

Planning Proposal

Rezoning to R1 Residential

Twenty-four Lane, Moama

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INTRODUCTION

This is a Planning Proposal seeking an amendment to the *Murray Local Environmental Plan 2011* (MLEP) to rezone land in Moama to R1 General Residential with a minimum lot size for subdivision of 750m².

The 59.1 hectares of land is described as Lot 11 DP701453, on the corner of Twenty-four Lane and Martin Road, Moama ("the subject land"). The context of the subject land is shown in Figures 1 and 2.

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

PART 1. INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to allow the subject land to be developed for residential purposes at a density appropriate for the location.

PART 2. EXPLANATION OF THE PROVISIONS

The proposed provisions in the Planning Proposal will achieve the intended outcomes by:

- amending the Land Zoning Map LZN_006A in the MLEP to show the subject land zoned as R1 General Residential;
- amending the Land Zoning Map LZN_006B in the MLEP to show the subject land zoned as R1 General Residential;
- amending the Minimum Lot Size Map LSZ_006A in the MLEP to show the subject land having a minimum lot size for subdivision of 750m²; and
- amending the Minimum Lot Size Map LSZ_006B in the MLEP to show the subject land having a minimum lot size for subdivision of 750m².

It is noted that the subject land straddles the boundary of two Land Zoning Maps and two Minimum Lot Size Maps in the MLEP.

PART 3. JUSTIFICATION

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

3.1. Need for the Planning Proposal

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

The Planning Proposal for the subject land is part of a broad review of the MLEP undertaken by Council in 2014. As part of this review Council

embarked upon a community consultation process to assist in determining changes to the MLEP. As a result of this review Council identified seven main areas of the MLEP for review, including:

7. *The rezoning of site specific parcels for various reasons.*

This Planning Proposal is in response to this finding of the MLEP review.

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

The subject land is currently within the RU1 Primary Production zone and has a minimum lot size of 120 hectares for subdivision and dwellings. Consequently the current zone and lot size provisions do not allow for the type of subdivision and residential development sought on the subject land. Consequently the objective of urban residential development on the subject land can only be achieved through an amendment to the MLEP via a Planning Proposal.

- **Is there a net community benefit?**

There is an overall net community benefit to be gained from the Planning Proposal by providing for an additional choice of residential environments in Moama. An increase in the town's population supports existing and creates opportunities for new local community and commercial services.

3.2. Relationship to strategic planning framework

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

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

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

One of the aims of the draft MRS is to:

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

The Planning Proposal will create an opportunity for residential development within an area strategically identified for this purpose in Moama. The subject land is therefore not isolated or unplanned within the context of the draft MRS.

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

There are a number of strategic influences that support the Planning Proposal.

Community Strategic Plan

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

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

The Planning Proposal is consistent with this objective as it will create the opportunity for a new residential precinct in Moama. The circumstances of the subject land are such that the design of its future urban form is essentially unconstrained for urban development, which will allow for sustainability goals to be maximised.

Murray Shire Strategic Land Use Plan

The *Strategic Land Use Plan* (SLUP) for the Murray Shire was prepared in 2011 as a pre-cursor to the MLEP based on the Standard Instrument. The SLUP concluded that *"the current supply of vacant residential land in Moama is limited and could be exhausted in less than 5 years depending on development rates"*¹. As a result, the SLUP proposed that the supply of zoned residential land be increased as part of the new MLEP to meet the demand for around 100 residential lots per annum in Moama. Figure 3 shows that the subject land is identified in the SLUP for Moama as *Residential (Future)*.

Because of the fragmented structure of the Moama township, the SLUP addressed the future development of all land essentially between Tataila Lane and the Murray River. As the amount of vacant land within this area was extensive, the SLUP proposed a staged release of zoned residential land (see Figure 4). The first stage (as part of the new MLEP) was to provide additional residentially zoned land in two principal locations being the eastern end of Nicholas Drive and a much larger area north of the Moama Recreation Reserve. These two areas would re-establish an appropriate forward supply of residentially zoned land based on a demand for 100 lots per annum, assuming of course that the land is developed.

Since gazettal of the MLEP in 2011 that rezoned these areas, planning for residential development is underway in Nicholas Drive but no development has been proposed on the large area of land north of the Recreation Reserve. Consequently the supply of residential lots has diminished to the point where additional zoned land is needed to ensure there does not become a shortage or lack of choice in what is a dynamic residential market in Moama.

The subject land is located north of Martin Road on the corner of Twenty-four Lane and is within the area identified in the SLUP as the second stage of residential land release in Moama (see Figure 4). Having regard for the approaching shortage of supply due to lack of development activity within a large part of the first stage release, the rezoning of the subject land should be brought forward to ensure that the demand for residential lots in Moama can continue to be met on a number of development fronts. This notion is supported by the SLUP, which states that *"when the supply of zoned residential land falls below 15 years land further to the north and either side*

¹ Page 4 Murray Shire Strategic Land Use Plan 2010-2030

*of Martin Road should be made available (i.e. appropriately zoned) for residential development”.*²

Demand and supply for residential land

As part of this staged release of residential land in the SLUP, the areas shown as *Future Residential – Stage 1* in Figure 4 were rezoned to R1 General Residential in 2011 as part of new MLEP. By rezoning these areas an appropriate forward supply of 15 to 20 years of residentially zoned land based on a demand for around 100 lots per annum would be re-established. This is predicated of course on the assumption that the new opportunities for residential development created by the MLEP are taken up.

Since commencement of the MLEP in December 2011, all land that was up-zoned to R1 General Residential with the exception of one area, has either been developed or is under permit for residential development. This is also the case for vacant land that was already zoned for residential development under the previous LEP.

Figure 5 shows the area of land zoned to R1 General Residential as part of the MLEP in 2011 for which no development has been proposed since. This area of approximately 90 hectares represents around 10 years supply of residential land. Because this land is stagnant in term of development it reduces the overall ready supply of residential land in Moama to a level that is inadequate for forward planning in a dynamic development environment.

The subject land is located north of Martin Road and part of the ‘next cab off the rank’ for rezoning as part of the review of the MLEP (see Figure 4). Having regard for the approaching shortage of supply due to the unavailability of a large part of the first stage release, the rezoning of the subject land should be brought forward to ensure that the demand for residential lots in Moama can continue to be met on a number of development fronts.

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

Attachment ‘A’ provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP’s). In summary, many of the SEPP’s are not applicable to the Murray Shire and even less are applicable to the circumstances of the Planning Proposal. The assessment concludes that the Planning Proposal is not inconsistent with any of the relevant SEPP’s.

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

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

An assessment of all S117 Directions is undertaken in Attachment ‘B’. In summary, the Planning Proposal is either consistent or has some minor

² Page 5 *ibid*

inconsistencies with the relevant Directions. The inconsistencies are justified utilising the provisions within each of the Directions.

3.3. Environmental, social & economic impact

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

The subject land is described as a cleared parcel of land that has been used for agriculture for more than 100 years. There is a small stand of remnant vegetation along the southern boundary with Martin Road. These trees are isolated from other remnant vegetation and thus don't function as a habitat corridor for native fauna. Consequently the likelihood these trees are providing habitat for threatened species etc is very low to non-existent.

They will be retained in the future subdivision of the land.

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

There are no other environmental effects resulting from the Planning Proposal.

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

There will be a positive social and economic effect for the Moama community from the Planning Proposal through an increase in population. This increase will result in an increase in both community and commercial services for residents as well as an increased investment in the local community through subdivision and housing construction.

3.4. State & Commonwealth interests

- **Is there adequate public infrastructure for the Planning Proposal?**

The subject land has frontage to Twenty-four Lane within which all urban infrastructure is provided including reticulated potable water, sewer, electricity and telecommunications.

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

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

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

PART 4. MAPS

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

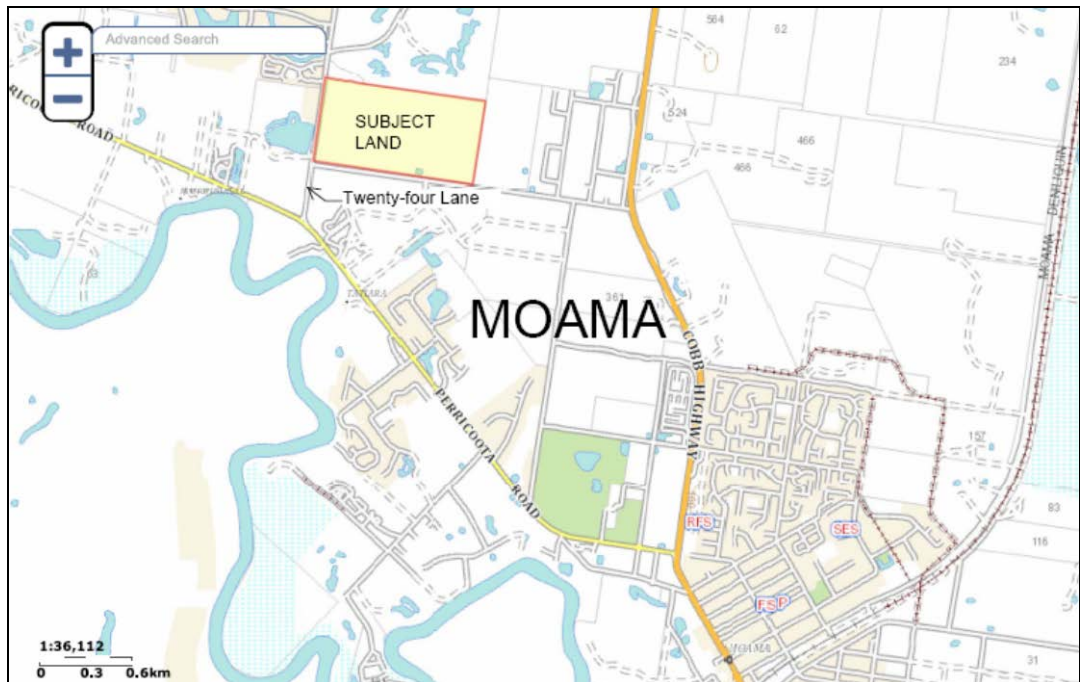


FIGURE 1: Location of subject within the context of Moama (Source: SIX Maps)



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

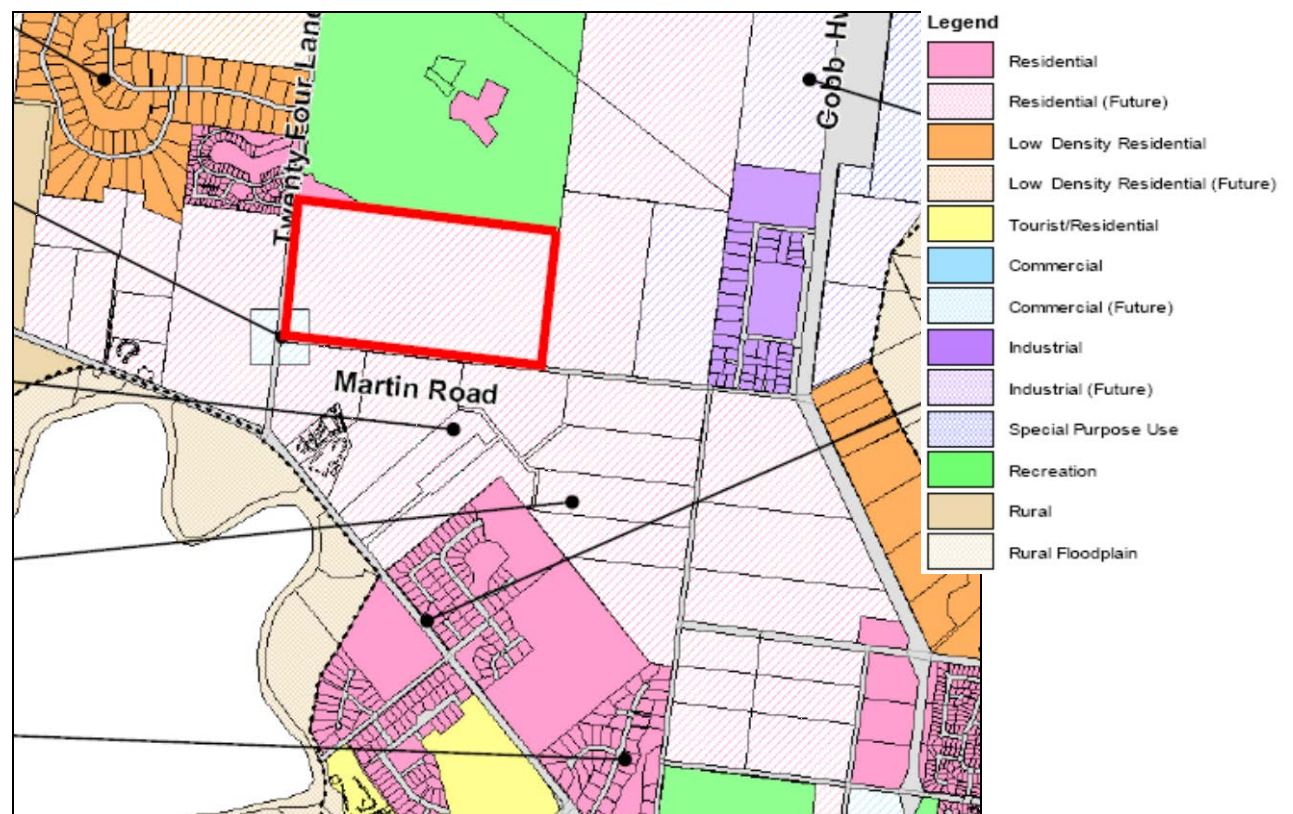


FIGURE 3: Extract from Strategic Land Use Plan for Moama

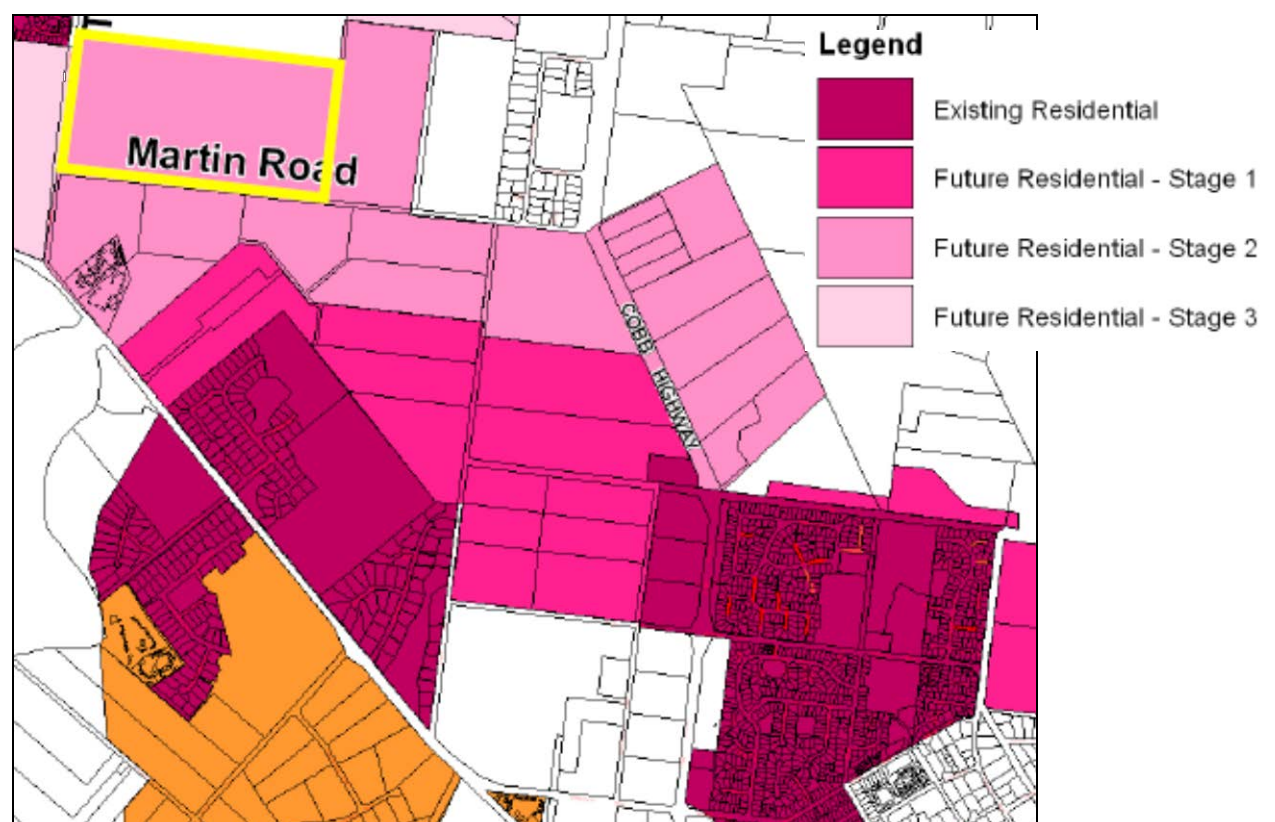


FIGURE 4: Preferred sequence for release of residential land in Moama (Source: SLUP)

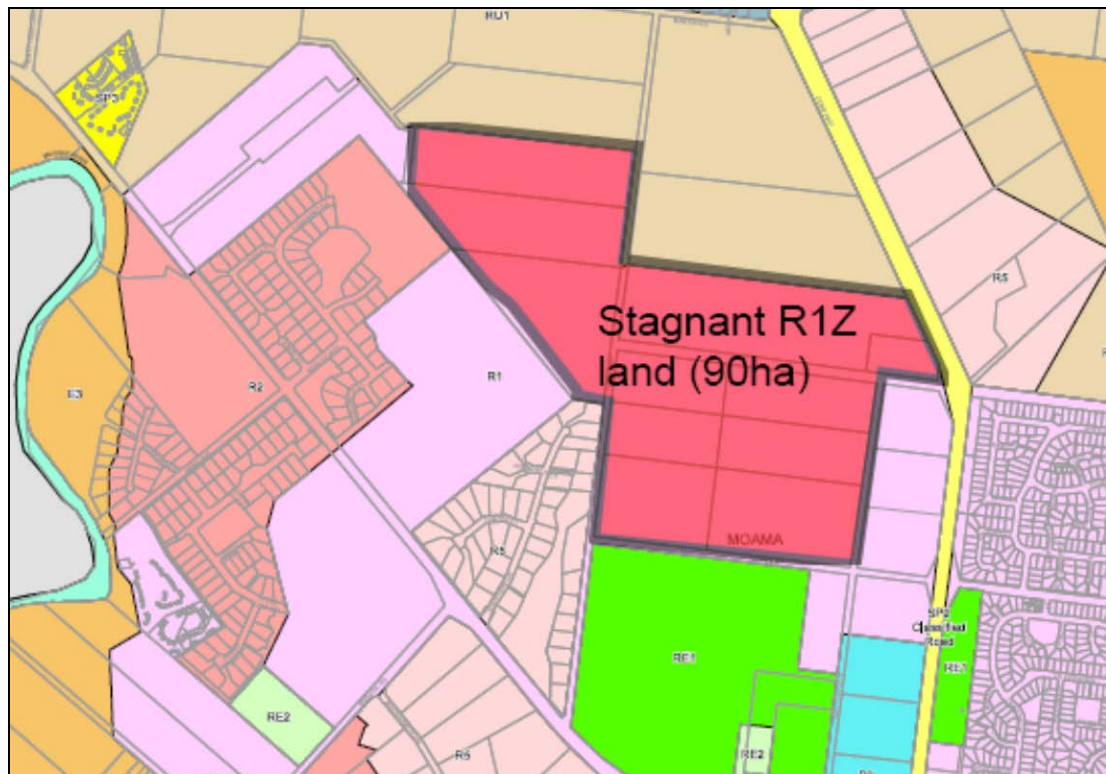


FIGURE 5: Land zoned R1 as part of Murray LEP 2011 for which no development has been proposed.

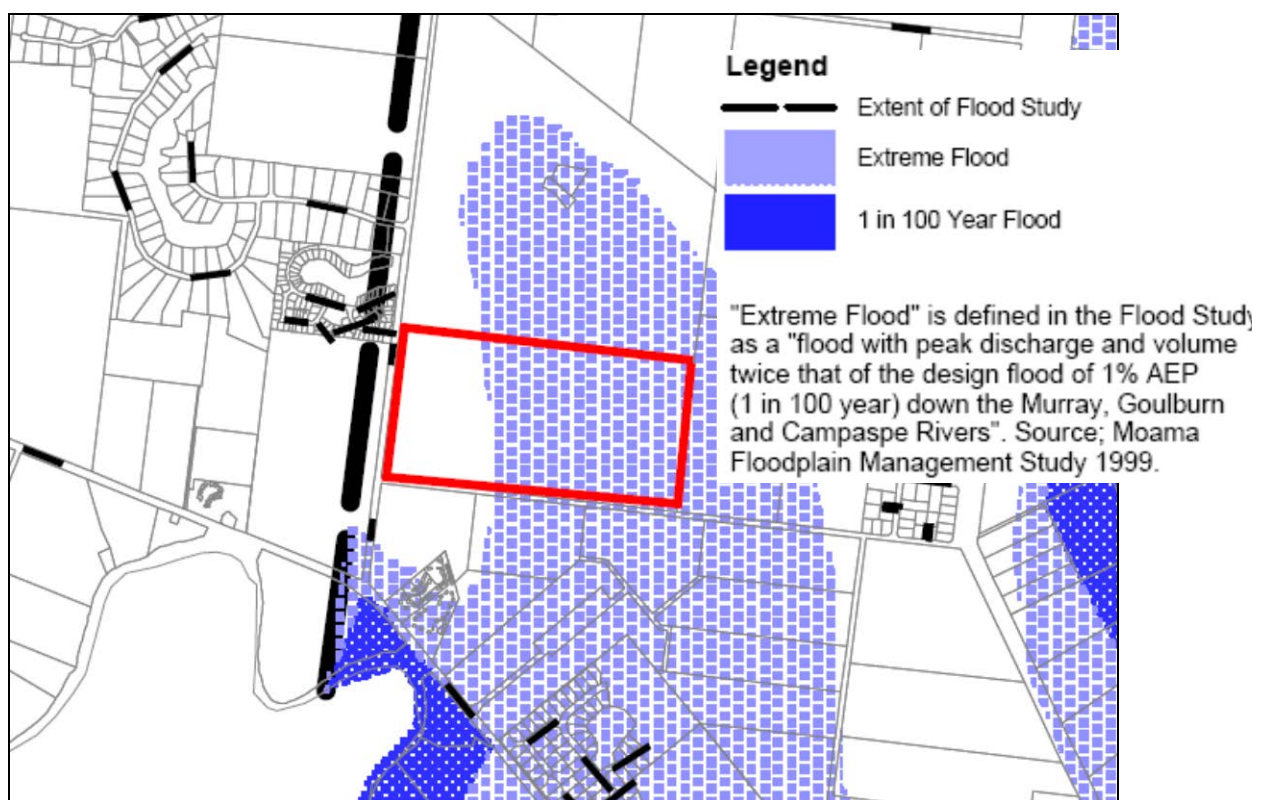


FIGURE 6: Extent of flooding within the context of the subject land
(Source: Moama Floodplain Management Study 1999)

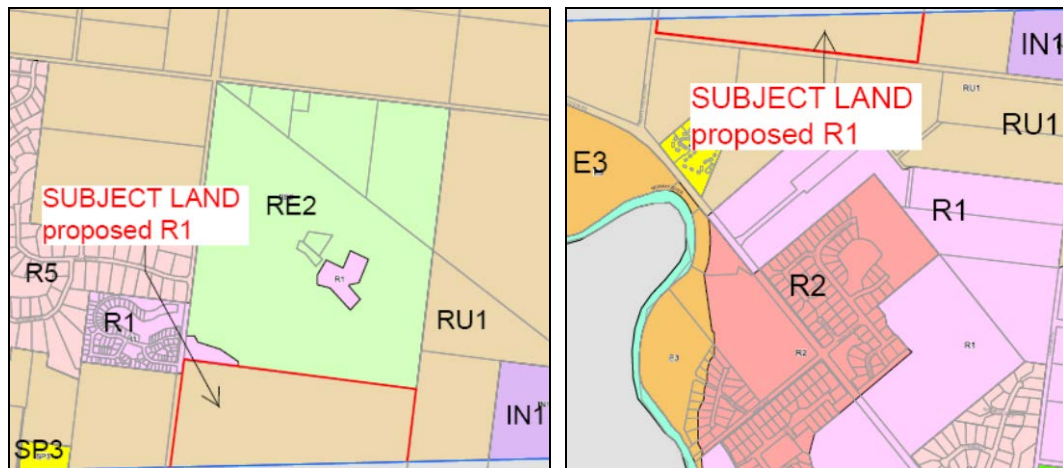


FIGURE 7: Current and proposed zoning of the subject land and surrounds
(Source: Murray LEP)

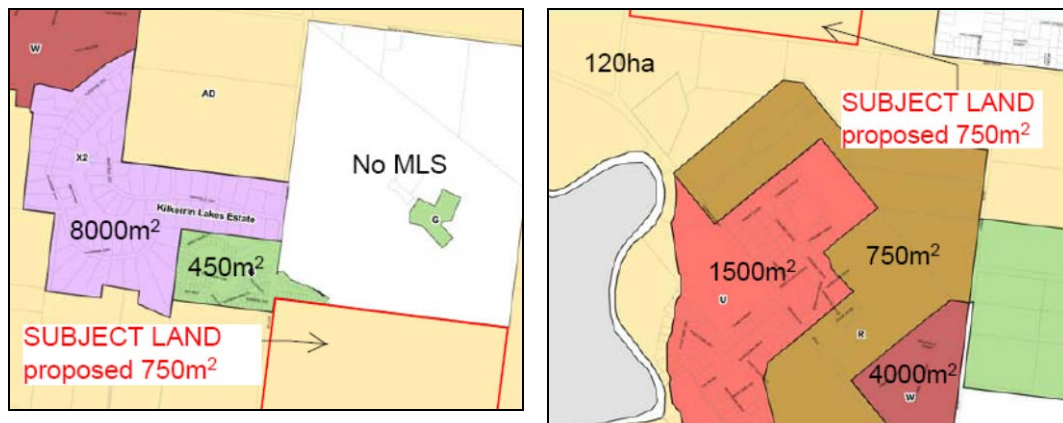


FIGURE 8: Current and proposed Minimum Lot Size for the subject land and surrounds
(Source: Murray LEP)

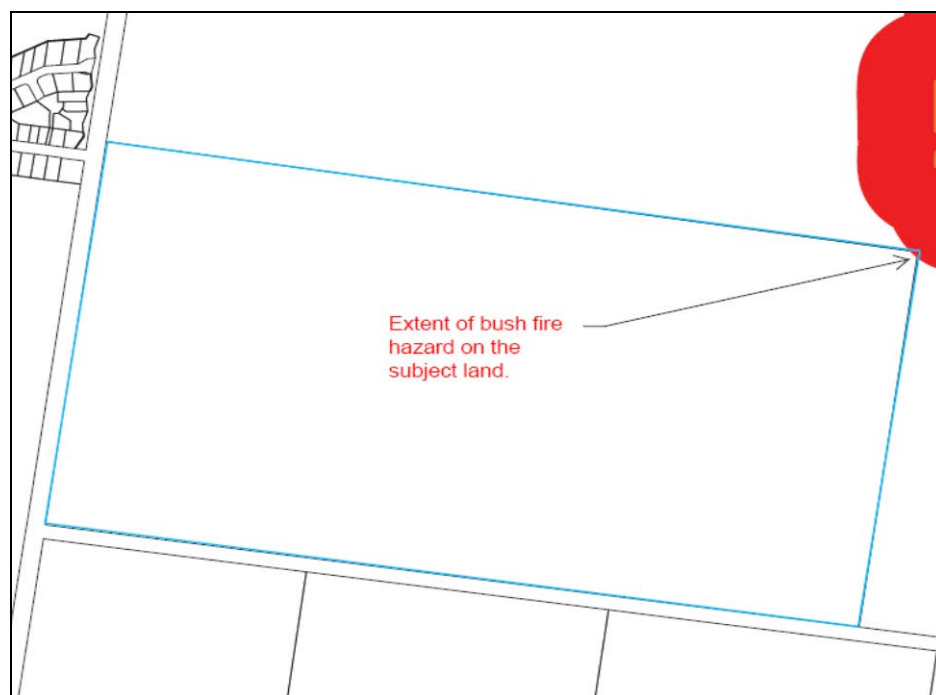


FIGURE 9: Bush fire hazard (Source: Murray Shire Bush Fire Hazard Map)

PART 5. COMMUNITY CONSULTATION

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

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

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

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

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

PART 6. PROJECT TIMELINE

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

Table 1: – Project timeline

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

CONCLUSION

The Planning Proposal is to rezone a parcel of land in Twenty-four Lane, Moama to R1 General Residential in accordance with the strategic plan for the future growth of the township. An amendment to the MLEP is necessary for such a development to be considered as the current planning regime for the subject land does not permit it.

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

- the subject land is within the town boundary of Moama;
- the density of development is sustainable for the subject land;
- there will be a net benefit for the Moama community;
- it is consistent with planning strategy;
- it is generally consistent with the broader planning framework (e.g. State provisions);
- there will no detrimental environmental effects; and
- the subject land can be provided with all urban services.

ATTACHMENT A

Consistency with State Environmental Planning Policies

Consistency of the Planning Proposal with current State Environmental Planning Policies

No.	Title	Consistency
1	Development Standards	Not applicable since gazettal of MLEP.
14	Coastal Wetlands	Not applicable to Murray Shire.
15	Rural Landsharing Communities	Not applicable to Murray Shire.
19	Bushland in Urban Areas	Not applicable to Murray Shire.
21	Caravan Parks	The Planning Proposal does not derogate from the aims, development consent requirements for caravan parks relating to, the development consent requirements, the number of sites being used for long term or short term residents, the permissibility of moveable dwellings where caravan parks or camping grounds are also permitted, and subdivision of caravan parks for lease purposes as provided in the SEPP..
26	Littoral Rainforests	Not applicable to Murray Shire.
29	Western Sydney Recreation Area	Not applicable to Murray Shire.
30	Intensive Agriculture	Not applicable as 'intensive agriculture' is prohibited in the R1 zone.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable as the subject land is needed for residential development within the R1 zone.
33	Hazardous & Offensive Development	Not applicable as 'industries' are prohibited in the R1 zone.
36	Manufactured Home Estate	The Planning Proposal does not derogate from the aims, strategies, development consent, assessment and location provisions as provided in the SEPP..
39	Spit Island Bird Habitat	Not applicable to Murray Shire.
44	Koala Habitat Protection	This SEPP is applicable because Murray Shire is listed in Schedule 1 and the subject land exceeds the area threshold. Council is required to consider whether the land offers any habitat for koalas. The vegetation on the subject land is principally River Red Gum, which is nominated in Schedule 2 of the SEPP as a 'feed tree species' for koalas. The subject land is not 'core koala habitat' as there have been no recorded sitings or no knowledge of koalas within the River Red Gum environment of the Murray River floodplain near Moama. It is noted that Moama is on the fringe of area identified in the <i>National Koala Conservation and Management Strategy 2009-2014</i> as being the range of koalas in Australia. The 2008 approved <i>Recovery plan for the koala</i> in NSW acknowledges the probability of koalas being present in the 'far west and south west' region of NSW (which includes Moama) is low. Consequently the proposal can be supported without the need for a koala management plan.
47	Moore Park Showground	Not applicable to Murray Shire.
50	Canal Estate Development	The Planning Proposal does not derogate from the aims and canal estate development prohibitions as provided in the SEPP.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to Murray Shire.

No.	Title	Consistency
55	Remediation of Land	As the Planning Proposal will create the opportunity for residential development, Clause 6 of this SEPP requires Council to consider whether the subject land is potentially contaminated. The subject land has been used for extensive agriculture (cropping and/or grazing) for more than 100 years. Unlike some other parcels in the vicinity, the subject land has not been used for viticulture or other intensive agricultural activity. Consequently there is sufficient knowledge of the subject land to accept that it is not contaminated and further investigation in this regard is not warranted.
59	Central Western Sydney Regional Open Space and Residential	Not applicable to Murray Shire.
62	Sustainable Aquaculture	Not applicable as 'aquaculture' (as a subset of 'agriculture') is prohibited within the R1 zone.
64	Advertising & Signage	The Planning Proposal does not derogate from the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
65	Design Quality of Residential Flat Development	The Planning Proposal does not derogate from the aims, development consent, assessment, information and notification requirements as provided in the SEPP.
70	Affordable Housing (Revised Schemes)	Not applicable to Murray Shire.
71	Coastal Protection	Not applicable to Murray Shire.
	Affordable Rental Housing 2009	The Planning Proposal does not derogate from the aims and functions of this SEPP as changes do not discriminate against the provision of affordable housing (and consequently affordable rental housing). The MLEP cannot influence the provision of rental housing.
	Building Sustainability Index (BASIX) 2004	The Planning Proposal does not derogate from the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
	Exempt & Complying Development Codes 2008	The Planning Proposal does not derogate from the aims and functions of this SEPP with respect to exempt and complying development provisions.
	Housing for Seniors & People with a Disability 2004	The Planning Proposal does not derogate from the aims, development consent, location, design, development standards, service, assessment, and information requirements as provided in the SEPP.
	Infrastructure 2007	The Planning Proposal does not derogate from the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	Kosciuszko National Park – Alpine Resorts 2007	Not applicable to Murray Shire.
	Kurnell Peninsula 1989	Not applicable to Murray Shire.
	Major Development 2005	Not applicable as the subject land is not a nominated State significant site.
	Mining, Petroleum Production & Extractive Industries 2007	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in the SEPP.
	Miscellaneous Consent Provisions 2007	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to temporary structures as provided in the SEPP.
	Penrith Lakes Scheme 1989	Not applicable to Murray Shire.

No.	Title	Consistency
	Murray Regional Environmental Plan No. 2 – Riverine Land	The subject land is within the area to which MREP2 applies. The Planning Proposal does not contradict the general planning principles of MREP2 as it will have little to no impact on the riverine environment. An assessment against the specific planning principles within MREP2 is undertaken in Attachment 'C'. As the subject land is located more than 500 metres from the top of the river bank at the closest point, most of the specific planning principles in Part 2 of MREP2 don't require consideration. Figure 6 shows that the subject land is not flood prone (except for in an 'extreme' event known as a Probable Maximum Flood or PMF) and located close to existing services and facilities. Consequently the proposal satisfies the specific principle for 'settlement'.
	Rural Lands 2008	This SEPP is relevant because the subject land is currently zoned RU1. Clause 10 requires Council to consider the following matters relating to subdivision and dwellings. a) <i>the existing uses and approved uses of land in the vicinity of the development,</i> b) <i>whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</i> c) <i>whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</i> d) <i>if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,</i> e) <i>any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).</i> The Planning Proposal is generally consistent with these matter because: a) The land uses in the immediate vicinity of the subject land are a mix of open space (golf course), rural, industry (winery), residential and tourist accommodation. The development of the land for residential purposes is generally compatible with these surroundings. b) The preferred use of the subject land and surrounding land is residential as depicted in the SLUP. Rezoning the land to allow residential development is therefore consistent with the preferred use. c) Residential development will be generally compatible with all the surrounding land uses. d) There is no land zoned for rural residential adjoining the subject land. e) A buffer may be required to the vineyard on the opposite side of Martin Road until such time as the vines are removed for residential development. This is a requirement of Clause 7.10 of the Murray Development Control Plan.
	SEPP53 Transitional Provisions 2011	Not applicable to Murray Shire.
	State & Regional Development 2011	Not applicable as the Planning Proposal is not for State significant development.
	Sydney Drinking Water Catchment 2011	Not applicable to Murray Shire.
	Sydney Region Growth Centres 2006	Not applicable to Murray Shire.
	Three Ports 2013	Not applicable to Murray Shire.
	Urban Renewal 2010	Not applicable as the subject land is not within a nominated urban renewal precinct.
	Western Sydney Employment Area 2009	Not applicable to Murray Shire.

No.	Title	Consistency
	Western Sydney Parklands 2009	Not applicable to Murray Shire.

ATTACHMENT B

Consistency with Ministerial Directions

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

No.	Title	Consistency
1.	Employment and Resources	
1.1	Business & Industrial Zones	Not applicable as the planning proposal does not affect any commercial or industrial zone.
1.2	Rural Zones	This direction is relevant because the planning proposal affects land within an existing rural zone. The proposal is inconsistent with the direction because it seeks to rezone land from a rural zone to a residential zone. However the inconsistency is justified by a strategy (the SLUP) that specifically identifies the subject land for future residential development.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable as the planning proposal does not impact on mining.
1.4	Oyster Aquaculture	Not applicable as the subject land is not within a Priority Oyster Aquaculture Area.
1.5	Rural Lands	This direction is relevant because the planning proposal affects land within an rural zone and advocates a minimum lot size for subdivision less than that permitted in the RU1 zone. The direction requires that the planning proposal must be consistent with the following Rural Planning Principles expressed in the SEPP (Rural Lands). a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> b) <i>recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i> c) <i>recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i> d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> e) <i>the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i> f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i> g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i> h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> The planning proposal can be considered consistent with these principles for the following reasons: a) The land is located within the township of Moama as such and designated for future residential development. Consequently it can be considered as having no economic future in a rural context. b) As for a) above. c) The loss of a relatively small parcel of rural land through its rezoning and development will have no impact on the local community. d) The use of the land for residential purposes as part of Moama's continued growth is more in the community's interest than rural use. e) Apart from a small cluster of trees on the southern boundary, the subject land is devoid of environmental features. It is also practically unaffected by natural hazards such as bushfire and flooding in a 1 in 100 year event. f) The land is identified for future residential development as part of the Moama township.

No.	Title	Consistency
		g) The proposed housing is not 'rural' but in any case it will be fully serviced to minimise impacts. h) There are no adopted strategies endorsed by the Director-General applicable to the subject land (including the stalled Murray Region Strategy). The direction also requires that the planning proposal must be consistent with the following Rural Subdivision Principles expressed in the SEPP (Rural Lands). a) <i>the minimisation of rural land fragmentation,</i> b) <i>the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</i> c) <i>the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,</i> d) <i>the consideration of the natural and physical constraints and opportunities of land,</i> e) <i>ensuring that planning for dwelling opportunities takes account of those constraints.</i> The planning proposal can be considered consistent with these principles for the following reasons: a) Whilst the planning proposal will result in the fragmentation of rural land, the subject land effectively has no value for agriculture. Being situated within the township of Moama, the land is actually better suited for urban purposes and has been identified in the SLUP for this purpose. b) There is potential for conflict between the residential use of the subject land and the use of land on the opposite side of Martin Road for viticulture. This land is also designated for future residential development and in time the vines will be removed to facilitate this transition. Until then an appropriate buffer will be required between the two uses, noting that Martin Road already performs this function. Consideration along the same lines will also need to be given to the winery on the opposite side of Twenty-four Lane to the subject land. c) There are no agricultural holdings and the proposed development is not for 'rural residential'. d) The subject land is above the 1 in 100 year flood level and can be provided with all urban infrastructure. It is partially constrained by a small pocket of remnant vegetation on the southern boundary. Having two road frontages and access to all urban services presents as an opportunity for the land to be developed for urban residential purposes. e) The pocket of remnant vegetation can be incorporated within any future subdivision layout for the subject land.
2. Environment and Heritage		
2.1	Environment Protection Zones	This direction is relevant because it applies to all planning proposals. The planning proposal is consistent with the direction because the subject land has no "<i>environmentally sensitive areas</i>" that are affected.
2.2	Coastal Protection	Not applicable as the subject land is not within a coastal zone.
2.3	Heritage Conservation	This direction is relevant because it applies to all planning proposals. The planning proposal is consistent with this direction because the subject land does not contain any known "<i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance</i>". A heritage study has been undertaken for Moama with all items of significance identified in the MLEP and afforded protection by clause 5.10. None of these items are located in or near the subject land.

No.	Title	Consistency
2.4	Recreation Vehicle Areas	This direction is relevant because it applies to all planning proposals. The planning proposal is consistent with the direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i>.
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	This direction is relevant because the planning proposal is advocating an urban residential development. The planning proposal is consistent with this direction because it will provide for a greater choice and supply of housing in Moama; make use of existing urban infrastructure in Twenty-four Lane and provide lots that within the boundaries of the Moama township. In addition, the planning proposal does not reduce the density of residential development and the MLEP already contains a provision (clause 7.1) requiring development to be adequately serviced.
3.2	Caravan Parks & Manufactured Home Estates	This direction is relevant because it applies to all planning proposals. The planning proposal is not inconsistent with this direction because it does not contemplate “suitable zones, locations and provisions” for caravan parks and manufactured homes estates.
3.3	Home Occupations	This direction is relevant because it applies to all planning proposals. The planning proposal will not prevent future dwellings being used for ‘home occupations’ and hence is consistent with this direction.
3.4	Integrating Land Use and Transport	This direction is relevant because the planning proposal is advocating an urban residential development. The planning proposal will facilitate residential development at an urban scale and within the urban boundary of Moama. The subject land is within a five minute drive of the Moama commercial centre. Recreational facilities are available next door at the Rich River Golf Club. Having regard for these circumstances, the planning proposal is considered consistent with this direction.
3.5	Development Near Licensed Aerodromes	Not applicable as the subject land is not in the vicinity of a licensed aerodrome.
3.6	Shooting Ranges	Not applicable as the subject land is not in the vicinity of a shooting range.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable as the subject land does not contain acid sulphate soils.
4.2	Mine Subsidence & Unstable Land	Not applicable as the subject land is not within Mine Subsidence District.
4.3	Flood Prone Land	This direction is called up because it applies to proposals that alter the zoning of flood prone land. ‘Flood prone land’ is defined in the <i>Floodplain Development Manual 2005</i> as “land susceptible to flooding by the PMF event”. Whilst the subject land is not within the Flood Planning Area as shown on the Flood Planning Map in the MLEP (i.e. within the 1 in 100 year flood), Figure 6 shows that it is affected by the Probable Maximum Flood (PMF). The planning proposal is not inconsistent with this direction because all of the requirements relate to land within the Flood Planning Area, which doesn't include the subject land.
4.4	Planning for Bushfire Protection	This direction is relevant because a very small part of the land within the planning proposal is mapped as bush fire prone (see Figure 9). An assessment of the future subdivision of the land against the requirements of the <i>Planning for Bush Fire Protection</i> guideline is undertaken in Attachment ‘D’. This assessment concludes that the development can achieve the ‘acceptable solutions’ to the ‘performance criteria’ for Asset Protection Zones, public roads and property access.

No.	Title	Consistency
5.	Regional Planning	
5.1	Implementation of Regional Strategies	Not applicable as the subject land is not within one of the regional strategies nominated in this direction.
5.2	Sydney Drinking Water Catchment	Not applicable as the subject land is not within the Sydney Drinking Water Catchment.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable as the subject land is not within one of the local government areas nominated in this direction.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable as the subject land is not near the Pacific Highway.
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked in 2010.
5.6	Sydney to Canberra Corridor	Revoked in 2008.
5.7	Central Coast	Revoked in 2008.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable as the subject land is not near the site for a second Sydney airport.
5.9	North West Rail Link Corridor Strategy	Not applicable as the subject land is not near this corridor.
6.	Local Plan Making	
6.1	Approval and Referral Requirements	This direction is relevant because it applies to all planning proposals. The planning proposal is consistent with this direction because it does not propose any referral requirements or nominate any development as 'designated development'.
6.2	Reserving Land for Public Purposes	This direction is relevant because it applies to all planning proposals. The planning proposal is consistent with this direction because it does not remove or propose any public land.
6.3	Site Specific Provisions	Not applicable as the proposal does not propose any site specific provisions.
7.	Metropolitan Planning	
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the subject land is not within one of the local government areas nominated in this direction.

ATTACHMENT 'C'

Consideration of principles within MREP2

Consistency of the Planning Proposal with specific planning principles in MREP2

Principles to be taken into account	Compatibility of proposal
General (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.	Satisfaction against the general objectives can be determined by the assessment against the specific principles below. There are no known river management plans relevant to the proposal. Polluted stormwater is the only consequence of the development that potentially could have a detrimental downstream impact. The subject land is more than 500 metres from the river itself and stormwater from any future subdivision will be detained prior to discharge. Done properly, this should result in no downstream impacts. None.
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.	The proposal does not prevent access to the river. Not applicable. The subject land does not have frontage to the river.
Bank disturbance Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.	The development is not on riverfront land.

Principles to be taken into account	Compatibility of proposal
Flooding Where land is subject to inundation by floodwater: (a) the benefits to riverine ecosystems of periodic flooding, (b) the hazard risks involved in developing that land, (c) the redistributive effect of the proposed development on floodwater, (d) the availability of other suitable land in the locality not liable to flooding, (e) the availability of flood free access for essential facilities and services, (f) the pollution threat represented by any development in the event of a flood, (g) the cumulative effect of the proposed development on the behaviour of floodwater, and (h) the cost of providing emergency services and replacing infrastructure in the event of a flood. Flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the Department of Water Resources	The Flood Planning Map in the MLEP shows that the subject land is not flood prone in a 1 in 100 year event. Not applicable.
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 only land disturbance arising from the proposal is site preparation. During construction of the future subdivision and dwellings, earthworks will be controlled via a Soil and Water Management Plan.
Landscape Measures should be 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.	Notwithstanding that the subject land does not have river frontage, it is highly modified from its natural riverine environment. There remains a pocket of remnant trees along Martin Road. It would be desirable to retain these trees as possible in any future development of the land.
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.	The subject land is not 'on' or adjacent to the river. The subject land is not 'riverside' land and Perricoota Road and Twenty-four Lane prevent direct access to the river.

Principles to be taken into account	Compatibility of proposal
Settlement <i>New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located:</i> (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.	The proposal is considered to be infill rather than 'greenfield' development. Notwithstanding that, the subject land is not flood prone and located within a five minute drive of services in central Moama. The subject land is not 'prime' agricultural land. In any case, the subject land is already strategically designated for future residential development (i.e. it is already conceded that the land will be lost to agriculture).
Water quality <i>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.</i>	It is possible that development of the land for urban residential purposes will result in an improvement of water quality in the river because run-off from the agricultural activity is unconstrained and potentially more polluted.
Wetlands <i>Wetlands are a natural resource which have ecological, recreational, economic, flood storage and nutrient and pollutant filtering values.</i> <i>Land use and management decisions affecting wetlands should:</i> (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	The subject land does not contain a wetland.

ATTACHMENT 'D'

Bush Fire Risk Assessment

Standards for Bush Fire Protection Measures for Residential Subdivision³

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS	RESPONSE
<i>The intent of the protection measures may be achieved where:</i>		
<i>in relation to Asset Protection Zones:</i> - radiant heat levels at any point on a proposed building will not exceed 29 kW/m² - APZs are managed and maintained to prevent the spread of a fire towards the building. - APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated	- An APZ is provided in accordance with the relevant tables/figures in Appendix 2 of the Guideline. - The APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3) in accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005). - The APZ is located on lands with a slope less than 18 degrees.	- The APZ has been calculated at 10 metres using 'woodland (grassy)' as the vegetation type in the APZ Calculator and applied to the future subdivision of the land. - An APZ can be accommodated wholly within the subject land. - Compliant.
<i>in relation to public roads:</i> fire fighters are provided with safe all-weather access to structures (thus allowing more efficient use of fire fighting resources)	- Public roads are two-wheel drive, all-weather roads. - Public roads up to 6.5 metres wide provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.	- The subject land has frontage to Twenty-four Lane and Martin Road in Moama. Internal roads will be constructed in accordance with Council's design standards for urban residential subdivision. - The design of the future subdivision will comply with the minimum standard. This will be confirmed with an application for a Bush Fire Safety Authority accompanying the development application for subdivision.

³ Section 4.1.3 of Planning for Bush Fire Protection (RFS 2006)

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

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS	RESPONSE
- roads that are clearly sign- posted (with easily distinguishable names) and buildings/properties that are clearly numbered. - there is clear access to reticulated water supply - parking does not obstruct the minimum paved width	- Public roads greater than 6.5 metres wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water for fire suppression. - Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with the services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression. - Public roads greater than 6.5 metres wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water for fire suppression. - One-way only public access roads are no less than 3.5 metres wide and provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression. - Parking bays are a minimum of 2.6 metres wide from kerb edge to road pavement. No services or hydrants are located within the parking bays. - Public roads directly interfacing the bush fire hazard vegetation provide roll top kerbing to the hazard side of the road.	- The design of the roads within the future subdivision will comply with these minimum standards. This will be confirmed with an application for a Bush Fire Safety Authority accompanying the development application for subdivision. - A reticulated water supply for fire suppression will be provided to the subject land. - No one-way access roads are planned for the subject land. - The design of the roads within the future subdivision will comply with these minimum standards. This will be confirmed with an application for a Bush Fire Safety Authority accompanying the development application for subdivision.
in relation to property access: - access to properties is provided in recognition of the risk to fire fighters and/ or evacuating occupants. - the capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles. - all-weather access is provided.	- At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road. - Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).	- More than one access shall be provided to the subject land from the adjoining subdivision. - No bridges will be required in the future subdivision and none need to be crossed to access the land.

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

