

16. MURRAY LEP 2011 PLANNING PROPOSAL - LOT 26 DP 751152 & LOT 2 DP 509954 – BOUNDARY ROAD, MOAMA

AUTHOR: Llyan Smith - Planning Support Officer
VENUE: Moulamein Bowling Club
TRIM Reference:

Issues Considered in writing report: Community Strategic Planning – Proposed amendment of the Murray LEP 2011

RECOMMENDATION

- i. That the Officer's report be received and noted.
- ii. That after a review of the submitted Planning Proposal, Council staff are of the opinion that the submission by the Applicant provides sufficient detail to meet the requirements of the Act and 'A guide to preparing Planning Proposals'.
- iii. That the Planning Proposal be sent to NSW DPE for Gateway Determination.

BACKGROUND INFORMATION

As set out in Clause 4.3 of the tabled Council report (Tabled Document 2) dated 3 March 2015, headed "*Private Submission E3 Zoned - Lot 2 DP 509954 and Lot 26 DP 751152 - Boundary Road*", Council heard that the proponent sought to enable the use of the northern section of Lot 26 DP 751152 and Lot 2 DP 509954 for future subdivision and residential development, development which does not adhere to the current planning controls affecting this E3 zoned land. Please see the tabled report (Tabled Document 2) for further information. In respect of this Clause, Council resolved that:

"...the submission maker supplies Council with a study, prepared by a suitably qualified consultant, regarding the rezoning of the subject area of E3 zoned land. The study shall be undertaken at the full cost of the submission maker..."

In accordance with the Resolution set out above, the submission maker has now supplied Council with a study pertaining to the subject land. The proposal prepared by a suitably qualified consultant seeks a Resolution of Council to send the planning proposal to NSW DPE for a gateway determination, in order to amend the Murray LEP 2011 via an addition to 'Schedule 1 – Additional

Permitted Uses' via the utilisation of Clause 2.5 of the Murray LEP 2011. It is noted that no rezoning of the land is now proposed by the proponent.

A copy of the Planning Proposal has been tabled for reference (Tabled Document 10). The proposed addition to Schedule 1 (as amended by Council Staff) would state:

Use of certain land at Lot 2 DP 509954 and Lot 26 DP 751152 - Boundary Road

- 1) *This clause applies to land adjoining Boundary Road, Moama, being Lot 2 DP 509954 and Lot 26 DP 751152 not within the Flood Planning Area on the Flood Prone Land Map of Murray LEP 2011.*
- 2) *Development for the purpose of the subdivision of land into no more than six (6) lots and the erection of one dwelling house per lot is permitted with development consent. This additional permitted use does not convey a dwelling entitlement, or permission to erect a dwelling house on remaining parcel of E3 land covered by the Flood Prone Land Map.*

The site

The land subject of the planning proposal is the northern section of Lot 26 DP 751152 and Lot 2 DP 509954, not mapped as Flood Prone Land under the Murray LEP 2011. Lot 26 DP 751152 and Lot 2 DP 509954 in their entirety are zoned E3 Environmental Management and are affected by a 120 hectare minimum lot size. Aerial photography of the subject lots is set out below, with Lot 26 indicated by the purple star and Lot 2 indicated by the green star in Figure 1. Figure 2 set out below has been extracted from the Proponent's Planning Proposal document, with the red outline in this Figure indicating the area sought to be affected by the Schedule 1 inclusion, under this Planning Proposal.



Figure 1: Subject Land –Lot 26 DP 751152 and Lot 2 DP 509954



Figure 2 – Area of the subject lots affected by Proposal

The subject lots are covered the following Council mapping:

Murray REP 2 Mapping

Both allotments are covered in their entirety – See Figure 3



Figure 3 – Murray REP2 mapping coverage

Watercourses mapping

Both lots are covered in part by the Murray LEP 2011 ‘Watercourse’ mapping (Floodplain wetlands). The land not mapped as Flood Prone Land under the Murray LEP 2011 which is subject to the planning proposal is not covered by such mapping. See Figure 4.



Figure 4 – ‘Watercourses’(Floodplain wetlands mapping)

‘Key Fish Habitat’ Biodiversity mapping

Part of Lot 2 DP 509954 is covered by Key Fish Habitat mapping. However, the area sought to be affected by Planning Proposal is not covered by such mapping.



Figure 5 – ‘Key Fish Habitat mapping

‘Terrestrial Biodiversity’ mapping

Both lots are covered by Council’s Terrestrial Biodiversity mapping. The north-western corner of Lot 26 DP 751152) is covered by the Terrestrial Biodiversity mapping. See Figure 6.



Figure 6 – Terrestrial Biodiversity mapping

Flood planning mapping

The subject lots are covered by Council's Murray LEP 2011 Flood Planning mapping. The site of the proposed additional permitted use is not covered. See Figure 7.



Figure7 – Flood prone land mapping

Bushfire prone land mapping

Both lots are mapped as bush fire prone land in their entirety. See Figure 8.

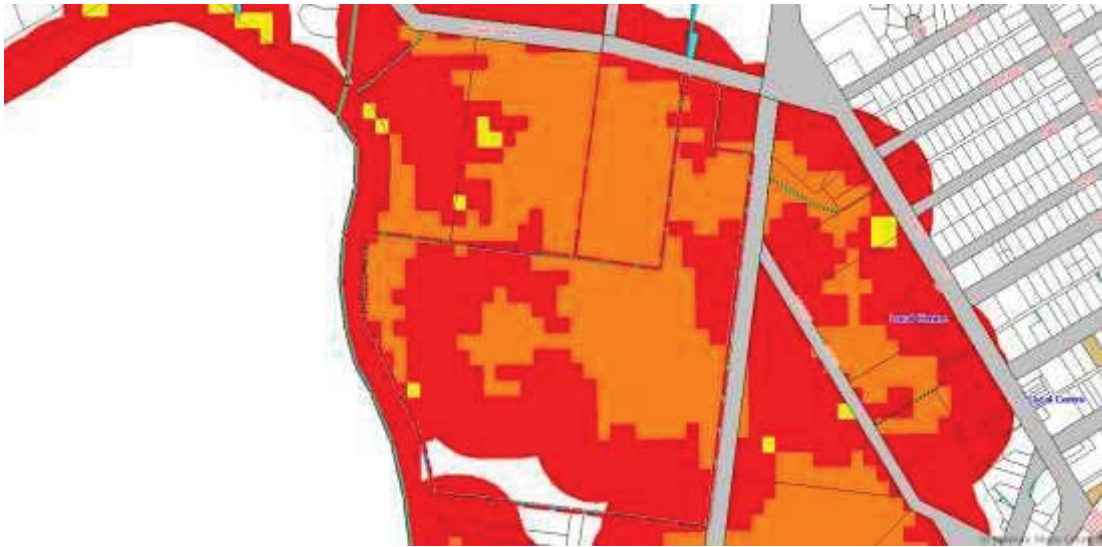


Figure 8 – Bush fire prone land mapping

The site is not classified as an Urban Release Area (URA) and does not contain any known items of non- Aboriginal or Aboriginal Cultural Heritage. The land is not mapped as Contaminated Land or mining resources.

The proposal site is located close to existing services and facilities including retail facilities and public transport networks. It should also be noted that the site is in close proximity to the “Preferred Mid-West Alignment” for the proposed second Moama-Echuca Bridge Crossing. See Figure 9 provided in current VicRoads documentation for proposed alignment. See Figure 10 for location of the subject.



Figure 9 – Proposed “Preferred Mid-West Alignment”



Figure 10 – Approximate location of subject site in context with “Preferred Mid-West Alignment”

Assessment of Planning Proposal by Relevant Planning Authority

PART 1 – Statement Of Objectives And Intended Outcomes Of The Planning Instrument

Comment: This section of the proposal requires the Applicant to provide a short, concise statement setting out the objectives and intended outcomes of the Planning Proposal. The Applicant has advised that the intended outcome of the Planning Proposal is to allow the subject land to be developed for limited residential purposes. The Applicant is considered to have provided a suitable statement in response to this Part. See tabled Planning Proposal (Tabled Document 10) for further information.

PART 2 – Explanation of Provisions

Comment: This section of the proposal is required to demonstrate how the intended outcomes are proposed to be achieved. The Applicant has advised that the Planning Proposal is seeking to achieve the intended outcomes listed in Part 1 via an addition to ‘Schedule 1 – Additional Permitted Uses’ affecting land forming part of Lot 2 DP 509954 and Lot 26 DP 751152 which adjoins Boundary Road, Moama, and not covered by the Murray LEP 2011 Flood Prone Land Mapping. The Applicant is considered to have provided a suitable statement in response to this Part, however it is considered appropriate to amend proposed section 2 of the proposal to read:

“...Development for the purpose of the subdivision of land into no more than six (6) lots and the erection of one dwelling house per lot is permitted with development consent. This additional permitted use does not convey a dwelling entitlement, or permission to erect a dwelling house on remaining parcel of E3 land covered by the Flood Prone Land Map...”

See tabled Planning Proposal (Tabled Document 10) for further information.

PART 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Comment: The Applicant has explained that the subject Planning Proposal has been compiled based on a broad review of the Murray LEP 2011 and the subsequent Resolution of Council regarding a submission made in respect of this property.

SECTION B – RELATIONSHIP WITH STRATEGIC PLANNING FRAMEWORK

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Applicant has advised that based on the current zoning of the property, the subject Planning Proposal is the best means of achieving the intended outcome and has identified that the alternate methods such as rezoning may pose a poor strategic outcome in this instance. It has been noted in the Planning Proposal that there would be a net community benefit via the provision of additional residential development close to services and facilities. The Applicant is considered to have suitably addressed assessment against Section A of Part 3.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Comment: It is noted that an amended Draft Riverina Murray Regional Plan was released by NSW DPE in April 2016. A copy of the current Draft Riverina Murray Regional Plan has been tabled for reference. (Tabled Document 4) The subject Planning Proposal was received by Council on 5 February 2016, and therefore, the Draft Plan had not yet been released and hence was not addressed in the Planning Proposal prepared by the Applicant, which addressed the previous Draft Murray Regional Strategy 2009-36. A review of the current Draft Plan has been undertaken by Council Staff who provide the following comments in respect of assessment against this draft document:

Direction 1.1 – Grow the economic potential of the agribusiness sector

Action 1.1.1 – Provide enabling planning controls to facilitate diversification and attract investment in the agribusiness sector

Comment: The Planning Proposal is not considered to be inconsistent with this action. The Proposal does not pose an adverse impact to the local or regional agricultural supply chain and poses no impact to the primary or secondary infrastructure that supports such.

Action 1.1.2 – Encourage value-add manufacturing opportunities across the region to increase regional economic diversification

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal does not pose an adverse impact to value-added manufacturing of agriculture opportunities, the export of regional agricultural commodities or the strategic positioning of future value-add enterprises,

manufacturing and intensive operations. The proposal will not inhibit the encouragement of value-add manufacturing opportunities to increase regional economic diversification in agriculture and agribusiness, and will not adversely affect the factors which enable future agricultural enterprise to harness innovation technologies or agricultural research

Direction 1.2 – Manage productive agricultural lands in a sustainable way

Action 1.2.1- Identify and protect regionally important productive agricultural lands

Comment: The Planning Proposal is not considered to be inconsistent with this action. The Proposal is not considered to pose a significant adverse impact to resource availability and is not predicted to adversely affect agricultural efficiency or pose fragmentation of productive rural lands. The Proposal is not considered to adversely affect the agricultural supply chain or State significant agricultural lands.

Action 1.2.2 – Establish a strategic planning framework that protects the productive values of agricultural land and manages land use conflict

Comment: The Planning Proposal is not considered to be inconsistent with this action. The proposal will not inhibit the delivery of strategic plans and policies to protect rural land uses, natural resources, developing industries, and dependent industries and communities, and is not predicted to result in land use conflict..

Action 1.2.3 – Encourage the increased use of biosecurity measures to protect the regions agricultural assets

Comment: The Planning Proposal is not considered inconsistent with this action. The Planning Proposal is not considered to present a biosecurity risk to the region or locality.

Direction 1.3 – Manage and use the regions natural resource sustainably

Action 1.3.1 – Support the sustainable use and conservation of water resources

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal is not considered to adversely impact water resources, water catchments, watercourses or riparian areas. The Proposal is not considered to generate significant pressure on urban water supply.

Action 1.3.2 – Protect areas of mineral and energy, extractive and renewable energy potential

Comment: The Planning Proposal is not considered inconsistent with this action. The subject site is not mapped as “Mineral resources” and is likely to have no affect on the aim of the plan to protect the regions natural resource base, or renewable energy infrastructure potential.

Action 1.3.3 – Avoid urban expansion and rural residential development on productive agricultural land identified mineral resource and energy resources

Comment: The Planning Proposal is not considered inconsistent with this action. The subject lots are not zoned for or used as agricultural land. The Proposal is not predicted to create land use conflicts, land speculation or place significant pressure on infrastructure and services used by the primary producers, resource and energy sector. The site is not mapped as “Mineral Resources”.

Action 1.3.4 – Implement the NSW Renewable Energy Plan to increase renewable energy generation

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the implementation of this plan.

Action 1.3.5 – Support the protection of native and plantation forests from encroachment

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The site is not utilised for or located in the vicinity of land used for the forestry industry.

Direction 2.1 – Enhance the regions freight networks through coordinated investment

Action 2.1.1 - Identify and prioritise pinch points in the freight network

Comment: The Planning Proposal is not considered inconsistent with this action. While the subject lots are located in close proximity to the proposed second Moama Murray Bridge Crossing, the Proposal is considered to pose no impact to freight efficiency, future bypasses or the proposed new bridge crossing.

Action 2.1.2 - Identify and protect intermodal freight terminals to facilitate growth in the freight and logistics sector

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. There are no existing or proposed intermodal terminals located in vicinity of the subject site.

Action 2.1.3 - Identify and prioritise opportunities to improve regionally significant local road connections

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. Any future development of the site for urban use is not predicted to place significant pressure on the local freight network.

Action 2.1.4 – Work with the Australian Government on the proposed Melbourne-Brisbane inland rail corridor

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The proposed inland rail corridor is not located in vicinity of the subject site.

Direction 2.2 – Improve inter-regional transport services

Action 2.2.1 – Implement local planning controls that protect regional airports from the encroachment of incompatible land uses

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The subject site is not located in the vicinity of a regional airport.

Action 2.2.2 – Identify and protect future rail corridors

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. There future rail corridor discussed within this direction is not located in the vicinity of the site, or Moama.

Direction 2.3 – Coordinate infrastructure delivery to facilitate economic opportunities

Action 2.3.1 – Coordinate the delivery of infrastructure to support the future needs of residents, business and industry

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal is not considered to pose an impact with respect to supply of energy, waste services, water, or telecommunication within the region and locality. The site is located with suitable access to available utilities and services to accommodate the Proposal.

Action 2.3.2 – Establish monitoring mechanisms to enable better demand forecasting to inform infrastructure coordination

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Direction 3.1 – Grow the regional cities of Albury, Wagga Wagga and Griffith

Action 3.1.1 – Develop a regional cities strategies for Albury, Wagga Wagga and Griffith

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 3.1.2 – Implement an industrial land monitoring program to maintain a supply of well-located and serviced industrial land

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 3.1.3 – Develop and deliver strategies that strengthen the commercial function of the CBDs and town centres

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Direction 3.2 – Enhance the liveability and economic prosperity of the region’s towns and villages

Action 3.2.1 – Deliver improved tools and partnerships to build community capacity in towns and villages to strengthen community resilience

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal will not adversely impact on Community resilience or the alleviation of skill shortage, particularly in the agribusiness sector.

Action 3.2.2 – Support the continued identification and protection of the region’s heritage

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal site is not known to contain any items environmental heritage and will not impact the consideration of the heritage within the planning system, heritage protection, promotion, or management of heritage assets.

Action 3.2.3 – Deliver enabling planning controls to diversify regional tourism markets and increase tourism opportunities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The Proposal will not impact local or regional tourism, tourism markets or tourism events.

Action 3.2.4 – Deliver regionally specific urban design guidelines

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal will not impact the delivery of such guidelines. The lots are located in close proximity to existing pedestrian movement networks, public open space, services and community facilities. The site does contain native vegetation, however the bulk of the proposed area sought to be affected by the subject proposal is not covered by the Murray LEP 2011 terrestrial biodiversity mapping. Further assessment or studies may be required to ascertain the significance of the native vegetation located onsite.

Action 3.2.5 – Identify opportunities to provide improved and increased transport connections between the region’s town and villages to the regional cities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Direction 3.3 – Enhance the economic self-determination of Aboriginal communities

Action 3.3.1 – Conduct a strategic assessment of land held by the region’s Local Aboriginal Land Councils to identify priority sites for further investigation of their economic opportunities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The subject site is not land owned by the Local Aboriginal Land Council.

Direction 3.4 – Provide a continuous supply of appropriate housing to suit the different lifestyles and needs of the region’s population

Action 3.4.1 – Deliver enabling planning controls that facilitate an increased range of housing options including infill housing close to existing jobs and services

Comment: The Planning Proposal is not considered inconsistent with this action. The subject Proposal seeks an amendment of the Murray LEP 2011 via a Schedule 1 inclusion which will enable the residential development of the northern part of the subject lots. The Proposal is considered to present an opportunity to investigate increasing housing options within an area close to existing services and facilities, and in close proximity of Council’s town centre.

Action 3.4.2 - Facilitate a more diverse range of housing for seniors

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal ultimately seeks to amend the Murray LEP 2011 to enable the residential development of the northern section of the subject lots. It is noted that given the close proximity of the lots to the town centre, access to services, community facilities and connection to transport network, the future development of these lots could be harnessed by seniors seeking to downsize to smaller allotments, however the Proposal is not specifically aimed to address such matters.

Action 3.4.3 Develop a framework to facilitate a range of accommodation options for itinerant workers

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has little effect on the considerations discussed within this action. While it is conceivable that the proposed future development of this subject land could accommodate rental properties to service seasonal workers, the Proposal is not specifically aimed to address this issue.

Action 3.4.4 – Develop and implement principles for rural residential development

Comment: The Planning Proposal is not considered inconsistent with this action. The subject Proposal does not seek to enable the development of this lot for rural-residential development, but rather, seeks to enable residential development on lots of approximately 1000m². Any future approved development of the subject lot will have access to existing infrastructure, which are available for connection. The subject residential development is not considered to pose land use conflict with the surrounding area, however the impact on the biodiversity of the remainder of the E3 zoned land not proposed to be included as part of the subject Planning Proposal may require further investigation. While subject area of this Planning Proposal is mapped as bushfire prone land (buffer), the affected land is not flood prone and is not significantly affected by natural hazards. The proposal is considered to offer additional housing stock to the Shire in a highly accessible and well connected area.

Action 3.4.5 – Facilitate the delivery of more affordable housing options through improved planning policies

Comment: The Planning Proposal is not considered inconsistent with this action. It is noted that given the close proximity of the lot to the town centre,

access to services, community facilities and connection to transport network, any future approved development of these lots could be harnessed by those seeking more affordable allotments within the Moama market, however this Proposal is not specifically aimed at providing affordable housing.

Direction 3.5 – Enhance connections and planning between cross-border communities to improve service quality and infrastructure delivery

Action 3.5.1 – Investigate opportunities to improve cross-border planning outcomes, including infrastructure and service delivery

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal seeks to increase the supply of housing lot stock in the Moama area, which will continue to facilitate the movement of populace between Echuca/Moama. The Proposal will have little impact on the delivery of infrastructure or services.

Action 3.5.2 – develop a cross-border land monitoring program

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal seeks to increase the supply of housing lot stock in the Moama area, which will continue to facilitate the movement between Echuca/Moama. The Proposal will not inhibit improved tracking and forecasting of housing and employment of land release within the region.

Direction 4.1 – Protect the nationally significant Murray River

Action 4.1.1 – Actively manage settlement and competing land uses along the Murray River

Comment: The Planning Proposal is not considered inconsistent with this action. The land sought to be developed as part of this Planning Proposal is located approximately 400m from the adjoining Murray River, with part of the subject Proposal site covered by the Murray LEP 2011 Terrestrial Biodiversity mapping. Further investigations of the site may be required to be undertaken to ascertain the impact of the Proposal on the adjoining Murray River and its associated environmental values of the site.

Direction 4.2- Protect the region’s environmental assets and biodiversity values

Action 4.2.1 – Facilitate improved access to quality information relating to high environmental values, to avoid, minimise and mitigate the impacts of development on significant environmental assets

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. Further investigations of the site may be required to be undertaken to ascertain the impact of the Proposal on the adjoining Murray River and the environmental values of the site.

Action 4.2.2 – Maintain healthy waterways and wetlands, including downstream environments

Comment: The Planning Proposal is not considered inconsistent with this action. The subject lots are mapped as by the Murray LEP 2011 wetlands mapping, however coverage does not extend to the subject proposal area in the northern section of the subject lots. Further investigations of the site may be required to be undertaken to ascertain the impact of the Proposal on the adjoining Murray River and the environmental values of the site.

Direction 4.3 – Increase the region’s resilience to natural hazards

Action 4.3.1 – Review and map natural hazard risks to inform land use planning decisions

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 4.3.2 – Support communities to build resilience to the impacts of natural hazards and climate change

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 4.3.3 – Minimise the potential impacts of naturally occurring asbestos on communities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Assessment Criteria

- a) *Does the proposal have strategic merit and*
- *Is it consistent with a relevant local strategy endorsed by the the Director General or*
 - *Is it consistent with the relevant regional strategy or Metropolitan Plan or*
 - *Can it otherwise demonstrate strategic merit, giving consideration to the relevant Section 117 Directions applying to the suite and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.)*
- b) *Does the Proposal have site specific merit and is it compatible with the surrounding land uses, having regard to the following:*
- *The natural environment (including known significant environmental values, resources or hazards) and*
 - *The existing uses, approved uses, and likely future uses of the land in the vicinity of the proposal; and*
 - *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Comment: Throughout the various sections of the Planning Proposal, the Applicant has suitably demonstrated the strategic merit of the proposal. Although not specifically addressed in this Part of the Planning Proposal, there is no applicable local strategy endorsed by the Director General affecting this area of Murray Shire Council. Subsequent sections of the Planning Proposal also demonstrate compliance with the relevant Section 117 Directions and the suitability of the site for the proposed use based on its close proximity to existing urban areas, public transport, infrastructure, and community facilities. The Proposal is considered compatible with the surrounding land uses, existing uses, approved uses and the future use of land in the vicinity of the proposal in accordance with the strategic plans affecting the area. A further study may be required to investigate the biodiversity of the site to suitably ascertain the compatibility of the Proposal with the environmental characteristics of the site. While the land is mapped as bush fire prone, suitable mitigation methods can be imposed on any future approved development of land in accordance with '*Planning for Bush Fire Protection 2006*' and any applicable integration with NSW Rural Fire Service under the *Rural Fires Act 1997*. In accordance with the material contained within "A Guide to Preparing Planning Proposals" released by the NSW Department of Planning & Environment, Council Staff have deemed it unnecessary to provide a technical studies at this stage, and will instead await the outcome of the Gateway determination. The Applicant is considered to have suitably addressed the assessment requirements for this stage of the process.

Q4. Is the Planning Proposal consistent with a Council's Local Strategy of other local Strategic Plan?

Comment: The Murray Strategic Land Use Plan 2010-2030 (SLUP) is applicable. While this Strategic Plan has been adopted by Council and has been in operation for some time, the SLUP has not been endorsed by the NSW DPE. The SLUP identifies the subject site as 'Rural Floodplain'. The SLUP encourages the protection of floodplain areas from unsympathetic development, with no urban intensification of development on land not protected with the town flood levee. The Applicant notes that this characterisation as 'rural floodplain' has been applied in error, as the land forming the northern section of the subject lots (and the site affected by this Planning Proposal) is not flood prone. It is also noted that the subject land is located close to services and amenities; adjoining B2 Local Centre zoned land and in the vicinity of R1 General Residential zoned land. Strategic Area (B) (Environmental Planning) of the Murray Shire Council Community Strategic Plan 2015/2016 – 2024/25 is also applicable, and sets out an objective to develop and implement strategic plans and planning instruments to ensure development occurs in an environmentally responsible and consistent manner. A key measure of control set out in the Community Strategic Plan is compliance with Murray Local Environmental Plan (LEP). The Applicant has prepared the subject proposal to enable compliance with this local strategy. The subject site is not covered by the Moama North West Master Plan. Given that it is possible that the environmental hazards and constraints of the land may be mitigated, and the land is located close to all services and facilities, the subject proposal is considered consistent with overarching aims and objectives of Council's Local Strategies, however further studies may be required to determine the compatibility of the Proposal with the environmental

characteristics of the site. Any future development of the site enabled by the amendment of the Murray LEP 2011 would be subject to a full merit assessment against all required legislation. It is noted that as the E3 Zoning of the property is not sought to be amended as part of this Proposal and as such, any future application would be technically inconsistent with Clause 4.1 of the Murray LEP 2011 (Minimum subdivision lot size) and Clause 4.2A (Erection of dwelling houses on land in certain rural and environmental protection zones). However such development would be assessable under Clause 2.5 of the Murray LEP 2011 (Additional permitted uses for particular land). It is noted that the bush fire constraints of the land may be mitigated via construction methods, although this bush fire risk would need to be assessed on its merits in accordance with the relevant legislation and in consultation with NSW Rural Fire Service under the requirement of Section 91 of the *Environmental Planning & Assessment Act 1979*. The Applicant is considered to have suitably addressed assessment against Council's Local Strategies.

Q5. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

Comment: As set out in Attachment A of the subject Planning Proposal, the Applicant has identified the SEPPs relevant to the Planning Proposal and notes consistency with each applicable SEPP. The Applicant notes that SEPP No 21—Caravan Parks is “...*Not applicable as ‘caravan parks’ are prohibited in the E3 zone...*”. This SEPP is applicable as ‘camping grounds’ are permitted with consent in the E3 zone. Council staff consider that the Proposal poses no impact to the application of this SEPP in this instance, and is therefore not inconsistent with the objectives of SEPP 21. The land is not listed on Council’s contaminated land register and is not known to have been used for a past use that may have caused contamination of the site. The Applicant is considered to have suitably addressed assessment against the relevant SEPPs.

Q6. Is the Planning Proposal consistent with the applicable Ministerial Directions (S.117 Directions)?

Comment: Please see tabled documents for a copy of the relevant Section 117 Directions (Tabled Document 8) referred to in this section. As set out in Attachment B of the subject Planning Proposal, the Applicant has identified that the subject development is either consistent or proposing a minor insignificance with the applicable Directions.

Direction 1.5 – Rural Lands

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 2.1 – Environmental Protection Zones

The Applicant has noted they believe that the Planning Proposal is consistent with this Direction; any inconsistency can be justified by the minor significance of the impact. See comments set out in Attachment B. It is noted that Council staff believe that the Proposal is inconsistent with this Direction. Given that the northern section of the lots forming the site of the Planning Proposal is not affected by Murray LEP 2011 Flood Prone land mapping and is partially covered by the Murray LEP 2011 Terrestrial biodiversity mapping to the western section only, the subject proposal may be characterised as of ‘minor

significance', pending further investigation into the environmental qualities of the northern section of these lots affected by the Planning Proposal. An assessment of the suspected environmental impact on both the northern section of the lots, and the remainder of the lot areas may be required to ascertain the true impact of the subject proposal. It is considered that such a study is not required at this stage, however may be required to enable suitable future assessment as part of the Gateway process.

Direction 2.3 – Heritage Conservation

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 2.4 – Recreational vehicles

The Applicant notes that the Planning Proposal is not inconsistent with this Direction – See comments set out in Attachment B.

Direction 3.1 – Residential zones

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 3.2 – Caravan parks and manufactured home estates

The Applicant notes that the Planning Proposal is not inconsistent with this Direction – See comments set out in Attachment B.

Direction 3.3 – Home occupations

The Applicant notes that the Planning Proposal is not inconsistent with this Direction – See comments set out in Attachment B.

Direction 3.4 – Integrated land use and transport

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 4.3 – Flood Prone Land

The Applicant notes that the Planning Proposal is consistent with the Direction – See comments set out in Attachment B.

Direction 4.4 – Planning for bushfire protection

The Applicant notes that the Planning Proposal is able to be consistent with the requirements of this Direction – See comments set out in Attachment B and Attachment C.

Direction 6.1 – Approval and referral requirements

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 6.2 – Reserving land for public purposes

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

The Applicant is considered to have suitably addressed assessment against the relevant Section 117 Directions.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the Proposal?

Comment: Both lots are covered by Council's biodiversity mapping, with a small portion of the western portion of the subject planning proposal site covered. As noted by the Applicant, it is unlikely that the subject proposal will have a significant adverse impact on threatened species, populations, ecological communities, or habitats. It is noted that a more detailed study of the site may be required to determine the specific impact of the Proposal, however such a study is not considered to be necessary at this stage of the process. Any future development of the site as a result of an approved Schedule 1 additional permitted use will be subject to a merit based assessment of a development application against Section 79C of the *EP&A Act 1979* and all other relevant legislation. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed assessment against Section C of Part 3.

Q8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Comment: The Applicant has identified that flooding and bushfire are environmental hazards affecting the subject site. The Applicant notes that these environmental effects are able to be suitably managed and mitigated and are unlikely to pose a significant adverse impact. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed assessment of Q8.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

Comment: The Applicant notes that the proposal will result in a positive social and economic effect to the town. There are no known items of Aboriginal or non-Aboriginal items of cultural heritage located onsite or in the vicinity of the subject site. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed assessment of Q9.

SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the Planning Proposal? Adequacy of public infrastructure

Comment: The Applicant notes that there is adequate public infrastructure in place to service to the subject proposal. No demand creating a shortfall is predicted to result. The Applicant is considered to have suitably addressed assessment of the adequacy of public infrastructure.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Comment: The Applicant notes that the nature of the proposal is unlikely to trigger any necessary public authority consultation at State and Commonwealth level, and no preliminary consultation has been carried out to date. It is noted that any consultation required as a result of the Gateway determination will be completed as required. The Applicant is considered to have suitably addressed assessment for 'Views of the State and Commonwealth public authorities'.

PART 4 – Mapping

Comment: The Applicant has provided the relevant mapping applicable to this proposal detailing the land, current land uses in the vicinity and the coverage of the biodiversity and flood mapping affecting the site. The Planning Proposal has provided detail regarding the zoning and current development standards affecting the site in Part 3 of the document. There is no alternate zoning sought as part of this Planning Proposal and no heritage items or conservation areas known to exist onsite. It is noted that any Gateway Determination received by NSW DPE may require additional assessment regarding mapping. See the attached Planning Proposal for further information. The Applicant is considered to have suitably addressed requirements for Part 4.

PART 5 – Community Consultation

Comment: No preliminary public consultation has been undertaken, with the consultation requirements to be dictated by the Gateway determination. The Applicant notes that they predict that at a minimum, the Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of Section 57 of the *EP&A Act 1979* and will include various forms of consultation. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed assessment for Part 5.

PART 6 – Project timeline

Comment: The Planning Proposal includes a project timeline, extending over approximately 8 months. See relevant section within the Planning Proposal for further details. The Applicant is considered to have suitably addressed assessment for Part 6.