

BRIAN MITSCH & ASSOCIATES

PLANNING PROPOSAL

REZONING LOTS 14, 15 AND 16
DEPOSITED PLAN 1039025

TOWN OF BARHAM

PARISH OF BARHAM

COUNTY OF WAKOOL



ABN 67842533814

**SURVEYORS
PLANNERS
PROPERTY
CONSULTANTS
CARTOGRAPHERS**

PRINCIPAL

B.L. MITSCH
B.App.Sc. (Env. Pl.)
A.Dip T & C Pln. (Dist. Rec)
M.A.P.I.
C.P.P.
M.I.S. (Aust)
Registered Surveyor, N.S.W.

ASSOCIATES

C.B. MITSCH
Dip Surv
M.I.E.M.S. (Aust)
M.I.E.M.S (NSW)

M.R. WILLIAMS
B.App.Sc. (Survey)

CARTOGRAPHER

A.T. DANCKERT

ADMINISTRATION

E.S. CRISP

**PO BOX 228
319 VICTORIA ST
DENILQUIN NSW 2710
PHONE: 03 5881 2177
FAX: 03 5881 2192
EMAIL:
brian@brianmitsch.com.au**

INTRODUCTION

The Wakool Shire Council at its meeting held on the 15th April 2009 adopted the Land Use Strategy Report prepared by Collie Pty Ltd, Ivey ATP, Geolyse and Groupwork as part of the Wakool Shire Local Environmental Plan Review. That review indicated that the land previously proposed to be developed as the Sundance Tourist Village would increase the availability of accommodation within the town and should be optimised and promoted.

Although Council is in the process of preparing a comprehensive Local Environmental Plan for the whole of the Shire it is felt that in this particular instance there is a current need for further residential development to be made available within the Barham environs to cater for a continually expanding need.

Hence the Council based on planning reports has resolved to proceed with a spot rezoning to rezone this land under the current Local Environmental Plan to a Village Zone to enable residential development to occur.

Having rezoned the land now that land will also be included in the Village Zone or other appropriate zone when the comprehensive plan is finalised.

This report has been prepared to support and accompany an application for a spot rezoning on the land.

In accordance with the Guide for preparing Planning Proposals prepared by the NSW Department of Planning the following information is provided.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are to extend the urban zone land at Barham to cater for continued growth. The Wakool Shire Council have prepared a Land Use Strategy Report which has been on public display.

The Barham Strategic Framework Plan forming part of the Land Use Strategy Report on Page 36 identifies the land the subject of this application as being provided for standard density residential development.

The land the subject of this proposal will, after rezoning, be made available for the continuing demand for residential land in Barham as identified in the Wakool Shire Land Use Strategy Report.

PART 2 – EXPLANATION OF PROVISIONS

Amendment of the Wakool Local Environmental Plan will allow the development of this land in accordance with the village provisions of the current Local Environmental Plan. The land having been spot rezoned will, in due course, be zoned along with other urban land in the Barham environs with the comprehensive Local Environmental Plan when that Plan is finalised.

The draft Local Environmental Plan will, when completed, make provision for the release of this urban land for residential purposes.

PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

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

The Wakool Shire Land Use Strategy Report adopted by Council on the 15th April 2009 as amended makes particular reference to the site the subject of this submission. On Page 33 of that report relating to tourism development the report indicates that:

“The development of the Sundance Tourist Village (on the subject land) will increase the availability of accommodation within the township; this should be optimised and promoted. The peaks in tourism activity in the township (Easter, bowls tournament) should be capitalised on, encouraging extended stays and further visits.

At Figure 10 in the Land Use Strategy Report the map indicates that the report recommends that the land the subject of this planning proposal be rezoned to standard density residential.

Based on the findings of the Land Use Strategy Report and given the need for development within the Shire and in particular within the Barham environs it is requested that the rezoning of this land be undertaken through the gateway process.

The Report on the Barham Town Levee Investigation prepared by Gutteridge, Haskin & Davey Pty Ltd indicates that for every option investigated therein the land will be protected by the levee.

It is submitted that:

- The land is low hazard flood fringe.
- There will be significant economic benefits to be gained with available town services in the vicinity.
- The waterway area for the flood flow would not be significantly reduced.
- A cross sectional area available for water movement would remain far in excess of that available through the aqueduct under the railway line and there will be little if any affect of the uncontrolled movement of the flood water with the altered alignment.
- In future the Village Zone expand into this area.
- The length will not vary from the existing proposal.
- The owners would be prepared to contribute to the cost by the provision of earth fill and equipment to remove trees where necessary.
- Every option investigated in the Barham Town Levee Investigation, the land will be protected from flooding by the levee system.

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

Distribution of household change has been identified in the Land Use Strategy Report and as shown on Table 3 which is reproduced below. This indicates there is a continual increase in the number of occupied dwellings in Barham and Murray Downs and there is a continuing need for expansion of the Village Zone within those identified areas.

Table 3: Population and Dwelling Activity								
Barham and Murray Downs					Shire Balance			
	Occupied Dwellings	Occupancy Rate	ERP	Yield Rate	Occupied Dwellings	Occupancy Rate	ERP	Yield Rate
1996	566	84.48	1,482	2.62	1,210	84.85	3,444	2.85
2001	611	86.91	1,597	2.61	1,156	79.56	3,200	2.77
2006	618	82.95	1,567	2.54	1,064	76.16	2,796	2.63

There is a continuing need to cater for this growth and this need was recognised in the preparation of the Barham Town Levee Investigation prepared by Gutteridge, Haskin & Davey Pty Ltd.

However in order to implement that change the land must now be rezoned to allow the development to concur. Council is currently working on an update of the comprehensive Local Environmental Plan and this Plan, when finalised will take the form of the standard format.

However full implementation of the comprehensive Local Environmental Plan is some years away and there is a need to provide residential land in the short term as shown in the Land Use Strategy Report.

The Land Use Strategy Report found that the population in the two major township being Barham and Murray Downs had increased by approximately 5 % between 1996 and 2006. Although during that period the population in Barham fell from 1,164 to 1,131 and peaked in 2001 to 1,186.

Under the heading “Forecast Shire Population” the Land Use Strategy Report found that the Barham township which is the largest settlement in the Shire has a growth potential.

Hence rezoning of the subject land to a Village Zone under the current Local Environmental Plan as an interim measure will provide for that need.

The land would then, along with other residential land zoned in Barham, be included in the appropriate zone when the comprehensive Plan is prepared.

However action to rezone the land under the current Plan as a spot rezoning will allow that land development to occur in an orderly way.

3. Is there a net community benefit?

The extension of the residential zoning for Barham to include the subject land will provide a choice of lots within the Village Zone and provide for competition in the market place. This will make available residential lots for the first home buyers market as well as some smaller lots for retirees. The provision of these lots will provide competition in the market place and thereby reduce potentially the cost to the community for the provision of serviced land.

The developer will of course be required to meet costs associated with the development and this will include contributions to headworks that already exist within the Shire.

Hence this parcel of land is the last of the land that can be developed in this area for residential purposes and the inclusion of this on the market will add significantly to the competition available in that market place.

The Land Use Strategy Report prepared for the Wakool Shire Council has also identified this land as being suitable for standard density residential development.

Section B – Relationship to strategic planning framework.

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

There are no regional or sub-regional strategies in place that would affect the subject land. The proposal is consistent with the findings of the adopted Land Use Strategy Report prepared for and on behalf of the Wakool Shire Council.

The Murray Regional Environmental Plan No. 2 applies to the land. The proposal is not inconsistent with the objectives of that Plan.

9. GENERAL PRINCIPLES

When this Part applies, the following must be taken into account:

- (a) the aims, objectives and planning principles of this plan,
- (b) any relevant River Management Plan,
- (c) any likely effect of the proposed plan or development on adjacent and downstream local government areas,
- (d) the cumulative impact of the proposed development on the River Murray.

(A) THE OBJECTIVES OF THIS PLAN ARE:

- (a) to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and

The Wakool Shire Council have in the preparation of their Land Use Strategy Report given appropriate consideration to the development of this land and have concluded that the land is suitable for in fill development within the proposed flood levee.

- (b) to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and

The Wakool Shire Council have once again in the preparation of their Land Use Strategy Report considered a coordinated approach to the environmental planning and have determined that the land is appropriate for urban development.

- (c) to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.

The Wakool Shire Land Use Strategy Report identifies this land as being available and suitable for residential development.

(B) ANY RELEVANT RIVER MANAGEMENT PLAN

There are no relevant River Management Plans affecting the subject land.

(C) ANY LIKELY EFFECT OF THE PROPOSED PLAN OR DEVELOPMENT ON ADJACENT AND DOWNSTREAM LOCAL GOVERNMENT AREAS

The development of this land will complement the existing village of Barham and make provision for the continued need for residential development within the Barham environs.

(D) THE CUMULATIVE IMPACT OF THE PROPOSED DEVELOPMENT ON THE RIVER MURRAY.

The cumulative impact of the proposed development has been taken into account by the Wakool Shire Council in preparation of the Land Use Strategy Report.

10 SPECIFIC PRINCIPLES

The land is located adjacent to the Murray River. There is direct access between the Murray River and the subject land. Hence a number of the specific principles outlined in Murray Regional Environmental Plan will not be applicable to this property.

The following have been identified as being applicable to this property and comments are attached hereto.

When this Part applies, the following must be taken into account:

Access

- The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.
- Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.
- Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.

Bank disturbance

- Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.

Flooding

- The land is low hazard flood fringe but will be protected by the Barham Town Levee when completed.

The land will be protected by the Barham Flood Levee system.

Land degradation

- Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.

The development of the land will enhance the village and urban nature of Barham and provide much needed resource for the continued development of residential land in Barham.

Landscape

- Measures have been taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.

There will be no native vegetation affected by the proposal and the riparian vegetation is protected under Amendment No. 5 to the Wakool Shire Council Local Environmental Plan .

River related uses

- Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray.
- Development which would intensify the use of riverside land should provide public access to the foreshore.

Settlement

- New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located:
 - (a) on flood free land,
 - (b) close to existing services and facilities, and
 - (c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.

These new and expanding components of the Village of Barham will be;

- (a) protected from flood free land,
- (b) close to existing services and facilities, and
- (c) On land that does not comprise potential prime crop and pasture land to produce food or fibre.

Water quality

- All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.

The land is adjacent to the Murray River and drainage works have been completed which include the installation of a gross pollutant trap and water quality works on site. Hence the development of the land will not affect water quality within the Murray River system.

Wetlands

- Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.

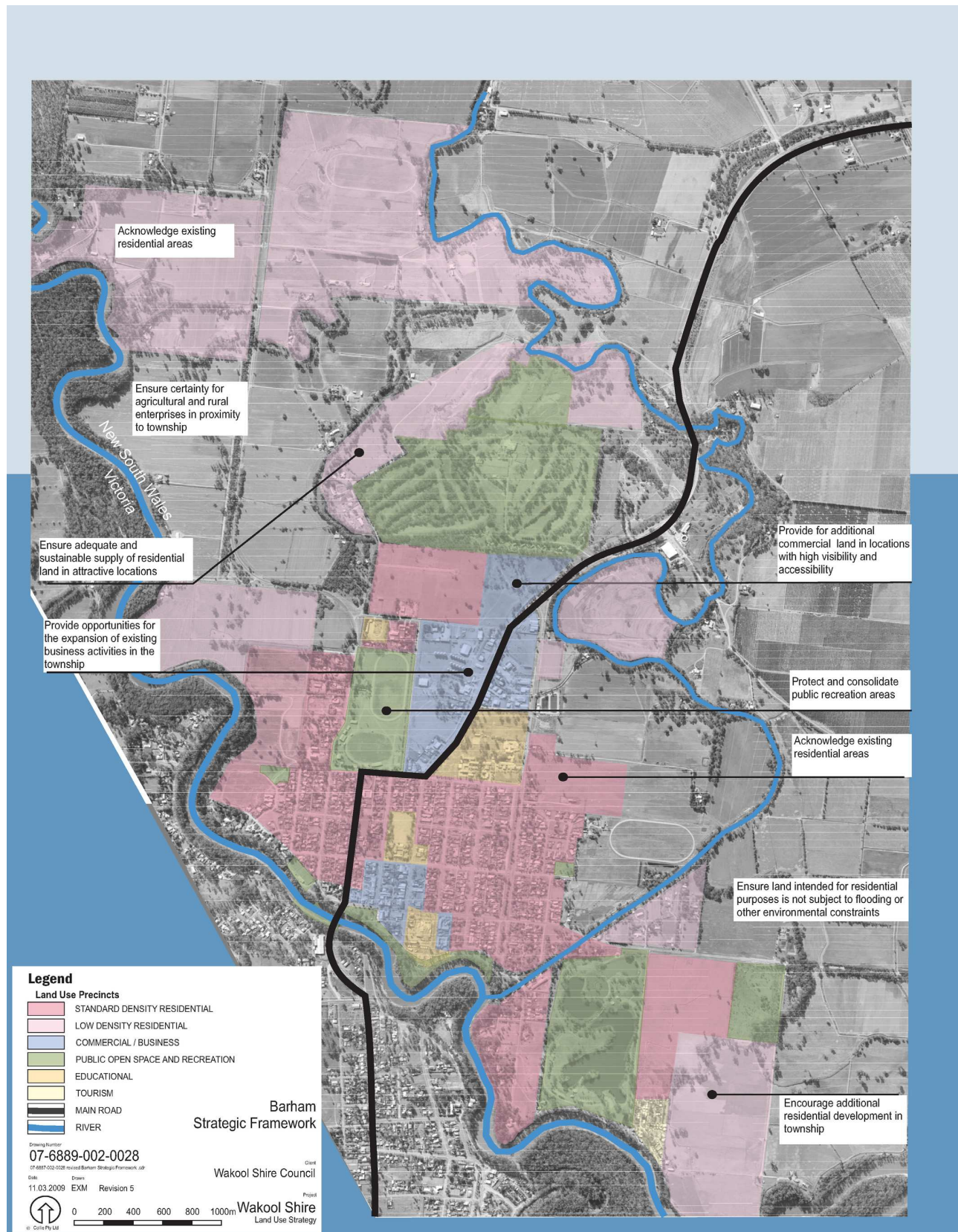
Land use and management decisions affecting wetlands should:

- (a) provide for a hydrological regime appropriate for the maintenance or restoration of the productive capacity of the wetland,
- (b) consider the potential impact of surrounding land uses and incorporate measures such as a vegetated buffer which mitigate against any adverse effects,
- (c) control human and animal access, and
- (d) conserve native plants and animals.

There are no wetlands associated with the subject land.

5. Is the planning proposal consistent with the local Council's Strategic Plan, or other local strategic plan?

As indicated above the proposal is consistent with the Land Use Strategy Report prepared by the Wakool Shire Council. A copy of the Strategic Land Use Map (Figure 10) is shown below.



6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is not inconsistent with those State Planning Policies that apply to the area.

A Schedule of the Planning Policies is set out below with appropriate notes.

State Environmental Planning Policy No 1—Development Standards	Not inconsistent
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent
State Environmental Planning Policy No 6—Number of Storeys in a Building	Not inconsistent
State Environmental Planning Policy No 14—Coastal Wetlands	Not applicable
State Environmental Planning Policy No 15—Rural Landsharing Communities	Not inconsistent
State Environmental Planning Policy No 19—Bushland in Urban Areas	Not inconsistent
State Environmental Planning Policy No 21—Caravan Parks	Not inconsistent
State Environmental Planning Policy No 22—Shops and Commercial Premises	Not inconsistent
State Environmental Planning Policy No 26—Littoral Rainforests	Not applicable
State Environmental Planning Policy No 29—Western Sydney Recreation Area	Not applicable
State Environmental Planning Policy No 30—Intensive Agriculture	Not applicable
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Not inconsistent
State Environmental Planning Policy No 33—Hazardous and Offensive Development	
State Environmental Planning Policy No 36—Manufactured Home Estates	Not inconsistent
State Environmental Planning Policy No 39—Spit Island Bird Habitat	Not applicable
State Environmental Planning Policy No 41—Casino Entertainment Complex	Not applicable
State Environmental Planning Policy No 44—Koala Habitat Protection	Not inconsistent
State Environmental Planning Policy No 47—Moore Park Showground	Not applicable
State Environmental Planning Policy No 50—Canal Estate Development	Not applicable
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
State Environmental Planning Policy No 53—Metropolitan Residential Development	Not applicable
State Environmental Planning Policy No 55—Remediation of Land	Not inconsistent

The land is not in an investigation area as determined under the Contaminated Land Management Act of 1997 and hence the rezoning of this land is not inconsistent with State Planning Policy No. 55.

State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	Not applicable
State Environmental Planning Policy No 60—Exempt and Complying Development	Not inconsistent
State Environmental Planning Policy No 62—Sustainable Aquaculture	Not inconsistent
State Environmental Planning Policy No 64—Advertising and Signage	Not inconsistent
State Environmental Planning Policy No 65—Design Quality of	

Residential Flat Development.	Not inconsistent
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not inconsistent
State Environmental Planning Policy No 71—Coastal Protection	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not inconsistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not inconsistent
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not inconsistent
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not inconsistent
State Environmental Planning Policy (Infrastructure) 2007	Not applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not inconsistent
State Environmental Planning Policy (Major Development) 2005	Not inconsistent
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not inconsistent
State Environmental Planning Policy (Rural Lands) 2008	Not inconsistent

The general rural planning principles contained in this State Planning Policy relate to land that is to remain in rural use. The Wakool Shire Council have had prepared a Land Use Strategy Report that clearly identifies the need for additional land to be included in the Village Zone to allow for orderly and planned residential development within that Village.

The Barham levee bank has been rerouted to include this land within the protected area and at the time it was clearly the intention that this land would become part of the urban environment of Barham. The Land Use Strategy Report prepared by the Wakool Shire Council has identified this land as being suitable for residential development.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	Not inconsistent
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable

7. Is the planning proposal consistent with applicable Ministerial Direction (s.117 directions)?

The following Section 117 Directions have been identified as applying to the subject land.

1.2 Rural Zones

The Wakool Shire Council have prepared a Land Use Strategy Report which contains information required by Clause 5 of Section 117 Direction 1.2.

The Barham Strategic Framework Plan forming part of the Land Use Strategy Report on Page 36 identifies the land the subject of this application as being provided for standard density residential development.

Hence the rezoning of this land and the inconsistency with Item 1.2 of Section 117 Directions (Clause 5 thereof) is justified by the findings of the Land Use Strategy Report.

1.5 Rural Lands

Item 6 – Consistency

The Wakool Shire Council's Strategic Land Use Strategy has been prepared to identify potential development sites within the Shire. This Strategic Land Use Strategy identifies the subject land as being suitable for residential development. Hence the proposal is consistent with Clause 6 of Item 1.5 of the Section 117 Directions.

2.1 Environmental Protection Zones

The proposal is consistent with the requirements of this Section 117 Direction in that the Council have in preparing the Strategic Land Use Strategy considered all of the issues relating to environment protection zones. The conclusion of the Wakool Shire Strategic Land Use Strategy is that this land is suitable for residential development.

3.1 Residential Zones – The proposal is not inconsistent with this Direction.

3.2 Caravan Parks and Manufacture Home Estates – The proposal is not inconsistent with this Direction.

3.3 Home Occupations - The proposal is not inconsistent with this Direction.

4.3 Flood Prone Lands – The land having been protected by the construction of the Barham flood levee system is flood protected and hence the proposal is not inconsistent with this Direction.

4.4 Planning for Bushfire Protection

Part of the land has been used in the past for a citrus orchard however the riparian vegetation has been protected has been protected and will remain protected. A building line has been established 15 metres from the edge of the riparian vegetation. No buildings will be allowed to be constructed within that building line area.

The plan attached to the Land Use Strategy Report at Figure 10 shows the location of the property. This recommendation is that the land be amended to standard density residential precinct.

As a consequence there would be sufficient land available to provide asset protection zones within the development of the site. It is noted that on receipt of the Gateway determination Council will consult with the Commissioner for New South Wales Rural Fire Service as part of the preparation of the final Local Environmental Plan.

6.1 Approval and Referral Requirements – The proposal is not inconsistent with this Direction.

6.3 Site Specific Provisions - The proposal is not inconsistent with this Direction.

Section C – Environmental, social and economic impact.

8. **Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

An eight part test has been carried out to determine whether there would be any significant impact on endangered flora and fauna and this test has been carried out in accordance with Section 5A of the Environmental Planning and Assessment Act. This is attached as Annexure “A”.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The location of the property is within the proposed town levee system thus eliminating the potential impact of flood events.

SATELLITE IMAGE OF THE SUBJECT LAND



The proposed development site is able to be connected to the required essential services, including but not limited to Council’s filtered and raw water reticulation systems, Council’s sewer reticulation system, telephone, electricity and gas.

The development is a continuation of existing residential subdivision immediately to the south and within the boundaries of the village area.

The increase in the number of lots would increase the demand on the road network access to the site is by way of Gonn and Yarrien Streets.

The current supply for residential lots has been well documented. The yield of proposed lots will compliment the supply of lots proposed by other rezoning of land within the Shire.

Importantly this land will provide continued affordable housing opportunities for future residents of Barham to establish themselves in the residential land market.

10. How has the planning proposal adequately addressed any social and economic effects?

The Land Use Strategy Report has considered the site in conjunction with the whole of the Barham environs and has recommended that this site be zoned for residential purposes.

The purpose of preparing the Land Use Strategy Report was specifically to assist:

- In preparing a new Shire wide Local Environmental Plan.
- Providing the community with a degree of certainty for the location of various land uses in the future.
- Maintaining agricultural land not required for urban expansion.
- Protecting the riverine environment from use and development detrimental to it.
- Separating incompatible land uses.
- Reducing development speculation.
- Considering tourist development proposals and
- Discouraging development on flood prone land.

Haven taken all of those issues into account the Land Use Strategy Report has concluded that the current zoned area is insufficient to accommodate Barham's growth. Additional zoned land for residential, commercial and industrial land will be required.

Further under the heading "Supply of Land" the Land Use Strategy Report recommends that the land the subject of this report be included as the preferred land for residential development in the short term.

The proposed rezoning of this land under the current Local Environmental Plan will put into effect the recommendations of the Land Use Strategy Report.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The Wakool Shire's investigation has indicated that the proposed development site is able to be connected to the required essential services including but not limited to Council's filtered and raw water reticulation systems, Council's sewer reticulation system, telephone, electricity and gas.

Further that the increase in the number of lots would increase the demand on the road network. The area is serviced by Gonn, Yarrien and Eagle Streets and subject to appropriate intersection upgrades will be able to accommodate the increase in traffic.

The report goes on further to indicate that the current supply of residential lots has been well documented, the yield of those lots will complement the supply of lots proposed by other rezonings within the Shire.

Further importantly this land will provide continued affordable housing opportunities for future residents of Barham to establish themselves in the residential market.

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

Under the amended local plan making arrangements with State Government there has been established a gateway process wherein proposals submitted by Council to the Department of Planning early in the project to give an early indication of viability of the proposal.

Under this gateway process the Department have indicated that the benefits will include:

- Meeting the Governments target of a 50% overall reduction in time taken to produce Local Environmental Plans.
- Providing clear and publicly available justification for each Plan at an early stage.
- Ensuring vital State, or Agency input is sort at an early stage.
- Replacing the current one (one size fits all) system under which LEP's large and small are subject to the same rigid approval steps with one that better tailors assessment of a proposal to its complexity.
- Improving links between the two long term strategic planning documents such as regional strategies and metropolitan strategies.

Under this system the proposal is to be submitted to the Department at an early stage. The Minister or her delegate will then determine whether the planning process is to proceed. This is a check point to ensure the proposal is justified before final studies are carried out.

Under the gateway process the Minister or her delegate will determine what consultation process is to take place at the time.

It is proposed that subject to the proposed development meeting the gateway process that consultation with the relevant authorities as identified in that process will be consulted immediately we have notification of that requirement.

PART 4 – COMMUNITY CONSULTATION

The community consultation will be undertaken at the same time at the consultation with the Statutory Authorities and will be carried out in accordance with the document “A Guide for Preparation of Local Environmental Plans”.

BIBLIOGRAPHY

- | | | |
|----|---|--|
| 1. | Wakool Shire LEP Review
Land Use Strategy Report | Collie Pty Ltd, Ivey ATP, Geolyse and
Groupwork, April 2009 |
| 2. | Wakool Shire Council – Report on
Barham Town Levee Investigation | Gutteridge Haskins & Davey Pty Ltd
February 1995 |
| 3. | Wakool Local Environmental Plan 1992
(Amendment No 5) | Gazetted on 5 th January 2001 |
| 4. | Murray Regional Environmental
Plan No. 2 – Riverine Land | NSW Department of Planning 1994 |

ANNEXURE “A”

8 Part Test

The 8 part test is a method used to determine if the proposal will have any significant adverse affect on threatened species, populations or ecological communities, or their habitats. The test is carried out in accordance with Section 5A of the Environmental Planning and Assessment Act and in the administration of sections 78A, 79C (1) and 112 of that Act.

The following factors have been taken into account in deciding whether there is likely to be a significant effect;

- (a) in the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction,**

There are no known threatened species likely to occur or be present on the site the subject of this application.

- (b) in the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised,**

There are no known endangered population and none have been identified as occurring within the site the subject of this planning proposal.

- (c) in relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed,**

No significant areas of habitat utilised by threatened species, population or ecological communities will be destroyed or modified as the result of this planning proposal. Wakool Local Environmental Plan Amendment No. 5 protects the riparian vegetation area of the land.

- (d) whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community,**

There are no known areas of habitat for threatened species that will become isolated from other known areas of suitable habitat as a result of this development. The riparian vegetation located on the subject site will remain protected in future. The proposal will not result in the removal of habitat from the development site.

- (e) whether critical habitat will be affected,**

No critical habitat has been listed on the Threatened Species Conversation Act of 1995 that would impacted by the development on this site.

- (f) whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the region,**

There are no threatened species habitats identified on the land the subject of this proposal.

- (g) whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process,**

No threatening processes have been listed under Schedule 3 of the Threatened Species Conversation Act of 1995.

- (h) whether any threatened species, population or ecological community is at the limit of its known distribution.**

No threatened species have been identified as occurring on the site the subject of this proposal and therefore it is unlikely that any occurrences of a threatened species on the development site is likely to be at the edge of its range.