

BRIAN MITSCH & ASSOCIATES

PLANNING PROPOSAL

REZONING LOTS 232 AND 233
DEPOSITED PLAN 751152

NICHOLAS DRIVE

TOWN OF MOAMA

PARISH OF MOAMA

COUNTY OF CADELL



ABN 67842533814

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INTRODUCTION

The Murray Shire Council at its meeting held on the 16th June 2009 resolved to support a request to spot rezone land in Nicholas Drive at Moama being Lot 232 and Lot 233 in Deposited Plan 751152.

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

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

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

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

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

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are to extend the urban zone land at Moama to cater for continued growth. The Murray Shire Council have prepared a Strategic Land Use Plan which has been on public display. This Strategic Plan has identified the need for further infill development and at Page 5 under the heading “Supply of Residential Lands”, identifies the subject land as being available for;

“infill development east of Cobb Highway, and within flood levee, is preferred for residential development in the short term.”

The land the subject of this proposal will, after rezoning, be made available for the continuing demand for residential land in Moama as identified in the Murray Shire Strategic Land Use Plan.

PART 2 – EXPLANATION OF PROVISIONS

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

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

PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

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

The land has been identified as being suitable for short term infill development in the Strategic Land Use Plan adopted by the Murray Shire Council.

At Page 5 under the heading “Moama supply of residential land” the Strategic Land Use Plan concludes *inter alia* that:

“infill development east of the Cobb Highway and within the floodway.....is preferred for the residential development in the short term.

The Land Use Map on Page 8 of the Strategic Land Use Plan refers to the land as residential infill development created by the new flood levee.”

The Moama Floodplain Management Study prepared by Sinclair Knight Merz on behalf of the Shire of Murray, after consultation with the community, amended the alignment of the levee bank to include this land in the flood protected area within the environs of Moama. The action was taken because at the time it became clear that the land would be needed for residential development.

The Moama Floodplain Management Study, Volume 3 – Community Consultation Documents at Page 1-19 refers to the realignment (of the levee bank) north of the industrial estate. The land described as being north of the industrial estate is the subject land.

In that study it was found that:

“that these two portions of land are “relevantly flood free” and would not have been affected in the 1993 flood had the water in the floodplain west of the Deniliquin/Moama railway line not been held back and then breached by levees upstream.”

It is submitted that:

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

As a consequence and as a matter of history that the levee bank alignment was changed and moved to ensure that this land was protected from flooding.

- The Plan at Figure 2.7 showing the proposed levee bank attached to the Moama Floodplain Management Study – Volume 3 shows where the realignment option was to take place with the clear intention that the land the subject of this report would be made available for residential purposes having been protected from flooding. A copy of this plan is attached as Annexure “A”.

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

The Strategic Land Use Plan has identified a need for additional land to be provided for the continued growth of Moama.

Population figures from the Bureau of Statistics show that the Murray Shire continues to expand. Population figures below show the Shire wide population years from census year 1976 to 2006.

Census year	1976	1981	1986	1991	1996	2001	2006
Population	3545	3912	4522	4970	5397	5894	6417

The Strategic Land Use Plan indicates that the Township of Moama also continues to enjoy the majority share of that growth as shown below.

Census year	1996	2001	2006
Population	2916	3674	4639

There is a continuing need to cater for this growth and this need was recognised in the preparation of Moama Floodplain Management Plan resulting in the flood levee alignment being relocated to include the subject land in the protected area. This was done after extensive consultation with the community as outlined in Volume 3 of the Moama Floodplain Management Study prepared by Sinclair Knight Merz title “Community Consultation documents”.

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

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

Currently there are approximately 30 to 40 lots available for development in Moama. There are provisions made for a further 60 lots to be developed giving Moama a residential land supply of only 80 to 100 lots.

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

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

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

3. Is there a net community benefit?

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

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

In the past Moama has developed towards the north and towards this land to the extent that the land immediately to the west and south is now fully developed for residential purposes. The land immediately to the east is flood liable and is not protected by the levee system. The land immediately to the north is also flood liable and that area that is included in the flood protection zone has been set aside for retention basins to cater for drainage generated from the developing area to the north and north east of Moama.

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

It is significant to note that the original alignment of the levee bank was altered to protect this land because at the time of the planning for that levee bank it became obvious even then that this was an area in which the expansion of the Moama community would move.

The land owners at the time contributed towards the cost of the construction of the levee and in this instance refer to the Moama Floodplain Management Study – Volume 3.

The Strategic Land Use Plan prepared for the Murray Shire Council has also identified this land as being suitable for short term infill residential development.

Section B – Relationship to strategic planning framework.

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

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

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

9. GENERAL PRINCIPLES

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

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

(A) THE OBJECTIVES OF THIS PLAN ARE:

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

The Murray Shire Council have in the preparation of their Strategic Land Use Plan given appropriate consideration to the development of this land and have concluded that the land is suitable for in fill development east of the Cobb Highway and within the flood levee.

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

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

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

The Murray Shire Strategic Land Use Plan identifies this land as being available and suitable for residential development.

(B) ANY RELEVANT RIVER MANAGEMENT PLAN

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

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

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

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

The cumulative impact of the proposed development has been taken into account by the Murray Shire Council in preparation of the Strategic Land Use Plan.

10 SPECIFIC PRINCIPLES

The land is located remotely from the Murray River. There is no direct access between the Murray River and the subject land. Hence a number of the specific principles outlined in Murray Regional Environmental Plan will not be applicable to this property.

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

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

Access

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

Bank disturbance

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

Flooding

- 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 land is protected by the Moama Flood Levee system.

Land degradation

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

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

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.

There will be no native vegetation affected by the subject land and the land being remote from the river there will be no affect on the riverscape.

River related uses

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

Settlement

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

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

- (a) protected from flood free land,

Moama

Strategic Land Use Plan

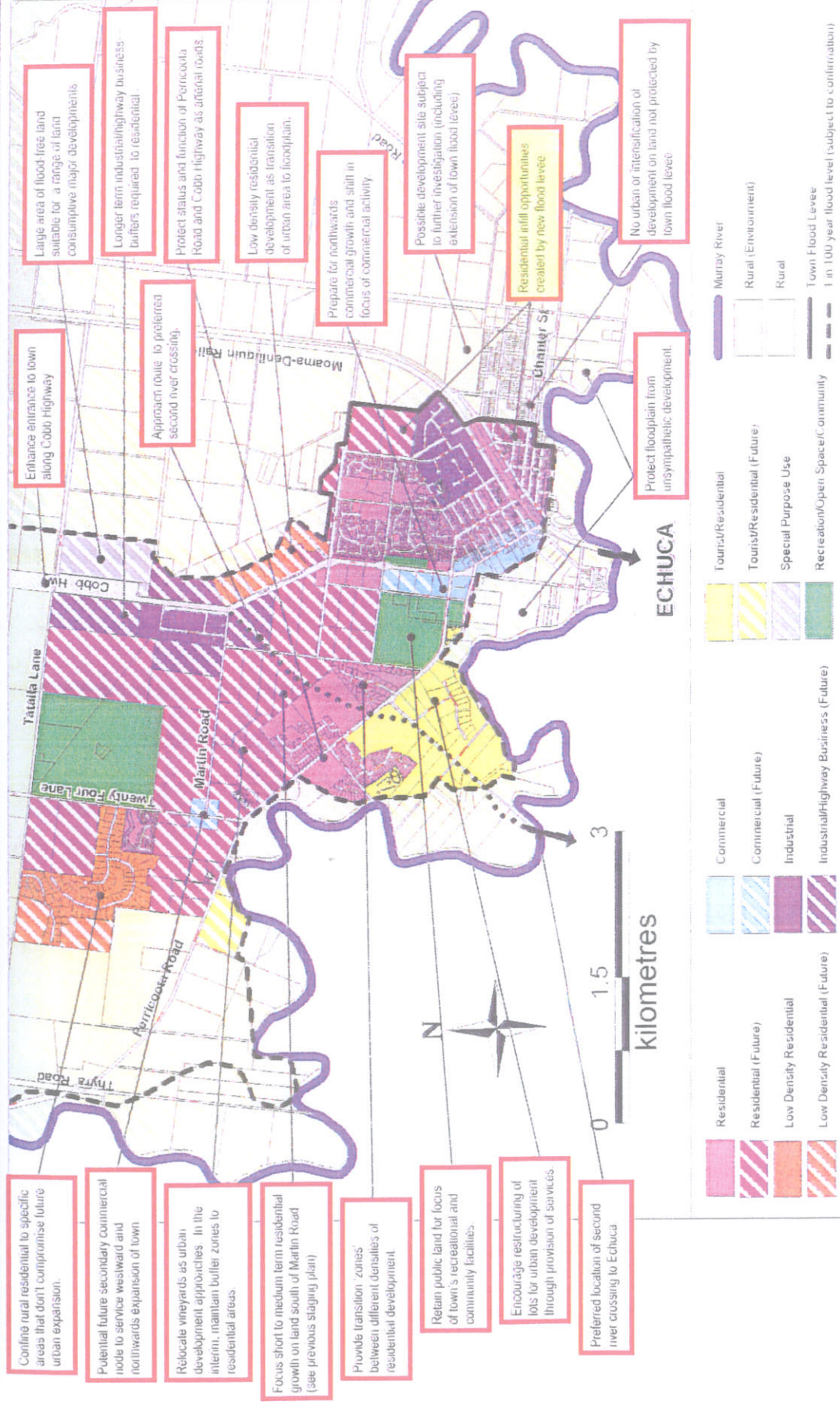


FIGURE 1

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

Water quality

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

The land is remote from the River and hence the development of this land will not affect the water quality within the Murray River system.

Wetlands

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

Land use and management decisions affecting wetlands should:

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

There are no wetlands associated with the subject land.

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

As indicated above the proposal is consistent with the Strategic Land Use Plan prepared by the Murray Shire Council. A copy of the Strategic Land Use Map is shown in Figure 1.

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

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

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

State Environmental Planning Policy No 1—Development Standards	Not inconsistent
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent
State Environmental Planning Policy No 6—Number of Storeys in a Building	Not inconsistent
State Environmental Planning Policy No 14—Coastal Wetlands	Not applicable
State Environmental Planning Policy No 15—Rural Landsharing Communities	Not inconsistent
State Environmental Planning Policy No 19—Bushland in Urban Areas	Not inconsistent

State Environmental Planning Policy No 21—Caravan Parks	Not inconsistent
State Environmental Planning Policy No 22—Shops and Commercial Premises	Not inconsistent
State Environmental Planning Policy No 26—Littoral Rainforests	Not applicable
State Environmental Planning Policy No 29—Western Sydney Recreation Area	Not applicable
State Environmental Planning Policy No 30—Intensive Agriculture	Not applicable
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Not inconsistent
State Environmental Planning Policy No 33—Hazardous and Offensive Development	
State Environmental Planning Policy No 36—Manufactured Home Estates	Not inconsistent
State Environmental Planning Policy No 39—Spit Island Bird Habitat	Not applicable
State Environmental Planning Policy No 41—Casino Entertainment Complex	Not applicable
State Environmental Planning Policy No 44—Koala Habitat Protection	Not inconsistent
State Environmental Planning Policy No 47—Moore Park Showground	Not applicable
State Environmental Planning Policy No 50—Canal Estate Development	Not applicable
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
State Environmental Planning Policy No 53—Metropolitan Residential Development	Not applicable
State Environmental Planning Policy No 55—Remediation of Land	Not inconsistent

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

State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	Not applicable
State Environmental Planning Policy No 60—Exempt and Complying Development	Not inconsistent
State Environmental Planning Policy No 62—Sustainable Aquaculture	Not inconsistent
State Environmental Planning Policy No 64—Advertising and Signage	Not inconsistent
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Not inconsistent
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not inconsistent
State Environmental Planning Policy No 71—Coastal Protection	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not inconsistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not inconsistent
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not inconsistent
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not inconsistent
State Environmental Planning Policy (Infrastructure) 2007	Not applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not inconsistent
State Environmental Planning Policy (Major Development) 2005	Not inconsistent

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Rural Lands) 2008

Not inconsistent
Not inconsistent

The general rural planning principles contained in this State Planning Policy relate to land that is to remain in rural use. The Murray Shire Council have had prepared a Strategic Land Use Plan that clearly identifies the need for additional land to be included in the Village Zone to allow for orderly and planned residential development within that Village. The Moama levee bank has been rerouted to include this land within the protected area and at the time it was clearly the intention that this land would become part of the urban environment of Moama. The Strategic Land Use Plan prepared by the Murray Shire Council has identified this land as being suitable for residential development. Hence the rural planning principles contained in that State Environmental Planning Policy will, after completion of the rezoning, no longer apply to the subject land.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
State Environmental Planning Policy (Western Sydney Employment Area) 2009
State Environmental Planning Policy (Western Sydney Parklands) 2009

Not applicable
Not inconsistent
Not applicable
Not applicable

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

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

1.2 Rural Zones

The Murray Shire Council have prepared a Strategic Land Use Plan which contains information required by Clause 5 of Section 117 Direction 1.2. That Strategic Land Use Plan has concluded that the land the subject of this report is suitable for “in fill development east of Cobb Highway and in the flood levee and north of the recreation reserve is preferred for residential development in the short term”.

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

1.5 Rural Lands

Item 6 – Consistency

The Murray Shire Council’s Strategic Land Use Strategy 2006 – 2030 has been prepared to identify potential development sites within the Shire. This Strategic Land Use Strategy identifies the subject land as being suitable for residential development. Hence the proposal is consistent with Clause 6 of Item 1.5 of the Section 117 Directions.

2.1 Environmental Protection Zones

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

- 3.1 Residential Zones – The proposal is not inconsistent with this Direction.
- 3.2 Caravan Parks and Manufacture Home Estates – The proposal is not inconsistent with this Direction.
- 3.3 Home Occupations - The proposal is not inconsistent with this Direction.
- 4.3 Flood Prone Lands – The land having been protected by the construction of the Moama flood levee system is flood protected and hence the proposal is not inconsistent with this Direction.
- 4.4 Planning for Bushfire Protection

The aerial photograph attached to the Planning Proposal at Figure 2 shows the land the subject of this application to adjoin the residential development of Moama on the west, it adjoins the industrial estate on the south. It adjoins the former Council sewerage plant on the north and rural lands on the east.

The land has been generally cleared in the past as can be seen on the photo leaving isolated trees variously located about on the property as can be seen clearly on that photo.

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

- 6.1 Approval and Referral Requirements – The proposal is not inconsistent with this Direction.
- 6.3 Site Specific Provisions - The proposal is not inconsistent with this Direction.

Section C – Environmental, social and economic impact.

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

Flora and fauna issues in this vicinity have been examined at length in Section 8 of the Moama Floodplain Management Study – Volume 2 headed “Supporting Technical Studies”.

Additional environmental studies have been carried out by Ecosurveys Pty Ltd of Deniliquin to assess the impact on flora and fauna. A detailed report is included as Appendix “A” to the Moama Floodplain Management Plan – headed “Additional Environmental Studies.”

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

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

FIGURE 2



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

Development of the site would be constrained by issues relating to bushfire and vegetation management. There is a concern that the present mapping does not reflect the current vegetation pattern, The vegetation according to the current draft Shire wide LES is located on the south west corner of the property. Refer to satellite imagery attached as Figure 2.

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

The development is a continuation of three existing residential subdivisions directly to the east being Highland, Maidens Park and Moira Estates. The development of this site would be a logic continuation of the surrounding residential development. To the south there is industrial zoned land and appropriate buffers will be required to be factored into the final design.

The increase in the number of lots would increase the demand on the road network. The area is serviced by Nicholas Drive and subject to appropriate intersection upgrades would be able to accommodate the increase in traffic.

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

The expected yield would be in the vicinity of 280 lots, however such would be reduced as a result of the site constraints. The 280 lots would provide conventional residential opportunities for at least 5-10 years.

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

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

The Strategic Land Use Plan has considered the site in conjunction with the whole of the Moama environs and has recommended that this site be zoned for residential purposes.

The purpose of preparing the Strategic Land Use Plan was specifically to assist:

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

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

Further under the heading “Supply of Land” the Strategic Land Use Plan recommends that the land the subject of this report be included as the preferred land for residential development in the short term.

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

Section D – State and Commonwealth interests.

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

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

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

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

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

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

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

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

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

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

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

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

PART 4 – COMMUNITY CONSULTATION

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

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| 4. | Murray Shire Council Moama Levees Moama | Earth Tech |
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| 6. | Shire of Murray
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| 7. | Murray Shire Council
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Report | Sinclair Knight Merz 1999 |
| 8. | Site Investigations of Borrow areas Moama | R.J.Wrigley |

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FILE NAME: FIG2_7 LOCATION: K:\HYDR\EN00574\FIGURES\ DATE: 16-12-1997 18:34 JOB N°: EN00574

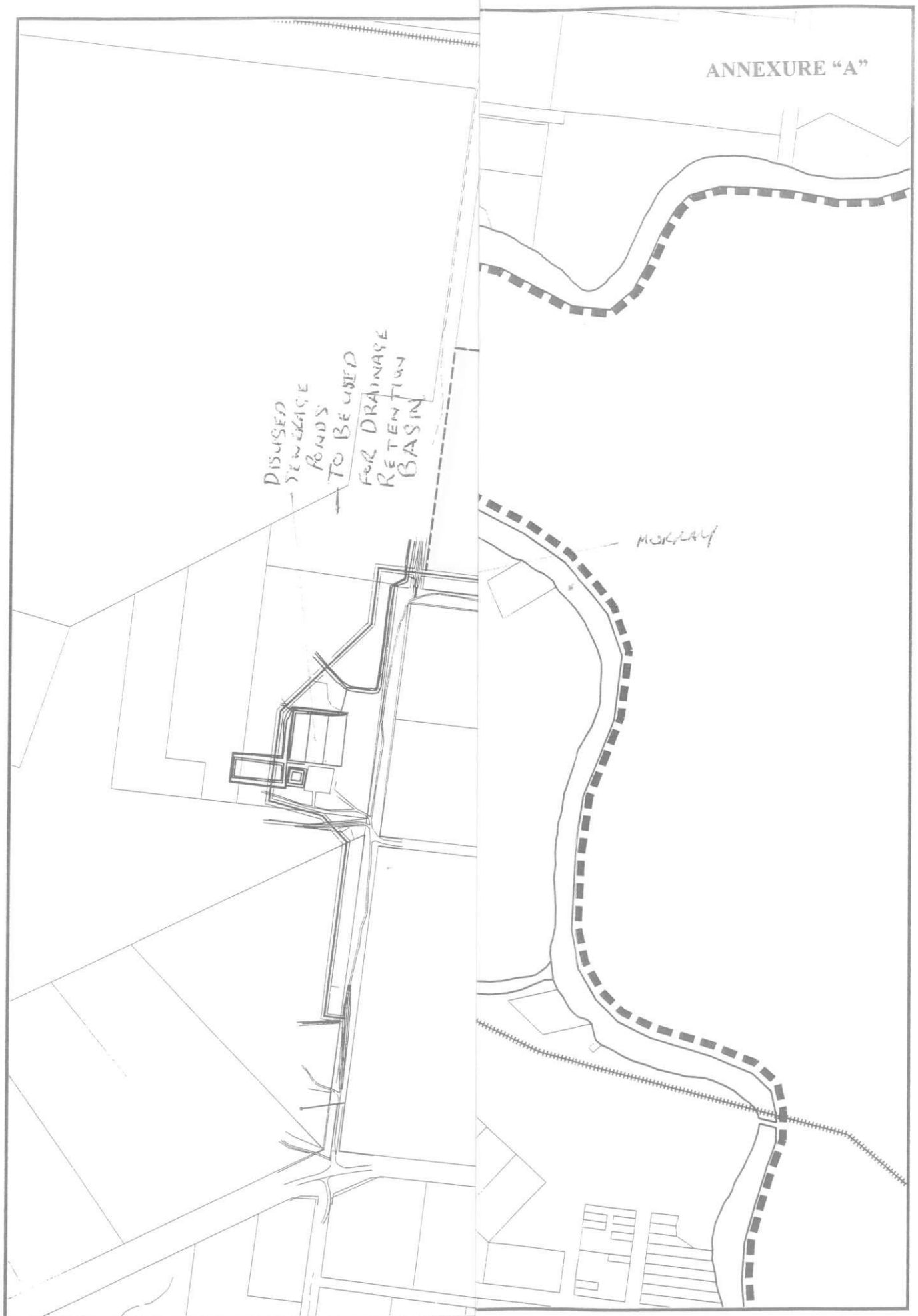


Figure 2.7
PROPOSED TOWN LEVEE

3.6 '8 Part Test'

An "8 Part Test" was undertaken in accordance with the provisions of Section 5A of the Environmental Planning and Assessment Act, 1979 (EP&A Act). This procedure is followed to determine if the proposal is likely to have any significant effect on threatened species, populations or ecological communities or their habitats.

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

No threatened species are known or are likely to occur along the proposed Moama levee route and therefore there will be no impact on the life cycle of any threatened species.

- obo In the case of an endangered population, whether the life cycles of the species that constitute the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised.**

No endangered populations have been identified as occurring along the proposed Moama levee route. Therefore there will be no impact on any endangered population as a result of this proposed development.

- oco In relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed.**

No significant areas of habitat utilised by threatened species, populations or ecological communities will be destroyed or modified as a result of this development proposal.

- odo Whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community.**

No known areas of habitat for threatened species will become isolated from other known areas of suitable habitat as a result of this development. The proposal will not result in the complete removal of habitat from the development site and amelioration measures proposed below will help to alleviate any impacts of habitat loss.

- oeo Whether critical habitat will be affected.**

No critical habitat has been listed on the Threatened Species Conservation Act 1995 that would be impacted upon by the construction of the proposed Moama levee.

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

Within the Riverina bioregion (see Thackway and Cresswell 1995) there are only five conservation reserves. Therefore threatened species and their habitats are not adequately represented in conservation reserves within the Riverina Bioregion.

- ogo Whether the development or activity proposed is that of a class of development or activity that is recognised as a threatening process.**

No threatening processes have yet been listed in Schedule 3 of the Threatened Species Conservation Act 1995.

- oho Whether any threatened species, population or ecological community is at the limit of its known distribution.**

No threatened species have been identified as occurring on the proposed levee route and therefore it is unlikely that any occurrences of a threatened species on the development site is likely to be at the edge of its range (see maps in Ayers et al. 1996).