



Planning Proposal



**Riverlife Residential Development
Lot 1 DP1094360
off East Barham Road
BARHAM**

This Report has been prepared for:

Riverlife Property Group Pty Ltd

C/- EDM Group

PO Box 317

WODONGA 3689

This Report has been prepared by:

EDM Group

99 Hume Street Wodonga VIC 3690

P.O. Box 317 Wodonga 3689

Phone: (02) 6024 2266

www.edmgroup.com.au



EDM Ref No. 100002

Date: 26 May 2010

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INTRODUCTION

Proposal: Proposal to rezone land from 1(a) General Rural Zone to R1 General Residential Zone.

Property Details: Lot 1 DP 1094360 off East Barham Road, Barham

Applicant Details: Riverlife Property Group Pty Ltd

Land Owner Details: Riverlife Property Group Pty Ltd

Subject Land: The subject land is a 48.74ha parcel of largely cleared farming land located on the northern bank of the Murray River. Situated approximately 1.5km south east of the Barham Post Office and approximately 1km due east of the Victorian township of Koondrook (Figure 1) the land presents a significant opportunity to cater for Barham's future residential growth.

The township of Barham is the largest in the Wakool Shire in terms of population; accommodating a significant proportion of the Shire's social and community infrastructure. The 'Twin Town' of Koondrook located on the southern side of the Murray River also accesses and supports facilities in Barham.

Adjacent to the east is farm land while to the north and north west is land owned by the Wakool Services Club which includes a Botanic Reserve on the northern boundary and the Barham Lakes Complex to the west across a large vacant parcel. Adjacent midway along the western boundary is a caravan park which also enjoys river frontage.

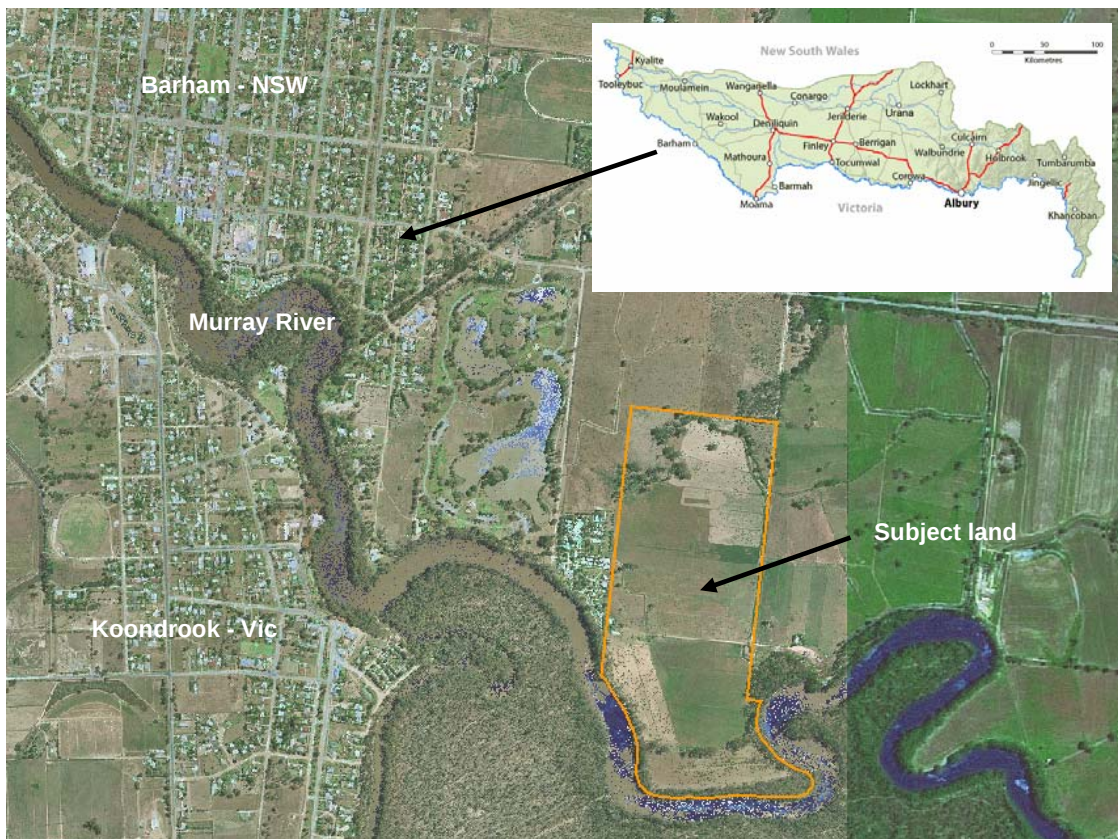


Figure 1 - Locality Plan

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To enable the development of land described as Lot 1 PS1094360 situated off the East Barham Road, Barham for residential purposes.

PART 2 – EXPLANATION OF PROVISIONS

The Amendment of the Wakool LEP will comprise two components namely:

1. Amendment of the Wakool LEP 1 1992 Land Zoning Map affecting the area nominated as illustrated on the attached plan at Appendix 1.
2. Amendment of the LEP ordinance in the manner indicated at Appendix 2.

PART 3 – JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL.

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

Justification for the rezoning of the subject land is provided by the Wakool Landuse Strategy Report (April 2009) adopted by Council. As noted at Figure 2 below the subject land is identified within that report as an area suitable for additional residential development in the township (Figure 2). The rezoning is further supported by the Market Analysis report prepared by Macroplan Australia (March 2009).

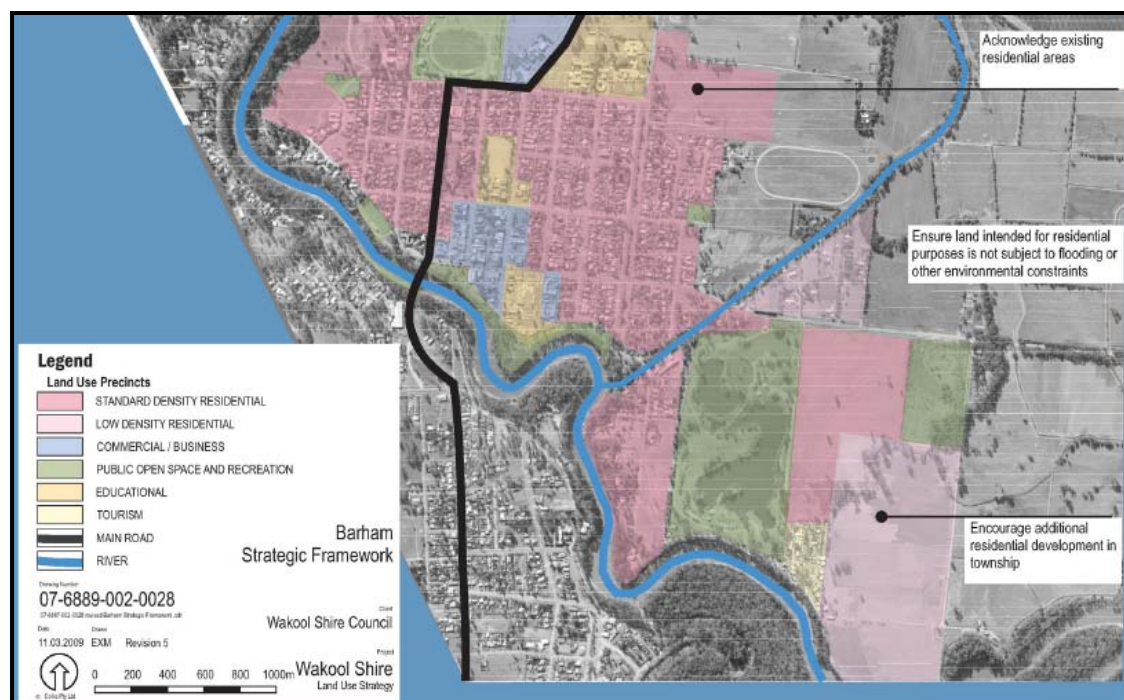


Figure 2 - Extract of Barham Strategic Framework (Wakool Landuse Strategy Report 2009)

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

The site is currently zoned 1(a) General Rural which prohibits the subdivision of the site for lots less than 120Ha. The application to rezone the land to 2(v) is considered to have merit in that the outcome that is consistent with the objectives of the EP & A Act (Section 5).

The proposal to develop the subject land for residential purposes has been discussed with Council on a number of occasions in 2008 - 09 and as a consequence there has been a legitimate expectation on the part of the applicant that rezoning of the land would be “rolled” into the Standard Instrument as noted within the Wakool Landuse Strategy Plan and further supported within the “*Consideration of Environmental Matters supporting the Wakool Landuse Strategy and Draft Wakool Principal LEP*” report prepared by Collie Pty Ltd, May 2010 (Appendix 3).

Due to ongoing delay with the Standard Instrument process and concerns about possible timeframes, given that Wakool Shire is not one of the 67 Councils nominated within the Department’s priority list, an application to separately rezone the subject land was submitted for Council consideration. This matter was subsequently reported to Council at its meeting of 17 March 2010, when it was resolved:

“That Council approve the application to amend the Wakool Local Environmental Plan 1992 to rezone Lot 21 DP 1094360 East Barham Road, Barham from 1(a) General Rural Zone to R1 General Residential Zone and advise the owner to commence preparing the required Planning Proposal to be submitted to the Department of Planning for consideration.”

3. Is there a net community benefit?

The community benefit of the will be positive, as the eventual development of the land for residential purposes will improve opportunities for housing choice in an attractive ‘greenfield’s’ location adjacent to the Murray River and within relatively close proximity of the town centre (Figure 3).



Figure 3 - Subject Land

The construction and building works associated with a residential development will also provide temporary employment opportunities. Rezoning of the land will facilitate an orderly extension of Barham and the use of land for residential purposes will address a genuine need for additional residential land as identified within the Wakool Shire Land Use Strategy (April 2009).

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 exhibited draft strategies)?

There are no regional or sub regional strategies in place that affect the land. The draft Murray Regional Strategy has however been recently exhibited and when finalised will provide a framework and context to guide the preparation of new LEP's.

Consistent with the draft Strategy it is submitted that the rezoning will:

- cater for additional planned population growth;
- manage and co-ordinate growth in a “green field” location adjacent to an established “twin towns” urban area;
- not affect land assessed as being of high conservation value;
- ensure development protects and manages the riverine environment;
- pursue an opportunity for additional growth in the Central Murray subregion around the existing township of Barham.

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

The site is identified on the Wakool Shire Land Use Strategy Plan (April 2009) as an area where additional residential development should be encouraged. The planning proposal is also consistent with feedback received from the various community workshops undertaken as a preliminary component of the Landuse Strategy Plan preparation wherein it was identified that there was a need for new residential development that could help stem population decline by taking advantage of lifestyle and amenity opportunities in proximity of the river, social infrastructure and recreation facilities.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Following recent amendments to the NSW planning system, as of 1 July 2009 Regional Environmental Plans (REPs) are no longer part of the NSW hierarchy of environmental planning instruments. While some REPs have been repealed, those that remain are now deemed to be State Environmental Planning Policies (SEPPs) under Division 2, Part 3 of the EP&A Act. The following discussion relates to applicable SEPPs and REPs.

(i) SEPP – Rural Lands

Clause 7 of the SEPP sets out 8 “Rural Planning Principles” that must be considered in preparing any LEP amendments affecting Rural Lands.

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

- (b) 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,*
- (c) 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,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) 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,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposed rezoning addresses these principles as follows:-

- The proposal seeks to facilitate opportunities for settlement and housing in a planned and orderly manner that will contribute to the social and economic welfare of the Barham Township.
- The proposal will not adversely impact upon the existing productive potential of adjacent farm land or the capacity of farm land in the general vicinity of the subject land.
- The site has not been identified as being "State Significant" agricultural land or as being of regional significance for farming activities.
- No natural resources or areas of significant biodiversity or native vegetation would be adversely impacted by the proposal;
- The site has no forestry value or forestry industry potential;
- The site is within relatively close proximity of an established urban area and can be fully serviced with reticulated services with adequate spare capacity.
- The proposal is consistent with the draft Murray Regional Strategy.

(ii) SEPP No.44 – Koala Habitat Protection

This policy aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas so as to ensure permanent free-living populations will be maintained over their present area.

The policy applies to 107 local government areas throughout NSW providing that development approval cannot be granted in an area affected by the policy without an investigation of core koala habitat.

The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

COMMENT: Koalas (Phascolarctos cinereus) live in societies and as a consequence need to be able to come into contact with other koalas. Koalas therefore need to have areas of suitable eucalypt forest which are not only large enough to support a healthy koala population but also allow for expansion by maturing young koalas. Koalas are highly territorial and in stable breeding groups, individual members of koala society maintain their own "home range" areas.

A 'home range' consists of a number of 'home range trees' and 'food trees' which comprise the long-term territory of the individual koala. These trees provide the

koala with food, shelter and places for social contact which will support it for the term of its natural life (assuming there is no habitat clearing).

While the riparian vegetation located upon the subject land represents 'Potential Koala Habitat' being "an area of native vegetation where the trees of the types listed in Schedule 2 of SEPP 44 constitute at least 15% of the total number of trees in the upper and lower strata of the tree component" it is submitted that it will be highly unlikely that there would be a threat to either Koala habitat or the persistence of the species in the broader region as a consequence of this rezoning and subsequent residential development proceeding.

While the status of local populations of Koalas is not clearly understood it is noted that Koalas occur in the Murray region only as isolated scattered records and have rarely been observed in the Barham locality. They are however more likely to be found in the Gunbower–Koondrook–Perricoota forest reserves to the south and further to the east which straddle both sides of the Murray River. In this area they are noted as being part of a fragmented but growing population introduced to the area.

Further to the above it is also noted that consistent with preliminary master planning work undertaken for the site that there are no significant trees required to be removed from the subject land as a consequence of the subdivision of the land. As a consequence the planning proposal is seen as complying with SEPP 44.

(iii) The Murray Regional Environment Plan (REP) No 2

The Murray Regional Environment Plan (REP) No 2 - Riverine Land ("the REP") is a deemed SEPP that applies to the riverine environs of the River Murray including land within the Shire of Wakool. Gazetted in 1994 the REP seeks to ensure that the river and its floodplain are able to support a range of productive land uses. The objectives of this plan are:

- (a) to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- (b) to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and*
- (c) to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

Clause 9 provides a number of general principles that need to be considered namely:

- (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.*

Clause 14 of the REP also provides specific controls in respect of Building setbacks providing as follows:

(2) Building setback

All buildings outside land zoned for urban purposes under a local environmental plan should be set well back from the bank of the River Murray. The only exceptions are buildings dependent on a location adjacent to the River Murray.

The objectives of siting buildings away from the River Murray are to:

- maintain and improve water quality,*

- *minimise hazard risk and the redistributive effect on floodwater associated with the erection of buildings on the floodplain,*
- *protect the scenic landscape of the riverine corridor,*
- *improve bank stability, and*
- *conserve wildlife habitat.*

The REP also provides special provisions in respect of effluent disposal and landscaping.

COMMENT: The current planning proposal is considered to be consistent with the relevant provisions of the Murray REP No.2. In respect of the General principles the following matters are noted:

- *In framing the Wakool Land Use Strategy Plan Council has given appropriate consideration of the aims, objectives and planning principles of the REP in concluding that the eventual development of the subject land for residential purposes in proximity of the Murray River environs is an appropriate landuse representing an orderly and proper planning outcome.*
- *There are no relevant River Management Plans affecting the land.*
- *The likely development of the land for residential purposes will not have any adverse impact on adjacent and downstream local government areas.*
- *Possible cumulative impacts of the planning proposal have been taken into account by the Wakool Shire Council in the preparation of the Wakool Land Use Strategy Plan.*

Further to the above the following comments also in support of the proposal, namely:

- *Appropriate buffer setbacks to the river frontage will ensure the scenic landscape of the riverine corridor as viewed from the river is protected.*
- *While aspects of the development would be more evident from the southern bank within the Victorian Crown Reserve, the view will not be so at odds with the rural setting so as to preclude the development.*
- *The development if approved will not have an adverse impact on the riverine environment. The likely future design and siting of the development have been framed with an intent to reflect the particular landscape setting and to complement rather than conflict with this prime riverside context.*
- *No aspect of the development will adversely impact upon bank stability. A section of the bank identified along the eastern frontage will be placed within a reserve so as to facilitate future control erosion and sedimentation.*
- *If approved a future boat ramp and additional landscaping will only be carried out in accordance with any relevant conditions placed upon a relevant development consent.*
- *No existing public river views will be impeded by the development.*
- *Effluent generated by the development is to be treated off site via an approved waste water facility.*
- *Water sensitive urban design principles will ensure that the water quality of the River is not impacted upon as a consequence of stormwater run-off.*
- *No issues are raised in respect of the redistribution of flood waters.*

(iv) SEPPs

In respect of all other SEPP's applicable to the Wakool Shire relevant comments are noted in the following Table.

SEPP	Comment
State Environmental Planning Policy No 1—Development Standards	Consistent
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable
State Environmental Planning Policy No 6—Number of Storeys in a Building	Not applicable
State Environmental Planning Policy No 15—Rural Landsharing Communities	Not applicable
State Environmental Planning Policy No 19—Bushland in Urban Areas	Not applicable
State Environmental Planning Policy No 21—Caravan Parks	Not applicable
State Environmental Planning Policy No 22—Shops and Commercial Premises	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 applicable
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Not applicable
State Environmental Planning Policy No 36—Manufactured Home Estates	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 55—Remediation of Land	No known areas of contamination on the subject land. No historical presence of possible sources of contamination affect the land.
State Environmental Planning Policy No 60—Exempt and Complying Development	Not applicable
State Environmental Planning Policy No 62—Sustainable Aquaculture	Not applicable
State Environmental Planning Policy No 64—Advertising and Signage	Not applicable
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	Not applicable
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	All dwellings will be designed and sited to comply with BASIX
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable
State Environmental Planning Policy (Infrastructure) 2007	Not applicable
State Environmental Planning Policy (Major Development) 2005	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable

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

The Minister for Planning, under section 117(2) of the EP&A Act may issue directions that a Council must follow when preparing planning proposals for new LEPs. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.

The relevant s117 directions applicable in this instance are discussed as follows:

Direction	Consistency with Direction
1.2 Rural Zones	Inconsistent. This direction applies in relation to a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The Direction provides that a planning proposal must not rezone land from a rural zone to a residential zone. The inconsistency is justified in this instance as the planning proposal is identified within the Wakool Land Use Strategy (2009) and supported by the Consideration of Environmental Matters supporting the Land Use Strategy and Draft Wakool Principal LEP report (2010).
1.5 Rural Lands	Consistent. This direction notes among other things that rural areas are increasingly under pressure for lifestyle housing opportunities. This demand for rural housing has both social and economic advantages and disadvantages for rural communities. The direction provides that planning should identify a range of housing choices within rural areas including urban areas and that housing opportunities should be determined through a strategic planning process to avoid land use conflict, avoid constraints, fragmentation of rural land and provide access to appropriate infrastructure and services. The site has been identified as being suitable for expansion of the residential area of Barham and consistent with Council's proposed Standard Instrument the land is to be rezoned accordingly.
2.1 Environment Protection Zones	This Direction provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. The planning proposal includes provision for public reserve to protect part of the vegetated riparian corridor adjacent to the Murray River and also provides for an open space linkage between the eastern and western river frontages. The riparian corridor along the waterway through the north western section of the property is also to be protected within the urban design layout. This is a greater level of protect than provided under the existing rural zone.
2.3 Heritage Conservation	Consistent. The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. There are no known aboriginal or European heritage sites registered on the land. Appropriate DA conditions at the time of subdivision will provide contingencies in the event that any unknown Aboriginal Cultural Heritage and/or human remains are found during the course of development works within the activity area.
3.1 Residential Zones	Consistent. This planning proposal relates to residential development that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services. The provision of residential land in this case is considered to be in line with evolving lifestyle and demographic trends.
3.3 Home Occupations	Consistent. Home occupations will be able to be out in dwelling houses without the need for development consent.

Direction	Consistency with Direction
3.4 Integrating Land Use and Transport	Inconsistent. This direction applies where a planning proposal will create a zone or a provision relating to urban land, including land zoned for residential, or village purposes. The inconsistency is justified in this instance as the planning proposal is identified within the Wakool Land Use Strategy (2009) and supported by the Consideration of Environmental Matters supporting the Land Use Strategy and Draft Wakool Principal LEP report (2010).
4.3 Flood Prone Land	Consistent. The Direction seeks to ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. The subject land is largely protected by a registered flood levee. Residential development will not be permitted below the flood level. Further flood investigation will ensure as part of the Stormwater Management for the estate at the DA stage.
4.4 Planning for Bushfire Protection	Not applicable. The land is not identified as Bush Fire prone under Council BFPLM.
5.1 Implementation of Regional Strategies	Not applicable. There is no Regional Strategy in place that affects the subject land. (Note however previous discussion in respect of consistency with the draft Murray Regional Strategy)
6.1 Approval and Referral Requirements	Consistent. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal will not be referred to any Minister or Public Authority or be exhibited prior to the gateway determination being issued under clause 56 of the Environmental Planning and Assessment Act 1979.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes
6.3 Site Specific Provisions	Consistent. The planning proposal imposes additional requirements in accordance with the relevant clauses of the principle LEP.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.

8. 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?

As noted within the recently adopted “*Consideration of Environmental Matters*” report and as confirmed by site inspection it is submitted that there are no elements of critical habitat listed under legislation that occurs on the subject land. Further the proposed rezoning will be highly unlikely to impact upon any threatened species, populations or ecological communities, or their habitats.

Of relevance to the subject land it is noted that all that remains of significant native vegetation upon the land is located within the rather narrow riparian corridors.

That part of the subject land that forms a part of a vegetated corridor along the northern bank of the Murray River links patches or remnants of habitat upstream and down stream of the property. The degree of isolation of a patch / remnant depends upon several factors including its distance from other similar patches and the nature of the surrounding environment.

The degree to which isolation of patches is prevented by landscape elements (eg habitat corridors which allow organisms to move between patches) is measured as connectivity. Connectivity in a landscape is not only a factor of its spatial characteristics but other factors such as species behaviour and dispersal

characteristics and while scientific evidence in support of corridors as a conservation tool is weak, conservation biologists generally agree that landscape connectivity enhances population viability for many species and that many species live well in connected landscapes.

Having regard to the above it is submitted that the planning proposal will not have an adverse impact upon the riparian corridor. Additional landscaping of this area as likely to be required by the Department of Water and Energy will also further enhance this section with commensurate improvements in landscape setting and connectivity outcomes.

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

As noted at Appendix 3, the subject land:

- is not identified as bush fire prone on the Council's Bush Fire Prone Land Map (BFPLM).
- exhibits no known areas of environmental contamination;
- is protected by a registered flood levee; and
- is situated over 400m away from the Council sewerage treatment plant.

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

Relevant issues in relation social and economic effects have been take into account with the strategic work undertaken by Council which concluded that the subject land as being suitable for additional residential development.

SECTION D – STATE AND COMMONWEALTH INTERESTS.

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

Public road access from the East Barham Rd and all internal roadways within the Riverlife development will be constructed by the developer to the satisfaction of Council.

The application proposes a sewer strategy that is acceptable in its concept form to Council however more detailed design work will be required at development application stage.

All other utilities are available to the site.

Other essential services such as health, education and emergency services are available within the township and are of adequate capacity to meet the future needs of the proposal.

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

No consultation with State Agencies has occurred at this stage.

PART 4 – COMMUNITY CONSULTATION

The proposal is considered to be low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)*. Therefore an exhibition period of 28 days is considered appropriate.

Consultation will be carried out in accordance with the statutory requirements set by the EP & A Act and its regulation.

The proposed consultation strategy for this proposal will be:

- Exhibition in a locally circulating newspaper.
- Notification of those landowners adjoining the site.
- Public Authorities as identified in the Gateway Determination.

It is considered that no public hearing would be required under Section 56(2)(e) of the EP&A Act.

APPENDIX 1

ZONING MAP



APPENDIX 2

AMENDMENT OF WAKOOL LEP 1999

The Wakool LEP 1999 is amended as follows:

1. Insert at the end of Clause 8 the following:

Zone No R1 (General Residential) - edged heavy black and lettered "R1"

2. Insert at the end of the Table to Clause 9 the following:

Zone No R1 (General Residential)

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To avoid potential land use conflict and protect the amenity of residents..

2 Without Development Consent

Environmental protection works; Home-based child care; Home occupations

3 Only with development consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancy; Dwelling houses; Group homes; Home industries; Hostels; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential care facilities; Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Business premises; Cemetery; Correctional centre; Crematorium; Depots; Electricity generating works; Entertainment facilities; Extractive industry; Freight transport centres; Function centres; Funeral homes; Highway service centres; Industries; Mining; Mortuaries; Nightclubs; Office premises; Passenger transport facilities; Retail premises; Rural industries; Rural supplies; Service stations; Sewage treatment works; Sex service premises; Storage premises; Transport depots; Veterinary hospitals; Waste or resource management facilities; Wholesale premises.

3. Insert in Clause 32 after subclause 32(2)(a) the following subclause

(a1) land within Zone No R(1) and being within 30 metres of any bank of a river; or

4. Insert after Clause 39 the following:

40. Riverlife Residential Development – Barham

(1) This clause applies to land near Barham , being Lot 1 DP1094360 off the East Barham Rd.

(2) The Council shall not consent to development on land to which this clause applies unless it has made an assessment of the degree to which the development:

- (i) exhibits a high architectural standard,
- (ii) is sympathetic to the existing landscape features, and
- (iii) maintains an attractive view from the Murray River.

(3) The Council shall not consent to the erection of a dwelling, on land to which this clause applies below the Australian Height Datum of *[insert applicable AHD level]* metres above sea level.

APPENDIX 3

EXTRACT - CONSIDERATION OF ENVIRONMENTAL MATTERS REPORT



MINISTERIAL DIRECTIONS

Direction	Justification for Inconsistency
1.2 Rural Zones	The proposed land use change is inconsistent with this Direction because it rezones rural land for residential purposes. However the upzoning of the land will represent an orderly extension of Barham and use of the land for residential purposes will satisfy a genuine need for additional residential land as demonstrated by the Wakool Shire Land Use Strategy. The provision of additional residential land in sought after, attractive locations is important as it is in line with evolving lifestyle and demographic trends and will ensure the continued functioning of the township.

ENVIRONMENTAL EFFECTS

Consideration	Discussion
Environmental Matters	
Soil Contamination	No known areas of contamination and no historical presence of possible sources of contamination affect the land.
Flooding and Storm water	The land is predominantly protected by a registered flood levee. Residential development will not be permitted below the flood level.
Bushfire Hazard	The site has minimal risk of being affected by bushfire and is not located within an identified bushfire risk area. Site conditions (being generally cleared and flat) would likely preclude the development of bushfire risk.

Noise / Odours	The sewerage plant to the north-east of the subject land has potential to cause odour impacts on the subject land. An appropriate buffer between future residential use of the land and the sewerage treatment plant will be provided by the botanical gardens. The botanical gardens will be retained as a public use for this purpose and will effectively provide for a 200-400 metres wide buffer between the subject land and the sewerage treatment plant. Furthermore, it is considered that the northern parts of the site will be the last stages to be developed. Any requirement for an odour assessment is appropriate to be considered as part of the development assessment stage.
Biodiversity and Heritage	
Flora	Some remnant vegetation is scattered throughout the site. This vegetation should be appropriately protected and incorporated into the design of any future subdivision of the land. Remnant riparian woodland is located on the low side of the levee. Land containing the remnant riparian woodland is therefore unable to be developed for urban purposes.
Fauna	Existing fauna habitat on the site will be protected as described above.
Cultural Heritage and Archaeology	There are no aboriginal or European heritage sites listed on the DEH register as occurring on the site.
Resources	
Extractive and Mineral Resources	The proposal will not impact on any extractive or mineral resources or operations.
Land Capability / Soils	The land is not identified as being subject to occurrences of acid sulphate conditions. Appropriate construction site practices can ensure that there are no impacts in relation to soil erosion and sedimentation.
Landscape	
Visual Impact	The proposed development will provide for a continuation of the current pattern of residential development of the township. A master plan is to be prepared for the site which will ensure a high quality outcome in terms of a functional design and landscape character.
Community and Urban Development	
Infrastructure	All necessary infrastructure services are available within the locality and can be cost-effectively provided to the site.
Access and Traffic Generation	The site is accessed from existing local roads. These roads will need to be upgraded as a condition of development. There will be no significant impact on any state or regional roads as a result of the development of the site given the distance from roads in this category.
Social Impacts	The rezoning of the land will result in positive impacts for the town given the identified market demand that exists for land in attractive locations close to the river and parkland. This is consistent with national trends for increased migration to particular lifestyle locations such that Barham can offer.
Economic Impacts	The proposed rezoning will have positive economic effects for Barham given that there is ongoing demand for housing. Increased population will assist in the ongoing economic development of the town and the future viability of services and facilities.