

Planning Proposal

Restricted Residential Development

Boundary Road, Moama

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INTRODUCTION

This is a Planning Proposal seeking an amendment to the *Murray Local Environmental Plan 2011* (MLEP) to provide for restricted residential development in Boundary Road, Moama. Specifically the amendment proposes to allow for this type of development on a designated parcel of land as an 'additional permitted use' in Schedule 1 of the MLEP.

The land is described as the northern parts of Lot 26 DP751152 and Lot 2 DP509954 abutting Boundary Road in Moama ("the subject land"). The context of the subject land is shown in Figures 1 and 2.

The Planning Proposal has been structured and prepared in accordance with the Department of Planning and Environment's (DPE) *A guide to preparing planning proposals* ("the Guide").

PART 1. INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to allow the subject land to be developed for limited residential purposes.

PART 2. EXPLANATION OF THE PROVISIONS

The intended outcomes of the Planning Proposal will be achieved by inserting the following clause in Schedule 1 of the MLEP:

2 Use of certain land in Boundary Road, Moama

- (1) This clause applies to land adjoining Boundary Road, Moama, being that part of Lot 26 DP751152 and Lot 2 DP509954 not within the Flood Planning Area on the Flood Planning Map.
- (2) Development for the purpose of subdivision into no more than six lots and the erection of no more than one dwelling house on each lot created is permitted with consent.

PART 3. JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

3.1. Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal for the subject land is part of a much broader review of the MLEP undertaken by Council in 2014. As part of this review Council embarked upon a community consultation process to assist in determining changes to the MLEP. The owner of the subject land made a submission to Council requesting the opportunity to undertake a residential subdivision as such development is not permissible under the current MLEP. As a result of

this consultative process, Council identified the following main issues relating to the MLEP:

1. *The amendment of the rural subdivision requirements to permit the creation of smaller lots in RU1 Primary Production zone to cater for the excise of dwellings on larger rural properties where more than one dwelling exists on one lot, and to allow the excise of rural businesses onto a separate lot;*
2. *The suggested introduction of a zone to allow 'rural living' with a smaller minimum lot size requirement than the existing RU1 Primary Production zone;*
3. *Minimum lot size within Maiden Smith Drive;*
4. *The establishment of a Heritage Conservation area along Chanter Street, Moama;*
5. *Proposed amendments to the B2 Local Centre zone;*
6. *Reduction in the minimum lot size for certain lots within the R2 Low Density zone and R1 General Residential zone; and*
7. *The rezoning of site specific parcels for various reasons.*

Specifically in response to the subject landowner's submission, Council endorsed the following recommendation from its officers:

It is recommended that the submission maker supply 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. It is also noted that the study will need to be completed and provided to Council in a timely manner to ensure that Amendment 5 of the Murray LEP 2011 is not delayed.

This Planning Proposal is in response to the recommendation.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject land is currently within the E3 Environmental Management zone and has a minimum lot size of 120 hectares for subdivision and dwellings. Consequently the current planning provisions applicable to the subject land do not allow for the type of subdivision and residential development sought. Consequently the objective of achieving a limited subdivision of the subject land for residential purposes can only be achieved through an amendment to the MLEP.

The use of an inclusion in Schedule 1 to facilitate the development is preferable to using a different land use zone because greater control can be exercised over the type of development. As the subject land is within the E3 zone and on the edge of the Murray River floodplain (see Figure 4) as well as being mapped as a bush fire risk; creating the opportunity for inappropriate residential development through a residential zoning (e.g. multi-dwelling housing) is not desirable. A limited subdivision with single detached dwellings is the appropriate form of residential development for the site.

Is there a net community benefit?

There is an overall net community benefit to be gained from the Planning Proposal by providing for an additional choice of residential environments in

Moama. An increase in the town's population supports existing and creates opportunities for new local community and commercial services.

3.2. Relationship to strategic planning framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

There is no adopted regional strategy applicable to the Planning Proposal.

However the *draft Murray Regional Strategy* (draft MRS) was prepared by the former Department of Planning in October 2009 and despite it not having been finalised in the six years since, it remains a matter to be considered in this Planning Proposal. It is noted that no progress has been made on the draft MRS since its exhibition more than four years ago. There is no information on DPE's website as to the current status of the draft MRS.

One of the aims of the draft MRS is to:

"Protect the rural landscape and natural environment by limiting urban sprawl, focussing new settlement in areas identified on local strategy maps and restricting unplanned new urban or rural residential settlement."

The Planning Proposal will create a small opportunity for residential development within central Moama rather than on the fringe. The subject land is therefore not isolated or unplanned within the context of the draft MRS.

Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?

Strategic Area (D) in Council's *Community Strategic Plan 2015/2016-2024/25* has as its objective to:

Promote the Murray Shire area as an attractive and viable area for rural, residential, commercial, industrial, recreational and tourism pursuits to ensure community sustainability.

The Planning Proposal is consistent with this objective as it is creating an attractive residential environment through a small number of lots along Boundary Road facing the Murray River floodplain.

The *Strategic Land Use Plan* (SLUP) for the Murray Shire prepared as a precursor to the MLEP, shows the 1 in 100 year flood level along the southern boundary of the subject land (see Figure 3). This is consistent with the Flood Planning Area defined in the MLEP (see Figure 5). The SLUP does however incorrectly identify the subject land as 'Rural Floodplain' as it is not flood prone. This designation is likely to be the result of the scale of the mapping rather than a conscious effort to indicate that the subject land is unsuitable for development.

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

Attachment 'A' provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, many of the SEPP's are not applicable to the Murray Shire and even less are applicable to the circumstances of the Planning Proposal. The assessment concludes

that the Planning Proposal is not inconsistent with any of the relevant SEPP's.

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

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "*minor significance*".

An assessment of all S117 Directions is undertaken in Attachment 'B' and just three are relevant to the Planning Proposal. In summary, the Planning Proposal is either consistent or has some minor inconsistencies with the relevant Directions. The inconsistencies are justified utilising the provisions within each of the Directions.

3.3. Environmental, social & economic impact

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?

The Planning Proposal will facilitate a restricted residential development involving a small number of lots and single detached dwellings. The subject land is a narrow 30 metre wide strip along the southern side of Boundary Road within the urban area of Moama. The subject land adjoins an extensive area of floodplain between Moama and the Murray River that features remnant vegetation and is largely undisturbed with the exception of numerous access tracks.

In the years leading to the commencement of the MLEP in 2011, the former NSW Department of Environment and Climate Change (DECC) provided Council with a mapping layer for biodiversity. This layer reflected a range of attributes including:

- significant native vegetation (including vegetation which has been cleared from >70% of its former range, or is located in a landscape that has been >70% cleared);
- habitat for threatened species, and endangered ecological communities;
- wetlands; and
- wildlife corridors, including roadsides and stock routes of High Conservation Value.

This mapping layer and accompanying model clause were included in the MLEP. An extract from the biodiversity map (Ref: BIO_006) in the MLEP showing the layer within the context of the subject land is depicted in Figure 4. The extract shows that the subject land, with the exception of a small portion at the western end, is unaffected by the biodiversity layer. The absence of the layer over the subject land indicates the land is generally suitable for development without impacting on the natural environment.

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

In a 1 in 100 year flood event, floodwaters will extend to the southern boundary of the subject land but not encroach (see Figure 4). Consequently floodwaters are not a consideration from an environmental effect perspective.

The subject land is mapped as a bushfire risk. An APZ can be accommodated within the subject land (see Attachment 'C') and in conjunction with appropriate construction standards for dwellings, will ensure bushfire will have no environment effect.

How has the Planning Proposal adequately addressed any social and economic effects?

There will be a positive social and economic effect for the Moama community from the Planning Proposal through an increase in population. This increase supports both community and commercial interests in the town.

3.4. State & Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

The subject land is located along the southern side of Boundary Road within which all urban infrastructure is provided. The limited residential development of the land can utilise these resources, including reticulated sewerage.

The site is located within walking distance of facilities within the Moama town centre. A supermarket and associated shops is located opposite the subject land in Boundary Road.

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

Having regard for the nature of the Planning Proposal, it is anticipated no public authority consultation at this level will be required.

It is acknowledged that the Gateway determination may specify Council undertake consultation with public authorities.

PART 4. MAPS

The following maps are provided in support of the Planning Proposal.

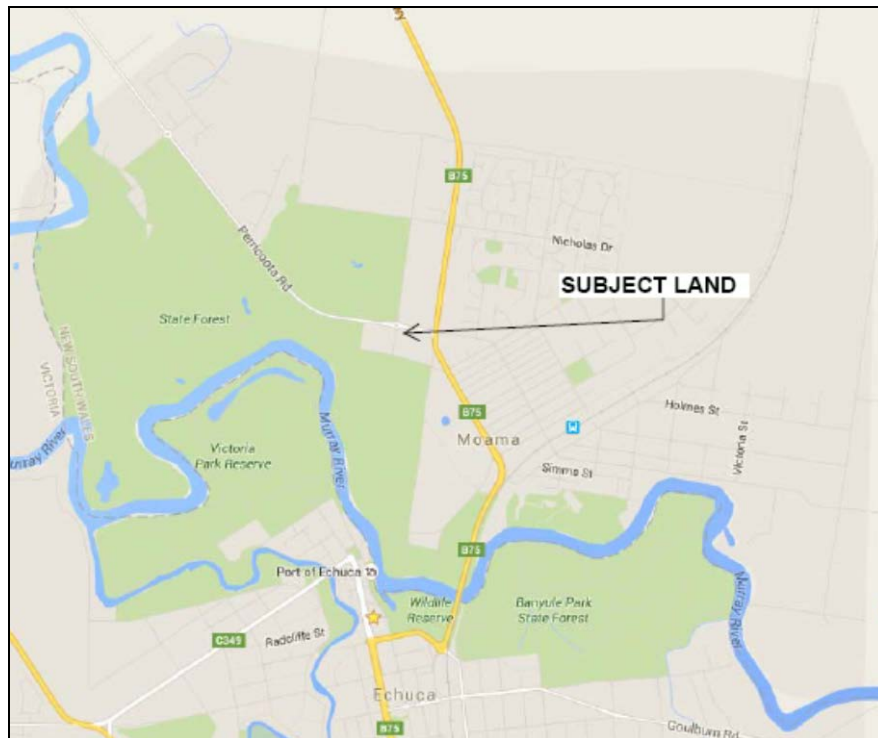


FIGURE 1: Location of subject within the context of Moama (Source: Google Maps)



FIGURE 2: Subject land within the context of its immediate surrounds (Source: SIX Maps)

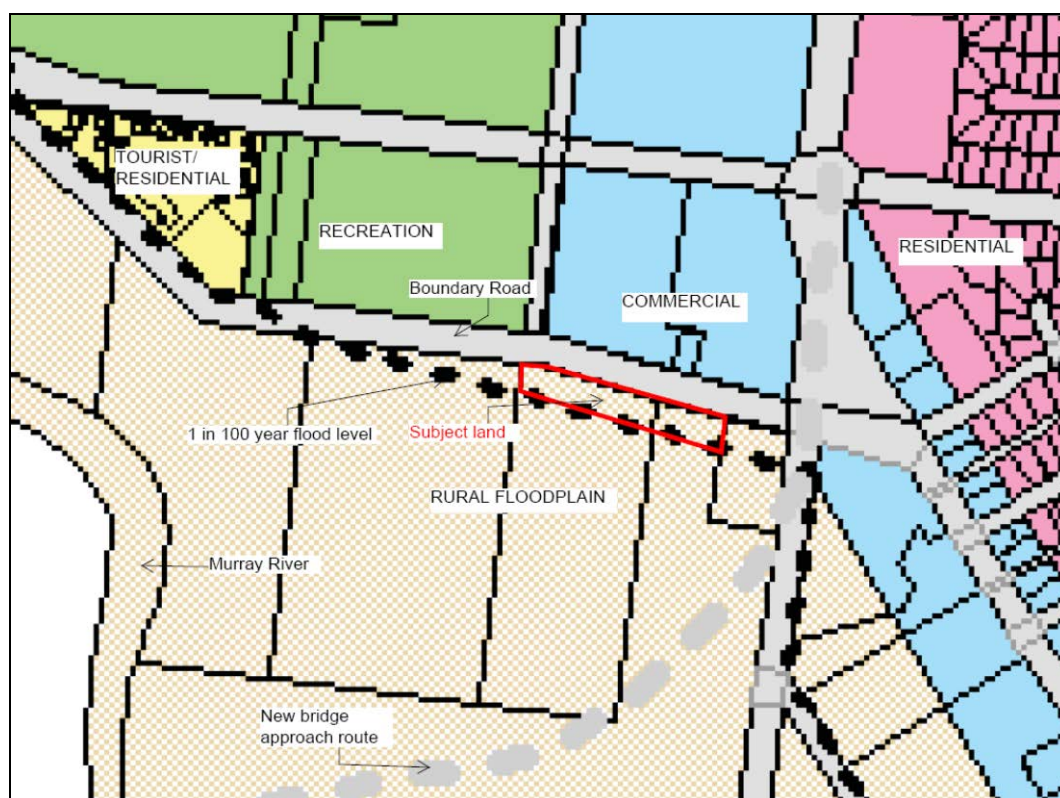


FIGURE 3: Extract from Strategic Land Use Plan

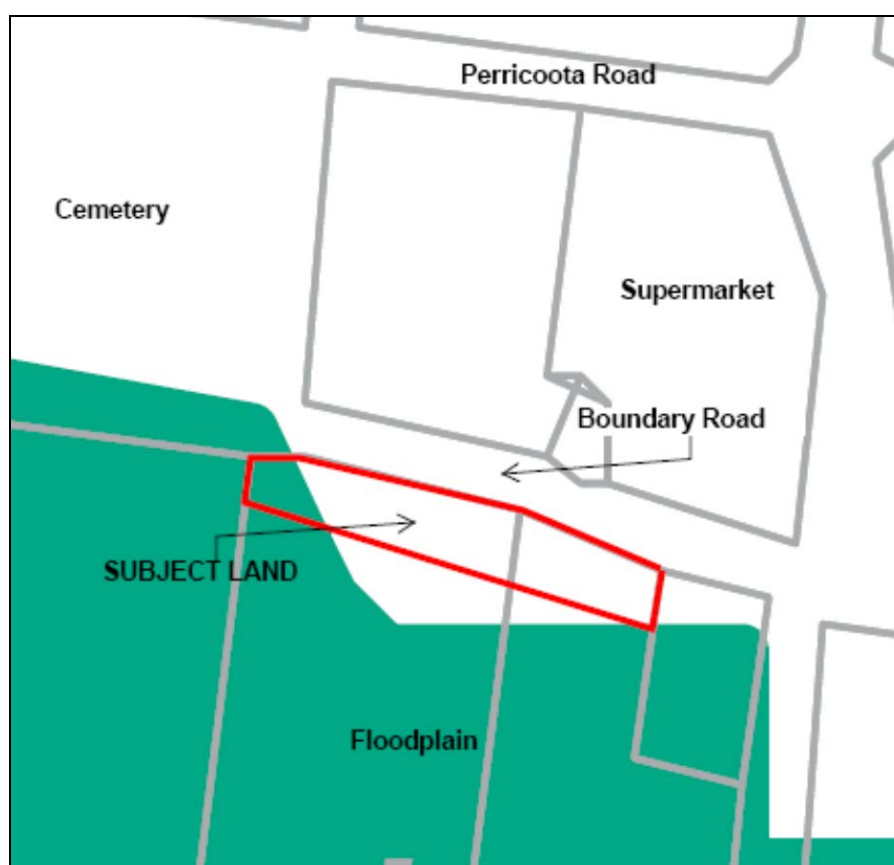


FIGURE 4: Extent of the biodiversity overlay within the context of the subject land
(Source: MLEP)

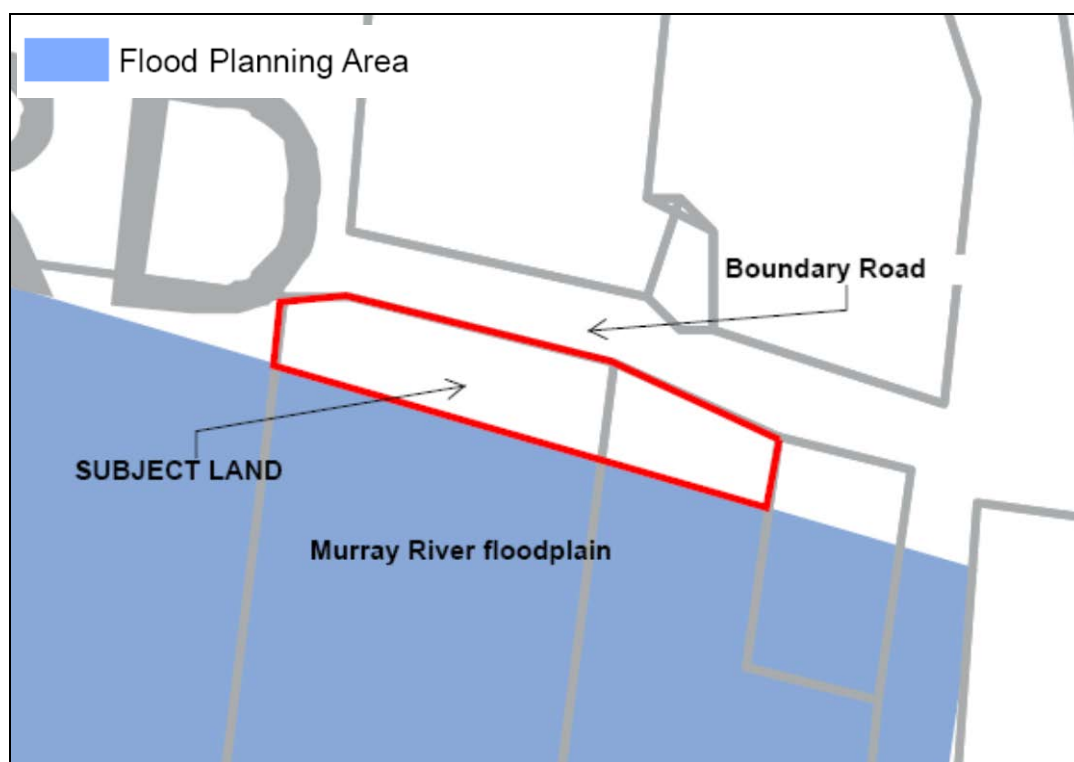


FIGURE 5: Extent of the Flood Planning Area within the context of the subject land
(Source: MLEP)

PART 5. COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition following the Gateway process. The Gateway determination will specify the community consultation that must be undertaken for the Planning Proposal, if any. As such, the exact consultation requirements are not known at this stage.

This Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of section 57 of the EP&A Act and the Guide. At a minimum, the future consultation process is expected to include:

- written notification to landowners adjoining the subject land;
- consultation with relevant Government Departments and agencies, service providers and other key stakeholders, as determined in the Gateway determination;
- public notices to be provided in local media, including in a local newspaper and on Councils' website;
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

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

It is considered unlikely that a Public Hearing will be required for the proposal although this can't be confirmed until after the exhibition/notification process has been completed.

PART 6. PROJECT TIMELINE

The project timeline for the planning proposal is outlined in Table 1. There are many factors that can influence compliance with the timeframe including the cycle of Council meetings, consequences of agency consultation (if required) and outcomes from public exhibition. Consequently the timeframe should be regarded as indicative only.

Table 1: – Project timeline

Milestone	Date/timeframe
<i>Anticipated commencement date (date of Gateway determination)</i>	TBA.
<i>Anticipated timeframe for the completion of required studies</i>	2 months from Gateway determination (if studies are required).
<i>Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)</i>	2 months from Gateway determination.
<i>Commencement and completion dates for public exhibition period</i>	Commence within a month of Gateway determination and complete 5 weeks after commencement
<i>Dates for public hearing (if required)</i>	Within 2 weeks of public exhibition completion (if public hearing required).
<i>Timeframe for consideration of submissions</i>	2 weeks following completion of exhibition.
<i>Timeframe for the consideration of a proposal post exhibition</i>	1 month following completion of exhibition.
<i>Anticipated date RPA will make the plan (if delegated)</i>	2 weeks following consideration of proposal (depending on Council meeting cycle).
<i>Anticipated date RPA will forward to the department for notification (if delegated).</i>	1 week following consideration of proposal.

CONCLUSION

The Planning Proposal is to allow for a restricted residential development within a strip of land along the southern side of Boundary Road in Moama. An amendment to the MLEP is necessary for such a development to be considered as the current planning regime does not permit it. The use of Schedule 1 to restrict the scope of development permissible is preferable to the broader scope of a residential zone.

In summary, the Planning Proposal is considered to have merit because:

- the subject land is within the urban area of Moama;
- the density of development is sustainable for the subject land;
- there will be a net benefit for the Moama community;
- there is general strategic support;

- it is generally consistent with the broader planning framework (e.g. State provisions);
- there will no detrimental environmental effects; and
- the subject land can be provided with all urban services.

ATTACHMENT A

Consistency with State Environmental Planning Policies

Consistency of the Planning Proposal with current State Environmental Planning Policies

No.	Title	Consistency
1	Development Standards	Not applicable since gazettal of MLEP.
14	Coastal Wetlands	Not applicable to Murray Shire.
15	Rural Landsharing Communities	Not applicable to Murray Shire.
19	Bushland in Urban Areas	Not applicable to Murray Shire.
21	Caravan Parks	Not applicable as 'caravan parks' are prohibited in the E3 zone.
26	Littoral Rainforests	Not applicable to Murray Shire.
29	Western Sydney Recreation Area	Not applicable to Murray Shire.
30	Intensive Agriculture	Not applicable as 'intensive livestock agriculture' is prohibited in the E3 zone.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable as the subject land is not 'urban land'.
33	Hazardous & Offensive Development	Not applicable as 'industries' are prohibited in the E3 zone.
36	Manufactured Home Estate	Not applicable as 'manufactured home estates, are excluded because the E3 zone is considered to be for 'environment protection'.
39	Spit Island Bird Habitat	Not applicable to Murray Shire.
44	Koala Habitat Protection	This SEPP is applicable because Murray Shire is listed in Schedule 1 and the subject land exceeds the area threshold. Council is required to consider whether the land offers any habitat for koalas. The vegetation on the subject land is principally River Red Gum, which is nominated in Schedule 2 of the SEPP as a 'feed tree species' for koalas. The subject land is not 'core koala habitat' as there have been no recorded sitings or no knowledge of koalas within the River Red Gum environment of the Murray River floodplain near Moama. It is noted that Moama is on the fringe of area identified in the <i>National Koala Conservation and Management Strategy 2009-2014</i> as being the range of koalas in Australia. The 2008 approved <i>Recovery plan for the koala</i> in NSW acknowledges the probability of koalas being present in the 'far west and south west' region of NSW (which includes Moama) is low. Consequently the proposal can be supported without the need for a koala management plan.
47	Moore Park Showground	Not applicable to Murray Shire.
50	Canal Estate Development	The Planning Proposal does not derogate from the aims and canal estate development prohibitions as provided in the SEPP.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to Murray Shire.
55	Remediation of Land	As the Planning Proposal will create the opportunity for residential development, Clause 6 of this SEPP requires Council to consider whether the subject land is contaminated. Apart from an old shed, the subject land has been in its natural state. From time to time it has been used for grazing but the land has a low carrying capacity because of tree cover and floodplain characteristics. The shed has generally been used for storage and has not been inhabited or used for an industrial purpose. Consequently there is sufficient knowledge of the subject land to claim that it is not contaminated and further investigation in this regard is not warranted.

No.	Title	Consistency
59	Central Western Sydney Regional Open Space and Residential	Not applicable to Murray Shire.
62	Sustainable Aquaculture	Not applicable as 'aquaculture' is prohibited within the E3 zone.
64	Advertising & Signage	The Planning Proposal does not derogate from the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
65	Design Quality of Residential Flat Development	Not applicable as the Planning Proposal will not create the opportunity for residential flat development.
70	Affordable Housing (Revised Schemes)	Not applicable to Murray Shire.
71	Coastal Protection	Not applicable to Murray Shire.
	Affordable Rental Housing 2009	Not applicable as the subject land does not qualify for any of the Divisions within which various forms of housing apply.
	Building Sustainability Index (BASIX) 2004	The Planning Proposal does not derogate from the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
	Exempt & Complying Development Codes 2008	The Planning Proposal does not derogate from the aims and functions of this SEPP with respect to exempt and complying development provisions.
	Housing for Seniors & People with a Disability 2004	Not applicable as the SEPP does not permit this type of housing within the E3 zone.
	Infrastructure 2007	The Planning Proposal does not derogate from the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	Kosciuszko National Park – Alpine Resorts 2007	Not applicable to Murray Shire.
	Kurnell Peninsula 1989	Not applicable to Murray Shire.
	Major Development 2005	Not applicable as the subject land is not a nominated State significant site.
	Mining, Petroleum Production & Extractive Industries 2007	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in the SEPP.
	Miscellaneous Consent Provisions 2007	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to temporary structures as provided in the SEPP.
	Penrith Lakes Scheme 1989	Not applicable to Murray Shire.
	Murray Regional Environmental Plan No. 2 – Riverine Land	The subject land is within the area to which MREP2 applies. The Planning Proposal does not contradict the general planning principles of MREP2 as it will have little to no impact on the riverine environment. Whilst the subject land is located adjacent to the floodplain of the Murray River it is located more than 400 metres from the top of the river bank at the closest point. Consequently most of the specific planning principles don't require consideration. The subject land is not flood prone (see Figure 4) and is located close to existing services and facilities and thereby satisfies the specific principle for 'settlement'. The limited development envisaged by the Planning Proposal can also meet the objectives of the setback provision at clause 14 of MREP2 as it will have minimal impact on the riverine environment. It is noted that development on the subject will be connected to all urban services, including the sewer.

No.	Title	Consistency
	Rural Lands 2008	This SEPP is relevant because the subject land is zoned E3. Clause 10 requires Council to consider the following matters relating to subdivision and dwellings. a) <i>the existing uses and approved uses of land in the vicinity of the development,</i> b) <i>whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</i> c) <i>whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</i> d) <i>if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,</i> e) <i>any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).</i> The Planning Proposal is generally consistent with these matter because: a) The land uses in the immediate vicinity of the subject land are a mix of open space (floodplain), commercial (supermarket), residential and cemetery. A limited number of additional residences are compatible with these surroundings. b) The current zoning (E3) would indicate that the preferred land use is a natural environment associated with the Murray River floodplain. A limited number of additional dwellings at the interface of this zone and urban development will have little to no effect on the natural environment. The floodplain is extensive in this location and the subject land represents a very small component of it. c) Residential development is compatible with all the surrounding land uses. d) There is no land zoned for rural residential adjoining or in the vicinity of the subject land. e) Restricting the density and type of residential development within the subject land will minimise any impacts of the floodplain.
	SEPP53 Transitional Provisions 2011	Not applicable to Murray Shire.
	State & Regional Development 2011	Not applicable as the Planning Proposal is not for State significant development.
	Sydney Drinking Water Catchment 2011	Not applicable to Murray Shire.
	Sydney Region Growth Centres 2006	Not applicable to Murray Shire.
	Three Ports 2013	Not applicable to Murray Shire.
	Urban Renewal 2010	Not applicable as the subject land is not within a nominated urban renewal precinct.
	Western Sydney Employment Area 2009	Not applicable to Murray Shire.
	Western Sydney Parklands 2009	Not applicable to Murray Shire.

ATTACHMENT B

Consistency with Ministerial Directions

Consistency of the Planning Proposal with Ministerial Directions given under Section 117 of the EP&A Act

No.	Title	Consistency
1.	Employment and Resources	
1.1	Business & Industrial Zones	Not applicable as the planning proposal does not affect any commercial or industrial zone.
1.2	Rural Zones	Not applicable as the planning proposal does not involve a rural zone or boundary.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable as the planning proposal does not impact on mining.
1.4	Oyster Aquaculture	Not applicable as the subject land is not within a Priority Oyster Aquaculture Area.
1.5	Rural Lands	This direction is relevant because the planning proposal affects land within an environmental protection zone and advocates a minimum lot size for subdivision less than that permitted in the E3 zone. The direction requires that the planning proposal must be consistent with the following Rural Planning Principles expressed in the SEPP (Rural Lands). a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> b) <i>recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i> c) <i>recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i> d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> e) <i>the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i> f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i> g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i> h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> The planning proposal can be considered consistent with these principles for the following reasons: a) The subject land has no potential for a rural economic activity because of its limited size. Whilst the land will cease to be 'rural' once it is developed for residential purposes, it will have no impact on agricultural production overall because the balance of the parent parcel is constrained for agricultural production through vegetation and flooding. b) It is not predicated on an alternative agricultural activity. c) The small loss of rural; land will have no impact on the local community. d) The use of the land for limited residential purposes is more in the community's interest than rural use. e) Restricting the the residential development to a low density will minimise impacts on the environment. f) It is not proposed for 'rural lifestyle'. g) The proposed housing is not 'rural' but in any case it will be fully serviced to minimise impacts. h) There are no adopted strategies endorsed by the Director-General applicable to the subject land (including the stalled Murray Region

No.	Title	Consistency
		Strategy). The direction also requires that the planning proposal must be consistent with the following Rural Subdivision Principles expressed in the SEPP (Rural Lands). a) <i>the minimisation of rural land fragmentation,</i> b) <i>the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</i> c) <i>the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,</i> d) <i>the consideration of the natural and physical constraints and opportunities of land,</i> e) <i>ensuring that planning for dwelling opportunities takes account of those constraints.</i> The planning proposal can be considered consistent with these principles for the following reasons: a) Whilst the planning proposal will result in the fragmentation of rural land, the subject land effectively has no value for agriculture. Being situated within the township of Moama, the land is actually better suited for urban purposes. b) Allowing the subject land to be developed for limited residential purposes will not create potential land use conflicts as the adjoining rural land (the floodplain) is not used for agricultural purposes. c) There are no agricultural holdings and the proposed development is not for 'rural residential'. d) The subject land is above the 1 in 100 year flood level and can be provided with all urban infrastructure. It is partially constrained by some remnant vegetation. e) The remnant vegetation can be overcome with careful subdivision and dwelling design on the subject land. If there is any doubt as to consistency of the planning proposal with this direction, it can also be justified on the basis that it is of 'minor significance' involving just a small parcel of land of approximately 5,000m².
2. Environment and Heritage		
2.1	Environment Protection Zones	This direction is relevant because it applies to all planning proposals regardless. The planning proposal does not remove the environment protection measures applicable to the subject land courtesy of the E3 zone and is therefore consistent with this direction. Whilst the planning proposal advocates a minimum lot size for subdivision less than that applicable in the E3 zone, this is not considered an inconsistency if it is mooted in accordance with clause (5) of direction 1.5 (see above). If there is any doubt as to consistency of the planning proposal with this direction, it can also be justified on the basis that it is of 'minor significance' involving just a small parcel of land of approximately 5,000m².
2.2	Coastal Protection	Not applicable as the subject land is not within a coastal zone.
2.3	Heritage Conservation	This direction is relevant because it applies to all planning proposals regardless. The planning proposal is consistent with this direction because the subject land does not contain any known 'items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance'. A heritage study has been undertaken for Moama with all items of significance identified in the MLEP and afforded protection by clause 5.10. None of these items are incorporated in the subject land. If there is any doubt as to consistency of the planning proposal with this direction, it can also be justified on the basis that it is of 'minor significance' involving just a small parcel of land of approximately 5,000m².
2.4	Recreation Vehicle	This direction is relevant because it applies to all planning proposals regardless.

No.	Title	Consistency
	Areas	The planning proposal advocates a limited residential development and the underlying E3 zone would prevent a recreation vehicle area being established. Consequently the planning proposal is consistent with this direction.
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	This direction is relevant because the planning proposal in effect is advocating an urban residential development. The planning proposal is consistent with this direction because it will provide for a greater choice of housing in Moama; make use of existing urban infrastructure in Boundary Road and provide lots that are not on the urban fringe. In addition, the planning proposal does not reduce the density of residential development and the MLEP already contains a provision (clause 7.1) requiring development to be adequately serviced.
3.2	Caravan Parks & Manufactured Home Estates	This direction is relevant because it applies to all planning proposals regardless. The planning proposal is not inconsistent with this direction because 'caravan parks' in the first instance are prohibited in the E3 zone.
3.3	Home Occupations	This direction is relevant because it applies to all planning proposals regardless. The planning proposal will not prevent future dwellings being used for 'home occupations' and hence is consistent with this direction.
3.4	Integrating Land Use and Transport	This direction is relevant because the planning proposal in effect is advocating an urban residential development. The planning proposal will facilitate a restricted residential development involving a small number of allotments. The subject land is located within walking distance of the Moama commercial centre as well as being opposite a supermarket complex. Recreational facilities are available within the Moama Recreation Reserve just a few hundred metres to the north. Having regard for these circumstances, the planning proposal is considered consistent with this direction.
3.5	Development Near Licensed Aerodromes	Not applicable as the subject land is not in the vicinity of a licensed aerodrome.
3.6	Shooting Ranges	Not applicable as the subject land is not in the vicinity of a shooting range.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable as the subject land does not contain acid sulphate soils.
4.2	Mine Subsidence & Unstable Land	Not applicable as the subject land is not within Mine Subsidence District.
4.3	Flood Prone Land	This direction is technically relevant because the planning proposal involves lots for which parts are mapped as flood prone (see Figure 4). Whilst the land intended to be included in Schedule 1 of the MLEP is not flood prone, the balance of the land within the lots containing the subject land is situated on the flood plain of the Murray River. The planning proposal is consistent with this direction because it does not rezone flood prone land and it does create opportunities for development on flood prone land.
4.4	Planning for Bushfire Protection	This direction is relevant because the planning proposal involves land that is mapped as bushfire prone. An assessment of the subdivision advocated by the planning proposal against the requirements of the <i>Planning for Bush Fire Protection</i> guideline is undertaken in Attachment 'C'. This assessment concludes that the development can achieve the 'acceptable solutions' to the 'performance criteria' for Asset Protection Zones, public roads and property access.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable as the subject land is not within one of the regional strategies nominated in this direction.
5.2	Sydney Drinking Water	Not applicable as the subject land is not within the Sydney Drinking Water

No.	Title	Consistency
	Catchment	Catchment.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable as the subject land is not near the Pacific Highway.
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked in 2010.
5.6	Sydney to Canberra Corridor	Revoked in 2008.
5.7	Central Coast	Revoked in 2008.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable as the subject land is not near the site for a second Sydney airport.
5.9	North West Rail Link Corridor Strategy	Not applicable as the subject land is not near this corridor.
6. Local Plan Making		
6.1	Approval and Referral Requirements	This direction is relevant because it applies to all planning proposals regardless. The planning proposal is consistent with this direction because it does not propose any referral requirements or nominate any development as 'designated development'.
6.2	Reserving Land for Public Purposes	This direction is relevant because it applies to all planning proposals regardless. The planning proposal is consistent with this direction because it does not remove or propose any public land.
6.3	Site Specific Provisions	This direction is relevant because the planning proposal advocates a provision that will facilitate a particular development outcome for a particular site being a limited number of residential allotments with a single detached dwelling on each. The planning proposal is inconsistent with this direction because it does not satisfy the requirements for a site specific provision. This inconsistency is justified however as the planning proposal is of 'minor significance' involving just a small parcel of land of approximately 5,000m².
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the subject land is not within one of the local government areas nominated in this direction.

ATTACHMENT C

Bush Fire Assessment

Standards for Bush Fire Protection Measures for Residential Subdivision¹

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS	RESPONSE
<i>The intent of the protection measures may be achieved where:</i>		
<i>in relation to Asset Protection Zones:</i> - radiant heat levels at any point on a proposed building will not exceed 29 kW/m² - APZs are managed and maintained to prevent the spread of a fire towards the building. - APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated	- An APZ is provided in accordance with the relevant tables/figures in Appendix 2 of the Guideline. - The APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3) in accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005). <i>Note: A Monitoring and Fuel Management Program should be required as a condition of development consent.</i> - The APZ is located on lands with a slope less than 18 degrees.	- The APZ has been calculated at 15 metres using 'forested wetland' as the vegetation type in the APZ Calculator (see Appendix 'C') and applied to the subdivision design. - An APZ can be accommodated wholly within the subject land. - Compliant.
<i>in relation to public roads:</i> fire fighters are provided with safe all-weather access to structures (thus allowing more efficient use of fire fighting resources)	- Public roads are two-wheel drive, all-weather roads. - Public roads up to 6.5 metres wide provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.	- All lots will have access directly to Boundary Road which is constructed to an urban standard. - Boundary Road has a pavement width in excess of 6.5 metres.

¹ Section 4.1.3 of Planning for Bush Fire Protection (RFS 2006)

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS	RESPONSE
public road widths and design that allow safe access for fire fighters while residents are evacuating an area.	- Urban perimeter roads are two-way, that is, at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb), allowing traffic to pass in opposite directions. Non perimeter roads comply with Table 4.1 – Road widths for Category 1 Tanker (Medium Rigid Vehicle). - The perimeter road is linked to the internal road system at an interval of no greater than 500 metres in urban areas. - Traffic management devices are constructed to facilitate access by emergency services vehicles. - Public roads have a cross fall not exceeding 3 degrees. - All roads are through roads. Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end and direct traffic away from the hazard. - Curves of roads (other than perimeter roads) are a minimum inner radius of six metres and minimal in number, to allow for rapid access and egress. - The minimum distance between inner and outer curves is six metres. - Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient. - There is a minimum vertical clearance to a height of four metres above the road at all times.	- No perimeter or internal roads are required for the limited subdivision of the subject land. - The access to the subject land in Boundary Road is designed in accordance with the required standard. There are no impediments within Boundary Road that would hinder emergency vehicles. - The cross-fall of Boundary Road does not exceed 3 degrees. - There are no 'dead end' roads proposed. - There are no curved roads proposed. Boundary Road has a straight alignment across the frontage of the subject land - Boundary Road is flat. - There are no structures or vegetation over Boundary Road.
the capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles.	The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.	There are no bridges in Boundary Road.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS	RESPONSE
- roads that are clearly sign- posted (with easily distinguishable names) and buildings/properties that are clearly numbered. - there is clear access to reticulated water supply - parking does not obstruct the minimum paved width	- Public roads greater than 6.5 metres wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water for fire suppression. - Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with the services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression. - Public roads greater than 6.5 metres wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water for fire suppression. - One-way only public access roads are no less than 3.5 metres wide and provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression. - Parking bays are a minimum of 2.6 metres wide from kerb edge to road pavement. No services or hydrants are located within the parking bays. - Public roads directly interfacing the bush fire hazard vegetation provide roll top kerbing to the hazard side of the road.	- Hydrants in Boundary Road are not located within parking areas. - A reticulated water supply for fire suppression is available along the northern side of Boundary Road for the eastern part of the subject land. - Boundary Road along the eastern part of the subject land is one-way but meets the standard expressed in this solution. - There are no formal parking bays in Boundary Road. - No roads run parallel and adjacent to the fire hazard
<i>in relation to property access:</i> - access to properties is provided in recognition of the risk to fire fighters and/ or evacuating occupants. - the capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles. - all-weather access is provided.	- At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road. - Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).	- All of the subject land is within 200 metres of a public through road (Boundary Road). - There are no bridges in Boundary Road or in the nearby local road network. - No roads are proposed within the subject land. Boundary Road does not traverse a wetland or other flood prone land.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS	RESPONSE
road widths and design enable safe access for vehicles	- A minimum carriageway width of four metres for rural-residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint). <i>Note: No specific access requirements apply in a urban area where a 70 metres unobstructed path can be demonstrated between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency fire fighting vehicles (i.e. a hydrant or water supply).</i> - In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by two metres wide, making a minimum trafficable width of six metres at the passing bay. - A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches. - Internal roads for rural properties provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius. - Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress. - The minimum distance between inner and outer curves is six metres. - The crossfall is not more than 10 degrees. - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads. <i>Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m), extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.</i> - Access to a development comprising more than three dwellings have formalised access by dedication of a road and not by right-of-way.	- The carriageway width in Boundary Road is 5 metres and therefore satisfies this solution. - All future lots will have direct access to Boundary Road. There will be no internal accesses. - There are no overhead impediments in Boundary Road. - Boundary Road is not curved. - The crossfall in Boundary Road is less than 10 degrees and therefore satisfies this solution. - Boundary Road is flat. - The planning proposal will restrict development to a single detached dwelling on each lot created.

