

Murray LEP 2011 - Amendment 8 - Rezone land from E3 Environmental Management to R2 Low Density Residential and reduce the Minimum Lot Size from 120ha to 1000m2, Boundary Rd, Moama

Proposal Title :	Murray LEP 2011 - Amendment 8 - Rezone land from E3 Environmental Management to R2 Low Density Residential and reduce the Minimum Lot Size from 120ha to 1000m2, Boundary Rd, Moama		
Proposal Summary :	The planning proposal seeks to amend Schedule 1 of the Murray LEP 2011 to identify development for the purposes of subdivision into 6 lots and a single dwelling on each lot to be permitted with consent, on part Lot 26 DP 751152 and part Lot 2 DP 509954, Boundary Rd Moama.		
PP Number :	PP_2016_MRIVE_003_00	Dop File No :	16/09473-1

Proposal Details

Date Planning Proposal Received :	18-Jul-2016	LGA covered :	Murray River
Region :	Western	RPA :	Murray River Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Boundary Road		
Suburb :	Moama	City :	Moama
Land Parcel :	Northern strip of part Lot 26 DP 751152		
Street :	Boundary Road		
Suburb :	Moama	City :	Moama
Land Parcel :	Northern strip of part Lot 2 DP 509954		
Street :	17 Boundary Road		
Suburb :	Moama	City :	Moama
Land Parcel :	Northern strip of part Lot 1 DP 509954		

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Boundary Rd, Moama**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	6-7 lots	No. of Dwellings (where relevant) :	6
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : There have been known meetings with registered lobbyists.

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment : There have been known meetings or communications with registered lobbyists.

Supporting notes

Internal Supporting
Notes : Background

The planning proposal seeks to amend Schedule 1 of the Murray LEP 2011 to identify development for the purposes of subdivision into 6 lots and a single dwelling on each lot to be permitted with consent, on part Lot 26 DP 751152 and part Lot 2 DP 509954, fronting Boundary Rd Moama.

The planning proposal is a result of a public submission provided to Council as part of a broader review of the Murray LEP 2011.

The subject site is a strip of land 30m in depth over two (2) adjacent lots along Boundary Rd with a total area of approximately 6000m². The site is 800m from the commercial core of Moama local centre and opposite a shopping centre. The subject site is partially cleared of vegetation, with remaining mature trees and vegetation along the site boundaries. The subject land adjoins an extensive area of native vegetation between Moama and the Murray River that is largely undisturbed with the exception of numerous access tracks.

The site is zoned E3 Environmental Management and surrounded by land zoned B2 Local Centre and SP2 Cemetery. The site is denoted a Minimum Lot Size (MLS) of 120 ha, consistent with the MLS attributed to other E3 Environmental Management zoned lands surrounding Moama and the Murray River.

The Council adopted Murray Strategic Land Use Plan 2010-2030 (MSLUP) identifies the subject site as 'rural floodplain' and the southern boundary of the site adjoins the 1 in 100 year flood level as identified in the SLUP mapping (pp. 8, MSLUP). It should be noted that the MSLUP has not been endorsed by the Department. The subject site is identified to adjoin but not included in the Flood Planning Map of the Murray LEP 2011.

Further, the subject site is partially affected by 'terrestrial biodiversity' mapping (MLEP 2011), adjoins areas identified as 'wetlands' (MLEP 2011) and is identified as entirely bushfire prone (MSLUP).

It is noted the site is near the 'preferred mid-west alignment' for a proposed second Moama-Echuca Bridge over the Murray River.

Assessment

The proposal is inconsistent with Council's adopted SLUP, albeit not endorsed by the Department. The site is not identified for future residential development in the SLUP or the Urban Release Area Maps of MLEP 2011. Given the subject site is identified as 'rural floodplain' in the SLUP, while not included within the Flood Planning Area Map of the MLEP 2011, the potential flood hazards affecting the site require further investigation.

Given the site is affected by 'terrestrial biodiversity' mapping and adjoins areas mapped as 'wetlands' in the MLEP 2011, the potential impacts of residential development on biodiversity require further investigation.

Further, the entire site is identified as bushfire prone and given the extensive native vegetation adjoining the southern edge of the site, a bushfire constraints and mitigation assessment should be undertaken by a suitably qualified consultant. It is noted that the planning proposal includes a preliminary 'Bush Fire Assessment' at Attachment C, based on the requirements of the 'Planning for Bush Fire Protection' guideline. The assessment concludes that the proposed residential development can achieve the 'acceptable solutions' to the 'performance criteria' for Asset Protection Zones, public roads and property access.

The findings of the Flood Study, Floodplain Risk Management Plan, Bushfire Assessment Report and Biodiversity Assessment Report should inform the scope and outcome of the planning proposal.

The site is constrained by several environmental factors, which require further investigation to ensure potential environmental impacts are mitigated. Nonetheless, despite these environmental constraints, the proposal indicates the site is near existing services and facilities, such as enabling infrastructure including reticulated sewerage. The proposal is not a result of any strategic study or report, however in this case it is deemed

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to have adequate merit due to its locational advantage.

However, the proposed statutory mechanism of achieving the intended outcome through an Additional Permitted Use for residential development including subdivision is deemed inappropriate. The proposal is inconsistent with the objectives of the E3 Environmental Management zone. The mechanism of achieving the intended outcome should be through a rezoning and amending of the Minimum Lot Size. It is recommended the proposal be amended to rezone the subject site from E3 Environmental Management to R2 Low Density Residential and amend the Minimum Lot Size from 120ha to 1000m2, across the subject site. This will provide a clear boundary to the land that can be developed for residential purposes.

Further, the subject site should be expanded to include a strip of land along Boundary Rd up to Forbes Street, which is identically constrained and contains a dwelling house (part Lot 1 DP 509954). The inclusion of this site would rationalise the land use zones along Boundary Road and form a transition to the remaining E3 Environmental Management zoned lands.

The proposal will potentially yield 6-7 additional lots of 1000m2 for residential development. This will contribute modestly towards the provision for housing in Moama.

It is noted that Council planning staff also supported the planning proposal on the grounds of the site's locational advantage as a highly accessible, well-connected and easily serviceable site. Council resolved to support the planning proposal at its Ordinary Meeting of 28 June 2016.

It is recommended the proposal proceed to Gateway determination as amended and with conditions (further studies and public agency consultations) prior to exhibition.

The Director Regions, Western can use delegations to determine the proposal, even though the proposal is to be amended it will remain consistent with the proposed intended outcome, surrounding lands and in accordance with broader government policy.

On 12 May 2016, Murray Shire and Wakool Shire amalgamated to form the Murray River Council. Council has requested to be authorised delegations to complete the planning proposal and this is considered inappropriate given its land use strategies are not endorsed by the Department, there are environmental issues to be resolved and this is a recently amalgamated Council.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The planning proposal states that its objective is to allow the subject land to be developed for 'limited residential development.'

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal states that its objectives and intended outcomes would be achieved by inserting a new clause in Schedule 1 of the MLEP 2011. The wording of this new clause for an Additional Permitted Use has been provided as amended by Council:

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

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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 proposed statutory mechanism of achieving the intended outcome through an Additional Permitted Use for residential development including subdivision is deemed inappropriate. The proposal is inconsistent with the objectives of the E3 Environmental Management zone. The mechanism of achieving the intended outcome should be through a rezoning and amending of the Minimum Lot Size that is transparent and provides certainty to the proponent, Council and the community.

It is recommended the proposal be amended to rezone the subject site from E3 Environmental Management to R2 Low Density Residential and amend the Minimum Lot Size (MLS) from 120ha to 1000m2, across the subject site.

It is also recommended the scope of the planning proposal be expanded for the subject site to include a strip of land along Boundary Rd up to Forbes Street, which is identically constrained and contains a dwelling house (part Lot 1 DP 509954).

An amendment would be required to the following Map Sheets in the Murray Local Environmental Plan 2011 to achieve the objectives of the proposal, as amended:

- Land Zoning Map – Sheet LZN_006B
- Lot Size Map – Sheet LSZ_006B
- Urban Release Area Map – Sheet URA_006B

The proposed R2 Low Density Residential zone and MLS of 1000m2 would make the desired configuration of subdivision and residential development permissible across the subject site, as expanded. The objectives and intended outcomes, as amended, would be facilitated by amendments to the aforementioned LEP maps.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

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SEPP No 50—Canal Estate Development
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
Murray REP No. 2 - Riverine Land

e) List any other matters that need to be considered :

The planning proposal identifies and addresses thirteen (13) Section 117 Ministerial Directions that may be applicable in this case.

Direction 1.5 Rural Lands – The Ministerial Direction is relevant as the planning proposal affects land within an environmental zone and proposes to change the existing minimum lot size. The subject land (approx. 6000m²) has not been used for agricultural purposes and is unlikely to be suitable for viable agricultural production, given the environmental constraints affecting the site. The subject site is surrounded by urban development and a merit assessment of the proposal indicates residential development would be suitable in this case. The Director Regions, Western can be satisfied that in this case the proposal does not create an inconsistency with this Direction.

Direction 2.1 Environment Protection Zones – The Ministerial Direction is relevant as the planning proposal applies to land within an environmental zone, including land that is partly identified to contain terrestrial biodiversity. Any inconsistency may be justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction. The study would need demonstrate how the proposed subdivision and residential development can include provisions that facilitate the protection and conservation of any environmentally sensitive areas across the site. The study is to be prepared prior to undertaking public exhibition and Council may update the planning proposal to take into consideration the outcomes of this work. The work is to be placed on public exhibition with the planning proposal.

Direction 2.3 Heritage Conservation – The Ministerial Direction has been identified and addressed in the planning proposal, however upon assessment, it is deemed the Direction is not relevant in this case. There are no known heritage items identified on the subject site.

Direction 2.4 Recreation Vehicle Areas – The Ministerial Direction has been identified and addressed in the planning proposal, however upon assessment, it is deemed the Direction is not relevant in this case. The proposal does not enable land to be developed for the purposes of a recreation vehicle area.

Direction 3.1 Residential Zones – The Ministerial Direction is relevant as the planning proposal, as amended, will affect land within a proposed residential zone. The proposal is consistent with this direction because it will provide for a greater choice of housing in Moama, make use of existing urban infrastructure on Boundary Road and provide a modest release of land for residential development near urban amenities.

Direction 3.2 Caravan Parks & Manufactured Home Estates – The Ministerial Direction has been identified and addressed in the planning proposal, however upon assessment, it is deemed the Direction is not relevant in this case. Caravan parks and manufactured home estates are prohibited under the existing E3 Environmental Management zone as well as the proposed R2 Low Density Residential zone.

Direction 3.3 Home Occupations – The Ministerial Direction has been identified and addressed in the planning proposal, however upon assessment, it is deemed the Direction is not relevant in this case. The planning proposal will not prevent home occupations to be carried out in dwelling houses without the need for development consent.

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Direction 3.4 Integrated Land Use and Transport – The Ministerial Direction is relevant as the planning proposal will create provisions for land zoned for residential purposes. The proposal is consistent with this direction as the proposal creates opportunities for improved access to housing within walking distance to urban services and amenities.

Direction 4.3 Flood Prone Land – The Ministerial Direction is relevant as the planning proposal creates a provision for development that may potentially affect flood prone land. The subject site is identified to adjoin but not included in the Flood Planning Map of the Murray LEP 2011. However, the subject site is identified as 'rural floodplain' in the Council adopted Murray Strategic Land Use Plan 2010-2030 (MSLUP) and is identified to adjoin the '1 in 100 year flood level' at its southern boundary. Given this discrepancy, any inconsistency with this Direction is required to be justified in accordance with a 'floodplain risk management plan' (FRMP). The FRMP is to be prepared in consultation with OEH prior to undertaking public exhibition and Council may update the planning proposal to take into consideration the outcomes of this work. The FRMP is to be placed on public exhibition with the planning proposal.

4.4 Planning for Bushfire Protection – The Ministerial Direction is relevant as the planning proposal relates to land mapped as bushfire prone land. The planning proposal is deemed to be inconsistent with the terms of this Direction. The inconsistency is required to be addressed through consultation with the NSW Rural Fire Service (RFS) and with the preparation of a Bushfire Assessment Report. Council is to update the planning proposal to take into consideration the outcomes of the Report and any advice received from RFS. This work is to be undertaken prior to public exhibition to satisfy this Direction.

6.1 Approval and Referral Requirements – The Ministerial Direction has been identified and addressed in the planning proposal, however upon assessment, it is deemed the Direction is not relevant in this case. The proposal does not raise concurrence requirements or nominate any development as 'designated development'.

6.2 Reserving Land for Public Purposes – The Ministerial Direction has been identified and addressed in the planning proposal, however upon assessment, it is deemed the Direction is not relevant in this case. The proposal does not remove or propose provisions involving any public land.

6.3 Site Specific Provisions – The Ministerial Direction is relevant as the planning proposal seeks to allow a particular development to be carried out. The planning proposal, as amended, is consistent with this Direction as it seeks to rezone land in order to facilitate subdivision and residential development, without imposing any unnecessary restrictive site specific planning controls.

1.3 Mining, Petroleum Production and Extractive Industries - The Ministerial Direction has not been identified to be relevant and addressed in the planning proposal. The Direction is relevant in this case given the planning proposal (as amended) will have the effect of prohibiting mining, production of petroleum and obtaining of extractive materials. The proposal, as amended, will seek to rezone land from zone E3 Environmental Management in which 'extractive industries' is permissible with consent, to zone R2 Low Density Residential, in which it is a prohibited land use. The inconsistency is required to be addressed through consultation with the Department of Industry - Resources and Energy. Council is to update the planning proposal to take into consideration any advice received from DoI - Resources and Energy.

The planning proposal identifies and addresses eleven (11) SEPPs that may be applicable in this case.

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SEPP No. 44 Koala Habitat Protection – The SEPP is applicable as the former Murray Shire is listed under Schedule 1 to identify local government areas (LGA) in which the policy applies. The planning proposal states that vegetation on the subject site is principally Red River Gum (*Eucalyptus camaldulensis*) which is identified as a ‘feed tree species’ for koalas. It is further identified that the subject site is not ‘core koala habitat’. Nonetheless, the matter of consistency with this Policy can be considered at development application stage. Council may request the preparation of a ‘plan of management’ as a condition of consent, if required through the development assessment process.

SEPP No. 50 Canal Estate Development – The SEPP is not relevant in this case.

SEPP No. 55 Remediation of Land – This Policy requires the potential for land combination to be considered in the preparation of an environmental planning instrument. The planning proposal at this time identifies the historic use of the land is not likely to have caused potential contamination. The matter of potential contamination may require further investigation at the development application and assessment stage, if required by Council.

SEPP No. 64 Advertising & Signage – The SEPP is not relevant in this case.

SEPP BASIX – The SEPP is not relevant in the case of assessing a planning proposal. This policy relates to development consent requirements for BASIX-affected buildings at the development application and assessment stage.

SEPP (Exempt and Complying Development Codes) 2008 – The SEPP is not relevant in the case of assessing the planning proposal.

SEPP (Infrastructure) 2007 – The SEPP is not relevant in the case of assessing the planning proposal.

SEPP (Mining, Petroleum Production & Extractive Industries) 2007 – The SEPP is relevant in this case given the planning proposal (as amended to seek a rezoning) will have the effect of prohibiting mining, production of petroleum and obtaining of extractive materials. Any inconsistency with this SEPP will be addressed through consultation with Department of Industry - Resources and Energy, as required to satisfy inconsistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

SEPP (Miscellaneous Consent Provisions) 2007 – The SEPP is not relevant in the case of assessing the planning proposal.

Murray Regional Environmental Plan No. 2 - Riverine Land (MREP 2) – The proposal is broadly consistent with the planning principles of the MREP 2 and any further consideration should be undertaken through the development application and assessment process. Council may request further investigations to adequately assess and mitigate potential environmental impacts of future residential development on the riverine environment in consultation with relevant agencies.

SEPP (Rural Lands) 2008 – The proposal does not create an inconsistency with this policy, as the land uses in the vicinity of the subject site is zoned for urban purposes, including the commercial core of Moama. In the absence of an endorsed land use strategy, a merit assessment of the proposal indicates residential development would be suitable in this case.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Any inconsistencies with s117 Ministerial Directions and SEPPs are required to be addressed through additional studies, investigations and agency consultations prior to exhibition of the planning proposal. Council is to update the planning proposal to take

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into consideration the outcome of this work.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Adequate indicative mapping is provided, clearly identifying the subject site.**

Final amending LEP mapping is to be submitted for assessment as part of the section 59 (Making of local environmental plan by Minister) process.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation is proposed with an exhibition period of 28 days. The planning proposal states that the consultation process will involve public notices in the local media and on Council's website. Written notification is proposed to adjoining land owners.**

The proposed community consultation process is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **MLEP2011 was notified on 16 December 2011.**

Assessment Criteria

Need for planning proposal :

The planning proposal is a result of a public submission provided to Council as part of a broader review of the Murray LEP 2011.

The planning proposal seeks to amend Schedule 1 of the Murray LEP 2011 to identify development for the purposes of subdivision into 6 lots and a single dwelling on each lot to be permitted with consent, on part Lot 26 DP 751152 and part Lot 2 DP 509954, Boundary Rd Moama.

The planning proposal is to be amended to rezone the subject site from E3 Environmental Management to R2 Low Density Residential and amend the Minimum Lot Size (MLS) from 120ha to 1000m2, across the subject site, as expanded to include Lot 1 DP 509954.

The planning proposal is necessary as the existing MLS is 120ha across the subject site, meaning such development (subdivision and residential development) is not permissible under the current MLEP 2011.

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Consistency with strategic planning framework :

The proposal is inconsistent with the Council adopted Murray Strategic Land Use Plan 2010-2030 (MSLUP), which identifies the site as 'rural floodplain'. The MSLUP does not identify the site for future urban residential purposes, albeit the MSLUP has not been endorsed by the Department. It is recommended Council undertake a broader review of their land use strategy for the endorsement by the Department.

Despite this inconsistency, the planning proposal is deemed to have adequate merit to proceed to Gateway determination, as amended and with conditions. The proposal will potentially yield 6-7 additional lots of 1000m2 for residential development, contributing modestly towards the provision for housing in Moama.

The planning proposal demonstrates consistency with the aims of the former draft Murray Regional Strategy, while Council planning staff have addressed consistency with the current draft Riverina Murray Regional Plan.

Environmental social economic impacts :

The rezoning of land from E3 Environmental Management to R2 Low Density Residential and reduction of the Minimum Lot Size from 120ha to 1000m2 at Boundary Rd Moama (part Lot 26 DP 751152, part Lot 2 DP 509954, and part Lot 1 DP 509954) is not expected to pose any immediate and unmitigated environmental impacts.

The subject site is bushfire prone land, partly affected by biodiversity mapping and adjoins wetlands. The subject site is identified as 'rural floodplain' in the MSLUP, while it is identified to adjoin but not included in the Flood Planning Map of the MLEP 2011. The site is also identified to adjoin the 1 in 100 year flood zone at its southern boundary. The proposal indicates that the subject land is not flood prone.

Given numerous environmental constraints and potential hazards, the Gateway determination has been recommended with conditions for further studies and public agency consultations to be undertaken prior to public exhibition. The planning proposal may be updated based on the outcome of this work.

Positive social and economic impacts are expected, providing for a modest supply of housing near the commercial core of Moama and broadening the availability of well serviced land for residential development.

Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Minister**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

(NSW Department of Industry - Resources & Energy)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

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Identify any additional studies, if required. :

Flora

Fauna

Bushfire

Flooding

If Other, provide reasons :

Prior to undertaking community consultation, a flood study and Floodplain Risk Management Plan are to be prepared to address the proposal's inconsistency with section 117 Direction 4.3 Flood Prone Land; a Bushfire Assessment Report is to be prepared to address the proposal's inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and consultation is required with NSW RFS in this regard; a Biodiversity Study is to be prepared to address the proposal's inconsistency with section 117 Direction 2.1 Environment Protection Zones; and the proposal's inconsistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries is required to be addressed in consultation with Department of Industry - Resources and Energy. Council is to update the planning proposal to take into account the outcomes of this work and seek approval from the Department prior to undertaking community consultation.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
1. Cover letter.pdf	Proposal Covering Letter	Yes
2. Request for Initial Gateway Determination.pdf	Proposal	Yes
3. Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_functions - Boundary Road.pdf	Proposal	Yes
4. LOCATION MAP - Boundary Road.pdf	Map	Yes
5. EXISTING ZONING - Boundary Road.pdf	Map	Yes
6. AERIAL PHOTOGRAPHY OF THE SITE - Boundary Road.pdf	Map	Yes
8. SURROUNDING LAND USES - Boundary Road.pdf	Map	Yes
9. PLANNING PROPOSAL - Boundary Road.pdf	Proposal	Yes
10. PP Council Report Boundary Road.pdf	Proposal	Yes
11. MINUTES ORDINARY 280616 - Boundary Road PP.pdf	Proposal	Yes
Annotated photographs.pdf	Photograph	Yes
Doc 6 SLUP.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection

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6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Additional Information :

The Minister's delegate determines and supports the planning proposal, subject to the following conditions:

1. Prior to undertaking community consultation, Council is to amend the planning proposal and accompanying maps to advise that the proposal will be expanded to include the northern strip of part Lot 1 DP 509954, 17 Boundary Rd Moama. Approval of the landowner of Lot 1 DP 509954 is to be sought and provided to the Department.

2. Prior to undertaking community consultation, Council is to amend the planning proposal to achieve the intended outcomes through a rezoning of the subject site from zone E3 Environmental Management to zone R2 Low Density Residential and amend the Minimum Lot Size across the site from 120ha to 1000m2. This amended planning proposal is to be submitted to the Department for approval.

3. Prior to undertaking community consultation, a flood study and Floodplain Risk Management Plan are to be prepared to address the proposal's inconsistency with section 117 Direction 4.3 Flood Prone Land; a Bushfire Assessment Report is to be prepared to address the proposal's inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and consultation is required with NSW RFS in this regard; a Biodiversity Study is to be prepared to address the proposal's inconsistency with section 117 Direction 2.1 Environment Protection Zones; and the proposal's inconsistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries is required to be addressed. Council is to update the planning proposal to take into account the outcomes of this work and seek approval from the Department prior to undertaking community consultation.

4. Consultation is required prior to public exhibition with the following public authorities under section 56(2)(d) of the EP&A Act 1979 and/or to comply with the requirements of relevant section 117 Ministerial Directions:

- NSW Rural Fire Service (section 117 Direction 4.4 Planning for Bushfire Protection)
- Office of Environment and Heritage
- Roads and Maritime Services
- Department of Industry – Resources and Energy

Each public authority is to be provided with a copy of the planning proposal (as amended) and any relevant supporting material, and given at least 21 days to comment on the proposal.

Council is to forward public authority responses to the Department and seek approval to proceed to community consultation.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a

Murray LEP 2011 - Amendment 8 - Rezone land from E3 Environmental Management to R2 Low Density Residential and reduce the Minimum Lot Size from 120ha to 1000m2, Boundary Rd, Moama

submission or if reclassifying land).

7. Prior to submission of the planning proposal under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The site is constrained by several environmental factors, which require further investigation to ensure potential environmental impacts are mitigated. Nonetheless, despite these environmental constraints, the site is near existing services and facilities, such as enabling infrastructure including reticulated sewerage. The proposal is not a result of any strategic study or report, however in this case it is deemed to have adequate merit due to its locational advantage.

The findings of the flood study, Floodplain Risk Management Plan, Bushfire Assessment Report and Biodiversity Study should inform the scope and outcome of the planning proposal. These additional studies may identify potential environmental impacts that can be mitigated. Any future potential environmental impacts can be further mitigated through the development application and assessment process.

It is recommended the proposal proceed to Gateway determination as amended and with conditions.

The Council adopted Murray Strategic Land Use Plan 2010-2030 (MSLUP) should be reviewed and submitted to the Department for endorsement.

The Director Regions, Western can use delegations to determine the proposal, and even though the proposal is to be amended it will remain consistent with the proposed intended outcomes, surrounding lands and in accordance with broader government policy.

Signature:

Deniz

Printed Name:

Deniz Kilic

Date:

12/8/16

Endorsed

W. Gamsey 12/8/16

TLWR

