

APPLICATION FOR DEVELOPMENT APPROVAL

12 Lot Subdivision - River Sands Residential Development
Lot 2 in DP1206253 and Lots 12 & 13 in DP1259705
Bayaderra Court, Moama



PREPARED FOR:	
Client name	SANDS
PREPARED BY:	
Applicant / Consultant name	Planright Surveying
Address	PO Box 586, Echuca Vic 3564
Telephone	03 5482 1699
Email	office@planright.net.au



BACKGROUND

This application is for the extension of the “River Sands” Residential Subdivision which has recently been completed in Moama. It will also include the demolition of the existing dwelling, a shed, and pool on Lot 2 DP1206253.

The first stage of the subdivision created 24 lots and a new road called Bayaderra Court within the R1 Zone. The second stage is proposing to extend Bayaderra Court and create additional lots, involving lots 12 and 13 in DP1259705 of the first stage, plus an additional parcel of land which is known as lot 2 in DP1206253.

Proposed Stage 2 will create 12 lots in total; however, due to there being 3 existing lots, an additional 9 lots will be created. As evident by the plans, Lots 12 and 13 in DP1259705 will be reconfigured within the subdivision in order to allow for through access to lots 2-9 (incl). Lot 1 will retain its current access directly via Merool Road. A single road is required for lot connectivity, which will be achieved through an extension of the existing court.

The subject site is generally flat, with sloping beyond lots 1 to 5 towards the river. Extensive eucalypt vegetation is located within land zoned as E3, which is to be retained within proposed lot 1 for preservation.

Lot 1 is at the western end of Bayaderra Court. It is 138 metres wide and extends to the Murray River. The land contains a dwelling and surrounding garden and trees.

No earthworks are proposed for the subject development.

Due to the Planning Controls which apply to the land, not all of the land can be subdivided. This is described in the following parts of the report.

It is noted that the subdivision poses no changes to the Murray River.

Vegetation Clearing

Vegetation to be removed is in accordance with the accompanying Test of Significance. It is noted that one assessed tree has fallen over since the report was undertaken. No impacts to vegetation are determined to arise by the proposal.

Fencing is determined to have negligible impacts on vegetation. Any affected Tree Protection Zones are to be impacted by less than 10%.

Assessment of and approval for the clearing of vegetation within low-lying areas of these parcels is not appropriate under this application. Large scale approval for removal is likely to encourage prospective landowners to remove this vegetation without proper consideration. Assessment and approval for clearing under this DA may allow or give impression to landowners that removal of all trees is permitted and encouraged, which is not beneficial to the biodiversity of the area. A merit based assessment to vegetation clearing is more appropriate.

Demolition Works

The subject application also includes the demolition of the existing dwelling and pool, which are currently located on Lot 2 of DP 1206253. This is to be deconstructed and removed from the property in accordance with the Demolition Site Plan included with this application. A formal demolition management plan is not appropriate at this stage, and is to be created prior to works being undertaken, if necessary. This should form part of the approval conditions.

PLANNING CONTROLS

Planning controls relevant to the land are contained in the Murray River LEP 2011 and Murray River Development Control Plan 2012 as follows;

Murray River LEP 2011

- Clause 2.1 : Land Zoning
- Clause 4.1 : Minimum lot size
- Clause 5.10 : Heritage Conservation
- Clause 5.11 : Bush fire hazard reduction
- Clause 5.21 : Flood Planning
- Clause 7.4 : Biodiversity protection
- Clause 7.5 : Riparian land and Murray River and other watercourses
- Clause 7.7 : Wetlands

Murray River DCP 2012

- Chapter 7: Subdivision
- Chapter 8: Urban Release Areas

State Environmental Planning Policy (Biodiversity and Conservation) Chapter 5 River Murray lands

5.2 Objectives of the plan

The objectives of this plan are:

- a) to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- b) to establish a consistent and co-ordinated 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.*

Appropriate consideration has been given to the development to ensure it does not adversely affect the riverine environment of the Murray River. The implementation of the proposed development will ensure a coordinated approach to environmental planning and assessment, in order to effectively manage this critical ecosystem.

MURRAY LEP

2.1 Land Zoning and 4.1 Minimum Lot Sizes

Lots 12 and 13 in DP1259705 are zoned General Residential R1 under the Murray River LEP 2011.

Lot 2 in DP1206253 is partly zoned General Residential R1 and partly Environmental Management C3 under the Murray River LEP.

The minimum lot size for the land zoned General Residential R1 is 1500m² whereas the minimum lot size for land in the C3 Environmental Management Zone is 120 ha.

The area of land that is zoned C3 Environmental Management is approximately 2.4 ha. This is below the minimum lot size under the Local Environmental Plan, which is therefore to be wholly retained within a single parcel.

The land zoned General Residential is approximately 4.25 ha. The aim of the subdivision is to subdivide this section of the land into 12 lots. Seven of the lots will have areas between 1500m² and 1691m², four lots will be approximately 3990m² to 3999m² and one lot will include the balance of the land zoned for residential purposes and will include all the land in the C3 Environmental Management Zone. This lot will be 3.686ha.

Plans showing the proposed lot layout and land zonings are included with this submission.

Clause 4.1(3) of the Murray River LEP states as follows;

(3) "The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the lot size map in relation to that land."

The proposed lot sizes within the land zoned General Residential R1, all satisfy this requirement as they are more than 1500m² which is the minimum size specified in the map.

That part of the land which is zoned C3 Environmental Management, is only 2.4 ha and is significantly less than the minimum lot size shown on the relevant map which is 120 ha. As this is to remain its current size with respect to zoning boundaries, a Variation of Development Standards is not deemed to be required as it is already under the minimum lot size.

This land is not to be subdivided, rather it will all be kept with proposed lot 1 to create a lot of 3.54 ha.

This proposal accords with the provisions of clause 4.1B of the LEP as follows;

4.1(B) Minimum subdivision lot sizes for certain split zones.

(1) The objectives of this clause are as follows;

- (a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,*
- (2) This clause applies to each lot (an original lot) that contains;*
 - (a) land in a residential zone and*
 - (b) land in zone E3 Environmental Management*
- (3) Despite Clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if;*
 - (a) one of the resulting lots will contain;*
 - (i) land in a residential zone that has an area that is not less than the minimum size shown on the lot size map in relation to that land, and*
 - (ii) all of the land in Zone C3 Environmental Management that was in the original lot, and*
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the lot size map in relation to that land.*

In this instance lot 2 in DP1206253 contains land in both the General Residential Zone and C3 Environmental Management Zone.

It is proposed to subdivide the lot so that all resultant lots meet the minimum lot size requirement (1500m²) for land in the General Residential Zone.

One lot (being lot 1) will include all the land from the original lot that is in the C3 Environmental Management Zone (2.4 ha) and this lot will also include 1.1 ha of land in the General Residential Zone.

The proposed subdivision therefore meets the requirements of the LEP with respect to zoning and minimum lot size.

5.10 Heritage Conservation

Clause 5.10 of the LEP requires development consent for the subdivision of land;

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of Heritage Significance.*

There are no heritage items shown on the land in the Council's Heritage planning maps and nor is the land within a heritage conservation area.

With respect to there being any items of Aboriginal cultural heritage on the land, we have undertaken a comprehensive search of the Governments Aboriginal Heritage Items Management System (AHIMS) website and found evidence of past Aboriginal activities occurring on the land. A burial was discovered in 1997 from excavations relating to the swimming pool, which instigated an investigation and analysis of the bones and site. An Aboriginal Cultural Heritage Report has been provided in support of this application, along with a Plan of Management. These have been attached with this submission.

No works are to be undertaken within close proximity of identified artefacts; therefore, an Aboriginal Heritage Impact Permit is not required, and no harm is anticipated to arise.

5.21 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The proposed development is seeking to subdivide the land for residential uses. Each lot is provided with suitable area exterior to flooding, which can be utilised for future developments. Each new parcel has access to flood free land for ingress and egress.

No development within flood prone land is proposed under this application. Future development can avoid flood areas.

In this case the Flood Planning Map only indicates flood prone land as being located within the land zoned C3 Environmental Management Zone. The Flood Planning Map shows minimal flood prone land within the land zoned for Residential Purposes. Previous interpretations of flooding within Moama identified the assessable flood height of 95.3m AHD which is the 1-in-200 year event. Current interpretations identify this as 95.0, which is the 1-in-100 year AEP event.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and subdivision which limits residential development to flood free or minimal flood prone land.*

Residential land is to be located within areas of minimal flooding or free of flooding. Flood depths are anticipated to be up to 0.5m in depth on lot 5, which is minimal, and can be mitigated

through appropriate dwelling design. Placement of structures within the proposed locations will not impact upon flood function or behaviour.

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

The proposed residential subdivision design does not result in the potential for future development which increases the potential affectation of other development or properties. Existing and future development will not be harmed as a result of this development.

- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

No roads or driveways are to be sited within flood affected areas. Safe occupation and efficient evacuation will not be impacted in the event of a flood. Although a single access road is provided, only 5 parcels are identified as containing flood prone land - the majority of which is exterior to building envelopes. As such, negligible impacts to the safe occupation and efficient evacuation of residents will arise.

- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

Appropriate building envelopes have been implemented for the subject sites, in order to reduce potential risk in the event of a flood.

- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The proposed subdivision will not result in development on flood prone land. Appropriate building envelopes have been provided for each proposed lot, which are considered to be complimentary of site limitations. Avoidable erosion, siltation, destruction of riparian vegetation and reduced stability of riverbanks and water courses will not arise. These issues commonly arise within close proximity of the river. In this instance, no development is to be undertaken within 100m (proposed lot boundaries location). No dwellings are to be constructed within 300m of the Murray River. It is noted that future approvals are required for each dwelling, which should be assessed on their merits. The proposed subdivision does not facilitate the as of right use of a dwelling on the parcels.

Appropriate landscaping is anticipated to be undertaken on-site, which will reduce the likelihood the above impacts from occurring.

- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Future dwellings are to be located on mostly flood free land, as evident on the accompanying building envelope plan. Minimal depths of 0.5 may occur, in accordance with the Echuca Moama Torrumbarry Flood model. Appropriate design of future dwellings can ensure this can be mitigated.

7.3 BIODIVERSITY

Clause 7.3 of the Murray River LEP deals with the protection and maintenance of aquatic and terrestrial biodiversity by;

- (a) Protecting native flora and fauna,*
- (b) Protecting the ecological processes necessary for their continued existence,*
- (c) Encouraging the recovery of native flora and fauna and their habitats.*

This clause of the LEP applies to land identified as “Key Fish Habitat” or “Terrestrial Biodiversity” on the biodiversity planning map.

By inspection of the map, it can be seen that a very small part of the land adjacent to the Murray River is identified as being “Key Fish Habitat”, and part of the land near the Murray River is identified as having Terrestrial Biodiversity.

Upon closer inspection it is obvious that the area of land identified as “Key Fish Habitat” is completely within that part of the land which is zoned C3 Environmental Management.

As explained earlier in this report, the development being applied for is only in the part of the land which is zoned R1 General Residential.

As a result, none of the land in the Environmental Management Zone will be affected by this application and by extension it is evident that the “Key Fish Habitat” will not be affected by the proposal.

Clause 7.3(3) of the LEP provides the matters to be considered by Council when determining an application:

“Whether or not the development;

- (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.”*

With respect to the land identified as “*Key Fish Habitat*” the answer to all the above questions is no. Realistically the application is only for development on that part of the land which is zoned Residential and as such the application can be considered to not apply to the “*Key Fish Habitat*” because it is outside the part of the land which is the subject of this application.

7.5 RIPARIAN LANDS AND WATERCOURSES

ePlanning identifies part of the land being subject to the planning controls associated with Riparian Lands and Watercourses.

Closer inspection of Council’s Watercourse Map indicates a strip of land adjacent to the Murray River is affected by this control.

Clause 7.5(2) of the Murray River LEP identifies that this control applies to land being within 40 metres of the top of the bank of the relevant watercourse.

In this case the subdivision being applied for is between 112 metres and 240 metres from the river bank. No works are proposed within this area for this application and none are anticipated for the future.

This clause is therefore not applicable to the application.

7.7 WETLANDS

The wetlands planning map indicates that there is a small area of land depicted as wetland that extends into the land which is zoned General Residential.

It can be seen that the extent of the wetlands mapping coincides with the extent of the Terrestrial biodiversity mapping on-site.

As such, there is a small area of land depicted as wetlands that is located at the rear of lots 3, 4 and 5.

The definition of “*Wetlands*” in the LEP is “*natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities.*”

Onsite inspection does not reveal any difference in vegetation type between the land depicted as wetlands and the land immediately adjacent.

Given the definition of “*Wetlands*” in the Planning Scheme, it is submitted that wetlands do not extend into the rear of lots 3, 4 and 5 as indicated on Planning Scheme mapping.

As a result, it is suggested that this clause of the LEP does not apply to the current application and does not need to be considered.

The area of land depicted as “*wetlands*” is probably more accurately categorized as Land Affected by Inundation as it lies below the Flood Planning Level.

MURRAY RIVER DEVELOPMENT CONTROL PLAN 2012

CHAPTER 2 : RESIDENTIAL DEVELOPMENT

2.5 BUILDING SETBACKS

Proposed building envelopes are put forth within this development. Given the site limitations of this parcel, building envelopes have been presented to demonstrate the ability to construct appropriate housing, without interacting with site hazards and limitations.

Although building envelopes for proposed Lots 2-5 are required to demonstrate a front setback of 10m and side setbacks of 3m given the overall lot sizes for these parcels (i.e., exceeding 3,000m²) under the DCP, a request is put forth to reduce these setbacks. Proposed new setbacks for lots 2-5 are 5m from the frontage towards Bayaderra Court.

The setbacks reduction is requested as the majority of land within the subject parcel is not usable for residential purposes (i.e., they are flood prone and bushfire prone). Overall area of developable land within each of these parcels equates to approximately 592m² – 955m², which should be utilised to its maximum potential. Site 1 will retain a 1960m² building envelope.

To enforce the requirements of the DCP will not make development on these allotments feasible, which is not supportive of housing within Moama. Consideration of variation to the minimum lot size is requested to be reviewed with discretion.

CHAPTER 7: SUBDIVISION

7.1 CONTEXT

The Murray Strategic Land Use Plan identifies this land as being suitable for tourists or residential development, with the lower portion identified as being within the floodplain.

The lot sizes proposed in this estate provide larger properties to those identified within the Murray SLUP, in accordance with the Murray LEP 2011. These properties will range from 1500m² to 3.686ha in order to provide a greater variety of property sizes to the residential area of Moama. The current land zoning, General Residential R1 and Environmental Management C3, recognise the directions of the Strategic Land Use Plan, ensuring the application for subdivision is consistent with both the Strategic Land Use Plan and the LEP.

Residential

The land is not within the area subject to the Moama North West Master Plan hence this item does not apply.

The proposed subdivision satisfies the context requirements of clause 7.1.

7.2 NEIGHBOURHOOD CHARACTER

The lots in stage 1 of this development in Bayaderra Court are all 1500m² or more in area and are generally uniform in shape. The road has been built to provide an aesthetically pleasing curvilinear design rather than an unappealing gunbarrel straight.

Lots 6-12 of this proposal are similar sizes and shapes to those in stage 1 and are on either side of the court extension. The road extension continues the gentle curvature that was provided in stage 1.

Lots 2-5 of the proposal are designed to fit around the extended court bowl. The land here slopes towards the Murray River and is flood prone below the 95.0m contour.

These lots have been designed so as to provide suitable areas for residential construction above the flood contour. Each of these lots has been extended to the edge of the residentially zoned land which provides them each with a beautiful area of bushland. As a result, these lots are larger and narrower than the lots in stage 1; however, the general theme and character is continued into stage 2.

Lot 1 is the balance of the land and will remain in its current ownership. This lot has individual access from Merool Road that was established previously, hence it is also in keeping with established character.

To the north-east of this land lies the Winbi Estate. Lots in that estate are all low-density residential allotments that have been developed with high-quality well-designed homes.

Further north is the Winbi Holiday Resort and abutting to the south is the Shady River Caravan Park.

Residential

The land is zoned R1 and partly adjoins land that is zoned R2 in the Winbi Estate.

Only lot 1 in the proposal abuts the three lots in the Winbi Estate which are near the boundary, hence this Neighbourhood Character control is met.

Furthermore, the three lots in the adjoining Winbi Estate are separated from the common boundary line by a Reserve which is 10 metres wide, which also assists compliance with this control.

Proposed lot 1 adjoins the north boundary where there is land zoned R2. The area of proposed lot 1 is 3.6 ha hence this control is also satisfied.

The lot sizes within the proposed subdivision are consistent with the LEP, as is the subdivision design to the theme and character of the area; therefore, this application is deemed to satisfy Section 7.2 of the DCP.

7.3 STAGING

Although this development can be considered as stage 2 of the River Sands development, it is a separate Development Application in its own right. The twelve lots in this subdivision are to be developed in one stage.

All residential services and infrastructure exist in Bayaderra Court and can be economically extended to provide services to the proposed lots.

Yes, the Strategic Land Use Plan identifies this land to be developed for residential purposes in the short term.

As the western part of the site falls towards the Murray River drainage for these lots will be directed towards the river. Lots 7, 8, 9, 10 and 11 are naturally situated on the highest part of the land and drainage from these lots will be extended easterly and connected into the Bayaderra Court drainage system.

The subdivision is adjacent to existing urban developments and hence satisfies the controls of chapter 7.3.

7.4 MOVEMENT NETWORK

The proposed subdivision is submitted for Planning Approval. It is accepted that conditions of consent will require the engineering design and construction to meet the standards mentioned. This will be done as part of the subdivision works approval and a construction certificate will not be issued by Council until the relevant standards are met.

A preliminary services plan is included with this submission. The plan provides details of kerbs and pavements, road widths, and other services.

A through street is not possible in this instance due to there being no connectivity available to adjoining land. Instead, this subdivision proposes extending the court bowl that was constructed in the earlier stage of the development.

Although Councils policy does not encourage court bowls, it is respectfully suggested that this policy should be reviewed.

Council should be encouraging the highest level of amenity possible for its residents and this can be done by allowing this development to proceed as a court bowl. The popularity of court bowl living can be readily appreciated by the fact that all the lots in Bayaderra Court were purchased before the subdivision was developed.

Residential

Not applicable. The Moama North West Master Plan does not apply to this land.

7.5 ACTIVITY CENTRES AND COMMUNITY FACILITIES

The subdivision is consistent with the Strategic Land Use Plan. There is no recommendation in the Strategic Land Use Plan for an activity centre in this subdivision.

Residential

The MNWMP does not apply to this land.

7.6 PUBLIC OPEN SPACE

No provisions for public open space have been made within the proposed development; however, the initial subdivision of the fronting land abuts the existing footpath/bicycle path in Moama West, leading to 3 Mile Reserve, Rich River Golf Club, Moama RSL Club, wineries, and the Moama Recreation Reserve which are all in close proximity.

This development consists of 10 additional residential allotments (in addition to the two existing to be reconfigured within the subdivision), totalling 34 within this overall subdivision area. From consideration of the number of lots, provisioning for on-site private open space, and the proximity to nearby open space opportunities, setting aside a large area of active open space is not deemed necessary or appropriate. This would also conflict with Councils open space strategy for residential areas.

This application is deemed to be compliant with Section 7.6 of the DCP.

7.7 LANDSCAPING

A landscaping plan for the Riversands Estate Stage 2 internal road nature strip has been provided with this application. The trees lining the reserve will be native Urbanite Ash, which are consistent with the vegetation of Stage 1.

The usual 3-year maintenance period for establishment of the asset will be undertaken by the developers before formal transfer to Council's Maintenance Program.

7.8 LOT DESIGN

All lots are able to maximise solar opportunity, and the general uncluttered feel of the development provides opportunities for excellent residential amenity.

Not applicable.

Every lot within the subdivision can contain the nominated 10m x 15m building envelope. Perusal of the proposed subdivision design reveals that the lots being relatively regular (rectangular) in shape and containing generous allotment sizes, provide adequate scope for siting of future dwellings to be located.

Due to constraints on the land, dwelling setbacks will be somewhat uniform in the rear parcels. As these properties are to be located at the rear of the estate, this will not pose the view of a mundane and uninteresting residential community.

7.9 INFRASTRUCTURE AND SERVICES

The subject land is essentially an 'infill' site.

Due to the significant low density and residential development in the immediate vicinity, all of the usual services are readily available. e.g., treated and raw water, town sewerage, electricity, natural gas, Telstra/NBN.

Advice from Council as per Stage 1 of this development indicated the legal point of discharge for the stormwater drainage is to be the recently constructed wetland along Grimison road (east).

Construction of Stage 1 of this overall development resulted in the overhead electricity supply being diverted and placed underground in accordance with the requirements of Essential Energy.

A copy of DRAFT engineering layout is included with this report together with a written report detailing the proposed servicing arrangements.

Residential

Not applicable.

The subject subdivision is deemed to be provided with all essential services; therefore, this application is compliant with Section 7.9 of the DCP.

7.10 NATURAL HAZARDS

The land is identified as being bushfire prone due to the significant vegetation within the C3 land. This has been addressed earlier in the report and within a supplementary report.

The land is subject to flooding. This has been addressed earlier in the report.

The property has never been utilised for viticulture purposes, and is not within an area that is likely to be affected by potential spray drift. A contamination assessment is not considered necessary. Relevant natural hazards and environmental constraints have been addressed previously in this report.

From review, these aspects are minor in threat; therefore, the application is deemed to be compliant with Section 7.10 of the DCP.

7.11 SITE MANAGEMENT

Site management issues relate to ensuring proper management of the site during the construction period of the subdivision.

Suitable conditions detailing appropriate management requirements will be issued as part of any Development Approval. These will be complied with during the construction period. This is standard practice for residential development.

CHAPTER 8: URBAN RELEASE AREAS

That part of the land which is zoned General Residential is also noted as being an Urban Release Area in the Murray River LEP.

The part of the land in the C3 Environmental Management Zone cannot be developed and as such it is not included in the Urban Release Area.

Part 6 of the LEP requires that Development Consent for the subdivision of land in an Urban Release Area must not be granted until a Development Control Plan has been prepared for the land.

Chapter 8 of the Murray River Development Control Plan has been prepared and defines the issues that must be addressed before Development Consent for the subdivision of land is granted.

Many of the Urban Release Area DCP requirements are covered in detail in other chapters of the Murray DCP. Where that is the case the comments in the Requirements for Compliance section of the following table will refer to the more detailed responses in the relevant sections of this report.

URA DCP REQUIREMENT	REQUIREMENTS FOR COMPLIANCE
A staging plan for the timely and efficient release of urban land making for necessary infrastructure and sequencing.	Refer to Section 7.3 of this report.
An overall transport movement hierarchy	Refer to item 7.4 and layout plan.

showing the major circulation routes and connection to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.	
An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirement for both public and private domain.	There are no riparian areas or remnant vegetation to be affected. Landscaping plans are included.
A network of passive and active recreational areas.	Refer to item 7.6 of this report.
Stormwater and water quality management controls.	Satisfactory response to Sections 7.9 and 7.10 of Chapter 7 of this DCP.
Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected.	Refer to item 7.10 of this report.
Detailed urban design controls for significant development sites.	Not applicable.
Measures to encourage higher density living around transport, open space and service nodes.	Not applicable.
Measures to accommodate and control appropriate neighbourhood commercial and retail uses.	Not applicable.
Suitably located public facilities and services, including the provisions for appropriate traffic management facilities and parking.	Refer to Section 7.4 and 7.5 of this report.

CHAPTER 9: VEGETATION REMOVAL

A person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which this DCP applies, without the authority conferred by:

- A Development consent; or
- A permit granted by Murray River Council.

Vegetation to be removed is a variety of scrubs, shrubs, and trees, which are wholly located within the R1 Zone. These individual trees are minor when compared with the extent of *Eucalyptus camaldulensis* (River Red Gum) dominating the E3 land of Lot 1, which are to remain untouched.

Given the extensive abundance of vegetation within the land abutting the Murray River (E3 Zone), the removal of minimal vegetation within R1 land is not predicted to pose significant impacts to the habitat and biodiversity within the site or surrounding area. Removal of planted vegetation will also be undertaken; however, this is exempt and does not require further address. See attached Test of Significance for further information.

An initial concern of Council regards the protection of vegetation within the residential parcel post-subdivision. It is noted that the removal of these trees may be required in the future due to circumstances that are unknown at this time. If this were to occur, it should be realised that approval would be required prior to doing so. As evident in Section 9 of the DCP, River Red Gums are listed in Councils Development Control Plan and as such a permit is required for their removal. Building envelopes have been applied to the land, which do not result in future losses not considered through this application.

CONCLUSION

In review of the provided report, the proposed subdivision within Bayaderra Court is in alignment with the intent and purpose of the urban release land, and is considered compliant with the relevant legislation, and therefore should be supported.