres.
Clause 7.9 – Infrastructure & Services		
Compliance with the Murray Shire Engineering Guidelines for Subdivisions and Development Standards.	Complies	All infrastructure and services will comply with Council's engineering guidelines for subdivision and development standards.
On land to which the Moama West Infrastructure Strategy (2005) applies,	Deemed to comply	None.

DCP Control	Compliance	Comment
consistency with the recommendations of that strategy		
On land to which the Moama North West Masterplan (2008) applies, consistency with the recommendations of that plan.	Deemed to comply	None.
Clause 7.10 – Natural hazards		
On land mapped as bushfire prone, compliance with the NSW Rural Fire Service document Planning for Bushfire Protection (2006).	Complies	Refer to Appendix C
On land identified as flood prone in the Moama Floodplain Management Study (1999), compliance with clause 7.8 of the LEP and the State Government's Floodplain Development Manual (2005).	N/A	Land not identified.
On land to which the Moama Floodplain Management Study (1999) applies, consistency with the recommendations of that study.	N/A	Land not identified.

DCP Control	Compliance	Comment
On land that is, or has previously been used for viticulture, an investigation of the land for potential contamination in accordance with the requirements of State Environmental Planning Policy No.55 – Remediation of Land. An investigation should be in accordance with the process detailed in the State Government's Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land (1998).	N/A	Land not previously used for viticulture.
A chemical spray drift buffer is to be provided between existing viticulture activity and residential lots. The applicant is to submit information prepared by a suitably qualified person with the development application that demonstrates an appropriate buffer distance.	N/A	Land does not adjoin existing agricultural uses.
Clause 7.11 – Site Management		
Compliance with the Murray Shire Engineering Guidelines for Subdivisions and Development Standards.	Complies	Site management during construction will comply with Council's engineering guidelines for subdivision and development standards and relevant conditions consent as imposed.

DCP Control	Compliance	Comment
The Blue Book – Managing Urban Stormwater: Soils and Construction (2004).	Complies	A Soil and Water Management Plan will be developed in accordance with the Blue Book requirements.