

Murray LEP 2011 Amendment 3

Proposal Title :	Murray LEP 2011 Amendment 3		
Proposal Summary :	The planning proposal is a periodic review with the objective to rectify minor issues/ errors in the Murray LEP 2011. Amendments include: land rezonings, lot size map changes, amendments to land use tables, heritage conservation changes, insertion of new additional local provisions and amendments to Schedule 2 exempt developments.		
PP Number :	PP_2014_MURRA_001_00	Dop File No :	14/03120

Proposal Details

Date Planning Proposal Received :	14-Feb-2014	LGA covered :	Murray
Region :	Western	RPA :	Murray Shire Council
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :			
Suburb :		City : Moama	Postcode : 2731
Land Parcel :	Deep Creek Marina		
Street :	Picnic Point Road		
Suburb :		City : Mathoura	Postcode : 2710
Land Parcel :	Lot 44 DP 756303		
Street :			
Suburb :		City : Moama	Postcode : 2731
Land Parcel :	Parts of General Residential Zone areas of Moama Township		
Street :			
Suburb :		City : Moama	Postcode : 2731
Land Parcel :	Kilkerrin Lakes Estate		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Primary Production Zone, General Residential Zone, Low Density Residential Zone, Large Lot Residential Zone, Environmental Management Zones, Enterprise Corridor Zone, General Industrial Zone, Tourist Zone, Public Recreation Zone and Private Recreation Zone		
Street :	Chanter Street		
Suburb :		City : Moama	Postcode : 2731
Land Parcel :	Old Moama, as defined by the area between and including Lot 4, Section 18, DP 758686 (former River Captain's Cottage) and Lot 3, DP 577291 (residence) on the northern side of Chanter Street; and land on the southern side of Chanter Street between Lot 7307, DP 1134365 and Lot 1, Section 1, DP 758686 (portal entry [former Maiden's Inn Hotel])		

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Street :

Suburb :

City : **Mathoura Station**

Postcode : **2710**

Land Parcel : **Lot 2 DP 756272 and Lot 4 DP 1100188**

Street : **8 Simms Street**

Suburb :

City : **Moama**

Postcode : **2731**

Land Parcel : **Lot 1 DP 514180 and Lot 3 Section 29 DP 758686**

Street : **27 Conargo Street**

Suburb :

City : **Moama**

Postcode : **2731**

Land Parcel : **Lot 3 Section 65 DP 758656**

Street : **9 Simms Street**

Suburb :

City : **Moama**

Postcode : **2731**

Land Parcel : **9 Simms Street Moama**

Street : **Millewa Road**

Suburb :

City :

Postcode :

Land Parcel : **McLaurin Cemetery**

Street : **Perricoota Road**

Suburb :

City : **Moama**

Postcode : **2731**

Land Parcel : **Lot 1, DP 521210**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Riverfront area within 100 metres of the top of the bank of the Murray, Edward and Wakool rivers in Primary Production, Forestry and Environmental Management zones**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The objective of the proposal is to rectify minor issues and errors identified in the periodic review of the Murray LEP 2011.

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

Is an explanation of provisions provided? No

Comment : The following amendments to the Murray Local Environment Plan 2011 are proposed as part of this planning proposals:

Land Zoning Map

1. To rezone Deep Creek (waterway) from RU1 Primary Production to W2 Recreational Waterways.
2. To rezone one allotment at Lot 44 DP 756303, Mathoura from part E1 National Parks and Nature Reserves, part RU1 Primary Production to E3 Environmental Management.

Lot Size Map

3. Removal of minimum lot sizes in parts of Moama R1 General Residential Zone area.
4. Minimum lot size increased from 4000sqm to 8000sqm to a part of Kilkerrin Lakes Estate, Moama.

Land Use Tables

5. 'Boat building and repair facility' be a permissible land use within the RU1 Primary Production Zone.
6. 'Biosolids treatment facility' be prohibited within the R1 General Residential Zone.
7. 'Attached dwellings' be prohibited within the R2 Low Density Residential Zone.

8. 'Boarding Houses' be prohibited within the R2 Low Density Residential Zone.
9. 'Dual Occupancies' including Dual Occupancy (attached) and Dual Occupancy (Detached) be prohibited within the R2 Low Density Residential Zone.
10. 'Seniors Housing' be prohibited within the R2 Low Density Residential Zone.
11. 'Dual Occupancies' including Dual Occupancy (Attached) and Dual Occupancy (detached) be prohibited within the R5 Large Lot Residential Zone.
12. 'Seniors Housing' be prohibited within the R5 Large Lot Residential Zone.
13. 'Secondary dwelling' be made a permissible land use within the R5 Large Lot Residential, RU1 Primary Production and E3 Environmental Management Zones.
14. 'Vehicle Sales and Hire Premises' be made a permissible land use within the B6 Enterprise Corridor Zone and IN1 General Industrial Zone.
15. The following land uses be made permissible in the SP3 Tourist Zone;
 - a. building identification sign
 - b. business identification sign
 - c. environmental protection works
 - d. jetty
 - e. marina
 - f. water recreation structure
16. 'Advertising structures' be made permissible in RE1 Public Recreation and RE2 Private Recreation.

Heritage Conservation

17. A heritage conservation area be created over part of 'old Moama' in Chanter St, Moama.
18. The property description and heritage map for Item of Environmental Heritage I63- Mathoura Station at Lot 4 DP 1100188 be amended to refer to Lot 2 DP 756272.
19. The property description and heritage map for Item of Environmental Heritage I4-8 Simms Street at Lot 3 Section 29 758686 be amended to refer to Lot 1 DP 514180.
20. The property description for Item for Environmental Heritage I8- 72 Chanter St, Moama be amended to remove reference to 'former gaol and police station' and to be referred to as 'residence'.
21. The property description for Item of Environmental Heritage I43- 27 Conargo Street, Mathoura be amended to refer to Lot 3 Section 65 DP 758656.
22. I24- Timber Federation Regency style dwelling at 9 Simms St, Moama be removed from Council's 'Items of Environmental Heritage' listed under Schedule 5 Murray LEP 2011.
23. 'McLaurin Cemetery', Millewa Road, be added as an item of environmental heritage.
24. 'Perricoota Woolshed', Lot 1, DP 521210, Perricoota Road, Moama be added as an item of environmental heritage.

Additional Local Provisions

25. The 'Edward River' be inserted into Clauses 7.4, 7.5, 7.6 and the riverfront land definition.
26. Recreation Facility (Outdoor) be removed from permissible uses within 'river front areas' under Clause 7.4(2)(e)
27. The area to which the 'river front area' applies to in RU1 Primary Production Zone, Forestry Zone and Environmental Management Zone be amended from 100m to 60m
28. Clause 5.4 (9)(b) be revised from 50% to 20% of the total floor area of the principal dwelling.

Schedule 2 Exempt Development

29. Removal of exempt provisions for 'advertisements and advertising structures',
30. Exempt provisions for 'business identification signage' be inserted into Schedule 2.

Specific explanations:

Changes 29 and 30 relating to exempt development are not provided with an explanation. The changes are straight forward, change 29 removes Schedule 2 exempt development and change 30 reinstates the schedule in accordance with the recent Code SEPP changes

with the addition of two local clauses in c) and e) to reflect existing clauses removed in change 29.

The remaining proposed provisions have adequate explanations

Changes 1-2 correct errors in mapping. Deep Creek Marina not being within the objectives of Primary Production Zone and instead reflect the Recreational Waterways Zone. Lot 44 DP 756303 was incorrectly mapped as being part of a National Parks and Nature Reserves Zone, however the land is not part of the National Park and the Primary Production and Environmental Management zones appropriately reflect underlining zoning.

Changes 3 and 4 change lot sizes in the region. Change 3 removes the minimum lot size in residential areas of Moama Township as it is considered that a minimum is not required as the area is well serviced, well located, not affected by constraints and that the design of good development is guided by controls within Council's Development Control Plan. Residential areas at Highlands and Maidens Park Estates have retained minimum lot size to provide for desired neighbourhood character.

Changes 5-16 to the land use tables are changes that separate incompatible uses or permit uses that may not be conflicting. These changes are not of major significance.

Changes 17-24 seek to preserve heritage areas or correct mapping location errors or a listing that was severely damaged by fire. The major proposed heritage site was originally proposed by the 'Friends of Old Moama' to conserve Old Moama as a heritage precinct. Council acknowledge that this proposal requires further consultation with property owners. The sought listing of the McLaurin Cemetery is proposed to conserve history of European settlement in the Murray Shire. A member of the McLaurin family was contacted on the heritage listing and did not raise any objections. Heritage listing is also proposed for the 'Perricoota Woolshed' which is considered as an artefact of the regions pastoral heritage.

Changes 25-27 include additional local provisions to amend the Murray LEP 2011 development of river front areas policy. The major objectives of these changes are to provide flexibility in respect to development permitted within 'river front areas' and to insert the 'Edward River' into the definition of river front areas.

Flexibility is said to be inserted by reducing the river front area in the Primary Production, Forestry and Environmental Management zones from 100 to 60 meters. The RPA justifies the reduction by stating that the setback will align with the preceeding Murray LEP 1989 which had this setback provision. The RPA states that the setback was reluctantly changed to 100 metres on request by the Department of Planning and Infrastructure when preparing the 2011 LEP to comply with the Draft Murray Regional Strategy. The RPA considers that this provision may no longer apply. Other changes to prohibit recreation facility (outdoor) have been changed as it is incompatible with the proposed reduction of river setback. It further justifies the reduction due to the setback being consistent with existing development, that the setback is still well set back from the River Murray as required by the Murray REP2, that it is consistent with the SEPP (Exempt and Complying Development Codes) to allow for particular development, that the setback change is not inconsistent with the Water Management Act's definition of 'waterfront land' which applies to 40 metres from the bank of a river, that a 50 metre riparian buffer zone is provided as outlined in NSW Fisheries policy and guidance and the proposal does not amend environmental protection mapping.

Change 25 to insert the Edward River is to correct the error of omitting it when translating provisions from the preceeding Murray LEP 1989.

Change 28 does not provide adequate explanation throughout the document. This change is to amend Clause 5.4 (9)(b) from 50% to 20% of the total floor area of the principal dwelling. This clause relates to controls to miscellaneous permissible uses, in this case being secondary dwellings. Council considers that 50% is too high and that it may result in large secondary dwellings especially where there is a large existing dwelling. Council considers 20% more appropriate.

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

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 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**
- SEPP No 55—Remediation of Land**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Rural Lands) 2008**
- Murray REP No. 2 - Riverine Land**

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

The Murray Land Use Strategy does not appear to be endorsed. A Departmental spreadsheet dated 23 August 2013 noted that LUS endorsement is not a priority for Council, that most recommendations of the Strategy were adopted in Murray LEP 2011 and that Council has not proceeded with LUS.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

***Direction 2.1 Environmental Protection Zones applies to change 27 that requests that the river front area applying to the Primary Production Zone, Forestry Zone and Environmental Management Zone be reduced from 100 metres to 60 metres.**

This direction applies as the river front area is considered as an environmentally sensitive area as per Clause 3.3 of the Murray LEP 2011.

The Planning Proposal is inconsistent with the Direction because it is likely to reduce the environmental protection standards that apply to land from 100 metres to 60 metres from the riverbank.

The RPA justifies the proposal's inconsistency as they consider that it is of minor significance due to:

- the proposal being consistent with the Murray LEP 1989 which had a setback of 60 metres. The change to 100 meter setback was made to satisfy the requirements of the Department of Planning at the time of the plan making for the Murray LEP 2011.**
- that the setback is consistent with existing development setbacks**
- that the setback will still be well set back in accordance with the Murray REP2**
- that the setback provides greater consistency with development permitted as exempt development under the Codes SEPP as farm buildings are already permitted as exempt development under the Codes SEPP within 50 metres of a watercourse.**
- that the setback change is not inconsistent with the Water Management Act's definition of 'waterfront land' which applies to 40 metres from the bank of a river**
- that a 50 metre riparian buffer zone is provided as outlined in NSW Fisheries policy and guidance and the proposal does not amend environmental protection mapping.**

It is considered that the inconsistency of the Planning Proposal remains unjustified. The

100 metre setback was stated in the the draft Murray Regional Strategy. The department requested that the Murray LEP 2011 have this setback applied. Direction 5.1 does not include the draft Murray Regional Strategy and therefore the 100 metres is not considered as a statutory consideration. Therefore there is scope to change the setbacks. In this case, the change in setback may or may not impose additional impact to the nationally important River Murray. In this case it is considered that the RPA provides insufficient justification to be confident that the change will not impact on the River Murray. The change is not considered to be of minor significance. No impact analysis built on evidence has been undertaken and other councils along the River Murray have a 100 metre setback applied. The RPA does not provide a strategy or study which considers the objectives of Direction 2.1 or that is approved by NSW Planning and Infrastructure. Other councils have a setback of 100 metres from the Murray. It is considered that the potential impact of the change be qualified in more detail along the Murray, Edward and Wakool rivers.

*Direction 3.1 applies to the change of rural residential area of 4000 to 8000sqm in a rural residential in Moama being Kilkerrin Lakes Estate. The change is required to restrict further subdivision of lots to allow for servicing requirements by the Kilkerrin Lakes Water Association. This reduction would reduce the development potential by 15 lots.

Council considers that the minimum lot size of 4000m2 is an appropriate size for the estate, considering the majority of lots are of this size. However, since there are issues in servicing more lots, Council accepts that the minimum lot size be increased to 8000m2 to restrict lots that cannot be properly serviced with water.

Direction 3.1 applies as objective 1b) is to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services. By reducing the density the proposal is inconsistent with section 5b) of the direction which requires that a planning proposal must not contain provisions which will reduce the permissible residential density of land.

However, the proposal meets the requirement under 5a) that the planning proposal must contain a requirement that residential development is not permitted until land is adequately serviced or that arrangements satisfactory to council, or other appropriate authority, have been made to service it. The request to remove the potential for the creation of lots that cannot be properly serviced would remove conflict with this objective and only slightly reduces possible development potential by 15 lots if water servicing was adequate. The planning proposal in change 3 increases development potential and manages the total development pressure in the municipality. It is considered that the change is justified as being of minor significance.

***Murray REP2**

Council argues that the river setback change is consistent with the aims, objectives and principles of the Murray REP2. The Murray REP2 under Clause 14(2) requires that all buildings outside land zoned for urban purposes under a local environmental plan should be set well back of the River Murray. Council considers that the proposed reduction is still well set back. It is considered that consistency with the Murray REP2 is unjustified. The evidence is based on the former Murray LEP 1989 including a setback of 60 metres and that existing development is at this setback. Other councils along the Murray also have a setback of 100 metres.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Affected land holders will be notified. Council proposes to exhibit the proposal for 28 days in accordance with "a guide to preparing local environment plans". Council does not propose to hold a public hearing in respect to this planning proposal.**

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **As discussed, inconsistency remains with Direction 2.1 and Murray REP2 for proposed change 27 which is not considered to be of minor significance as claimed by council.**

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : **The Murray Local Environment Plan 2011 was made 16 December 2011.**

Assessment Criteria

Need for planning proposal : **The Planning Proposal incorporates a periodic review to correct minor issues and errors within the municipality. The Planning Proposal implements Section 73 of the Environmental Planning and Assessment Act 1979. Apart from change 27, a planning proposal is the only means to achieve the objectives outlined in the planning proposal documentation. There is a lack of stated need for the changes in river area setback to change existing policy.**

Consistency with strategic planning framework :

The planning proposal on the whole is consistent with the strategic planning framework, apart from the change to river setbacks which will be commented on below.

***Background to Murray River setback**

The intent of applying a building setback to the River Murray is to establish a limit to the extent to which development is able to adjoin and thereby adversely affect the environment along river. The amenity of the River is considered to be a key asset of State and regional significance in its appeal for tourism with the adjoining native forest and broad scale rural landscapes a part of this amenity. Maintenance of a setback also contributes to the conservation of biodiversity, control of water quality, maintains bank stability and provides a buffer for river migration. Furthermore, it controls the risk of soil erosion, land degradation, the loss of scenic and visual amenity, and the loss of important vegetation systems.

Over the past 20 years, the Department has consistently sought to restrict development along the Murray River through the introduction of the Murray REP 1 and REP 2 and through the inclusion of river setback clauses in LEPs.

In particular, the Murray REP 2 contains a requirement that buildings be 'set well setback' from the river bank. It also includes objectives for the setback and matters for consideration in assessing development applications (Clause 14(3) – maintain and improve water quality).

NSW Planning and Infrastructure, in conjunction with other NRM agencies has further recognised the significance of the issue at a regional level by developing the draft Murray Regional Strategy which contains a model clause which has adopted by most Councils along the Murray River including Murray Shire.

***Background to the 'Development on river front areas' model clause in the draft Murray Regional Strategy**

The content of this clause aims to ensure infrastructure and buildings, that may destabilise the bed and banks of waterways or require expensive stabilisation by local councils in the foreseeable future when natural river migration put this infrastructure at risk are not developed within the 'river front area'.

The clause also aims to recognise that areas close to river banks are both environmentally sensitive and face greater development pressure. The clause seeks to set an additional level of control and consideration of development proposals in areas close to the river. These are set out in the objectives of the clause. Some forms of development that would normally be appropriate in a rural or urban zone may not be appropriate if located too close to a river bank, particularly an actively eroding or unstable river bank. These areas of physical constraint or sensitivity may not be picked up by other mapping that looks at biodiversity or flooding which is readily available for consideration as part of a normal development application process.

In consultation with Murray regional councils, and relevant NRM agencies, NSW Planning and Infrastructure carefully considered the specific types of development which should be permitted in the 'river front area' and where a functional dependence on the river could be established. In addition, that these types of development are only permissible where they are carefully considered against the potential impacts on river health and riverine processes. Such developments are included as part of clause 7.4(2) and include boat building and repair facilities, boat ramps, marinas, water recreation structures. In addition, recognition was made that there are existing buildings/structures and agricultural development within the river front area, and these should reasonably be allowed to be modified. As such, alterations and additions to existing buildings, extensive and intensive agriculture are also permitted through the clause.

The clause was developed intentionally in this way to prohibit other forms of development which have been carefully considered as not being appropriate in the 'river front area'.

Flexibility to vary the clause on a case by case basis was not supported at the time of drafting the Strategy to ensure that the integrity of the Murray River, and its environs, together with and other major waterways are not undermined or compromised by urban development or riverine structures.

*** Consistency with the strategic planning framework**

The Planning Proposal is inconsistent with the draft Murray Regional Strategy which states that: 'Evidence from existing developments along the Murray River show that buildings near the river, particularly dwellings, often result in increased demand for other structures and works on or near the river (such as retaining walls, moorings, boat ramps, jetties and stairs). These structures usually require excavation of the river bank, which impacts on bank stability and the waterway itself and create the need for artificial stabilisation techniques such as retaining walls. Importantly, much of the Victorian side of the Murray River is held in Crown ownership and consequently has little riverfront development. The visual impact of private development in NSW is often most significant when viewed from the river itself and from the recreational areas on the Victorian side of the Murray River.

One planning response to this issue has been the use of building setbacks, ensuring that new development is separated from waterways. Building setbacks will allow the course of streams to naturally migrate over time and create opportunities for better management of riverine vegetation and water quality. Setbacks, particularly in towns and villages are also important to provide opportunities for greater public access to rivers for recreation.

The majority of existing environmental planning instruments along the Murray River require buildings and other forms of development to be set back from the River and setbacks have been in force along the Murray River for over 20 years. The consistent application of a building setback from the Murray River is considered important to achieve appropriate environmental and planning outcomes across the ten local government areas'.

A specific related action in the draft Murray Regional Strategy is that 'Where a building setback line has not been designated in a non-urban zone, local environmental plans will establish a 100-metre building setback from the bank of a river'.

The reduction in setback should be informed by evidence that environmentally sensitive areas will not be impacted which is not provided in the planning proposal. Justification has therefore not been made and this proposal is therefore inconsistent with the strategic planning framework.

***Inconsistency of the change to the river setback**

The draft Murray Regional Strategy is not a statutory consideration under Direction 5.1 Implementation of Regional Strategies, however it provides guidance on what could be considered as well set back from the Murray River. Other councils along the Murray River have had a set back of 100 metres. The change is not considered as of minor significance and the RPA has not provided detailed evidence to make a well informed assessment of potential impacts from the change.

There are other mechanisms to consider the reduction of setbacks. Council would still be able to consider reducing the setback on a case by case basis through the applicant putting forward an objection to the development standard through Clause 4.6 Exemption to development standards within the Murray LEP 2011.

In an email to NSW Planning and Infrastructure, the council planner has put forward the request that should the change in setback not be support, that the issue be thoroughly covered in the preparation of a revised Murray Regional Strategy/ Growth Plan.

Environmental social
economic impacts :

The planning proposal states that the proposal is not considered to have environmental, social or economic impacts. The removal of a minimum lot size in residential areas in a part of Moama would have positive economic impacts as it will facilitate higher density

residential development. Regarding the river bank setback, it states that there is no likely impacts on critical habitats. The setback is said to have been predominately cleared or contains red gum forest which is not considered as an endangered ecological community.

The reduction of setback has the potential to create significant environmental, social and economic impacts. Maintenance of the integrity of riparian corridors provides a range of environmental benefits such as stabilising banks, maintaining water quality, providing habitat for native species and ecological communities and contributing to the scenic amenity of the area. The amenity of the river is also considered to be a key economic and social asset of State and regional significance in its appeal for tourism.

Land use intensification along the river and its tributaries is highly likely to lessen the ability of this area to act as a filter between land and water, destabilise parts of the riverbank and reduce public access to the river for recreation which is a key social issue.

Parts of the region are subject to natural hazards and processes that can pose risks to life, property and the natural environment, namely flooding, bushfires and impacts of climate change.

The river is utilised for a variety of reasons and activities. The increasing number of activities undertaken along the river, however, has introduced change into the landscape that has the potential to impact on the health of the river and its environmental, social and economic importance to not only the region, but the nation.

The river front area in many instances contains large tracts of River Red Gum forests, threatened fauna and is significant in some parts for international migratory birds and internationally recognised wetlands. In addition, it is home to some major indigenous cultural assets, which are generally found in greater numbers in proximity to the River Murray.

It is important to ensure that development occurs in a way that safeguards and enhances the existing environmental, biodiversity, cultural, and scenic assets of the region and ensures that adverse impacts on the riverine environment from development fronting the Murray River and its tributaries are minimised.

Further study to the possible environmental impact is required to fully assess the possible environmental, social and economic impact of the proposed reduction of setback along the stated rivers.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	DG
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Public Authority Consultation - 56(2) (d) :	Other
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Is Public Hearing by the PAC required?	Yes
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :	Change 27 and the corresponding 26 should not occur as there is insufficient justification to how the proposal supports the Murray REP No. 2 - Riverine Land and Ministerial Direction 2.1 and there is a lack of consideration to the environmental, economic and social impact.
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There are other mechanisms to consider the reduction of setbacks on a case by case basis. Council would still be able to consider reducing the setback on a case by case basis through the applicant putting forward an objection to the development standard through Clause 4.6 Exemption to development standards within the Murray LEP 2011.

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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
Letter from Murray Council.pdf	Proposal Covering Letter	No
Murray updated planning proposal.pdf	Proposal	No
Murray Council minutes.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 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**

Additional Information : **Proposal 26 and 27 should not proceed.**

The remainder of the planning proposal should proceed subject to the following conditions:

-Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

- a) the planning proposal must be made publicly available for a minimum of 28 days; and**
- b) the relevant planning authority must comply with the notice requirements 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' (Department of Planning and Infrastructure, 2012).**

- Consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 and/or to comply with the

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requirements of relevant S117 Directions.

-A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

-The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

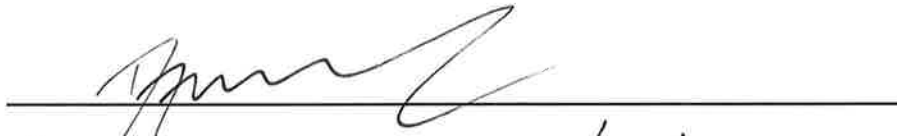
Changes 27 and the corresponding 26 are not supported as it is considered that there is insufficient justification to how the proposal supports the Murray REP No. 2 - Riverine Land and Ministerial Direction 2.1 and a lack of consideration to the environmental, economic and social impact. Also, there are other mechanisms to consider reduction of setbacks on a case by case basis through Clause 4.6 Exemption to development standards within the Murray LEP 2011.

The remainder of the proposal is supported for the following reasons:

-The planning proposal is considered consistent with state policy framework and local strategy and the changes correct minor issues and errors and in general the amendment is of minor significance.

-Including the Edward River was mistakenly omitted when the Murray LEP 2011 was made.

Signature:



Printed Name:

Dan Wagner

Date:

27/02/2014

