

14. MURRAY LEP 2011 PLANNING PROPOSAL - LOT 11 DP 285511 – PERRICOOTA ROAD, MOAMA

AUTHOR: Llyan Smith - Planning Support Officer
VENUE: Moulamein Bowling Club
TRIM Reference:

Issues Considered in writing report: Community Strategic Planning – Proposed amendment of the Murray LEP 2011

RECOMMENDATION

- i. That the Officer's report be received and noted.
- ii. That after a review of the submitted Planning Proposal, Council staff are of the opinion that the submission by the Applicant provides sufficient detail to meet the requirements of the Act and 'A guide to preparing Planning Proposals'.
- iii. That the Planning Proposal be sent to NSW DPE for Gateway Determination.

BACKGROUND INFORMATION

Introduction

The process for preparing and amending a Local Environmental Plan (LEP) is stipulated in the *Environmental Planning and Assessment Act 1979* and covered within the attached '*A guide to preparing local environmental plans*', a copy of which has been tabled as Tabled Document 1 for reference.

The plan making process normally involves the following key components:-

- The preparation of a Planning Proposal;
- The issuing of a Gateway determination;
- Community and other consultation on the Planning Proposal (as required);
- Finalising the Planning Proposal;
- Drafting of the LEP;
- Making the plan; and
- Notifying the LEP on the NSW Government Legislation website.

A Planning Proposal is a document that explains the intended effect of the proposed LEP and provides the justification for making it. '*A guide to preparing planning proposals*' provides detailed advice on the preparation of a Planning Proposal.

Proposed future amendment of the Murray LEP 2011

At Council's Ordinary Meeting held 3 March 2015, Council heard a report prepared by Council's Planning Staff compiling recommendations regarding the suggested areas for review under the proposed Amendment of the Murray LEP 2011. A copy of the subject report and resolutions are tabled for reference as Tabled Document 2. A brief summary of the events leading up the meeting of 3 March 2015 is set out in Table 1 below.

Date	Event
20 May 2014	Public meeting held at the Moama Bowling Club calling for public submissions regarding suggested areas for review via a future amendment of the Murray LEP 2011.
9 December 2014	Report summarising the public submissions received requesting Murray LEP 2011 review heard at Council's Ordinary Meeting.
3 March 2015	Report setting out investigations and recommendations regarding the various areas for review nominated by public submissions (the subject report has been tabled for reference – Tabled Document 2)).

It is noted that a subsequent amendment of the Murray LEP 2011 has been adopted during the process, and therefore any reference to "Amendment 5 of the Murray LEP 2011" in previous reports and Resolutions of Council is to be interpreted as "a future amendment of the Murray LEP 2011".

PLANNING PROPOSAL 1 - Lot 11 DP 285511 – Perricoota Road, Moama

As set out in Clause 2.1 of the tabled Council report dated 3 March 2015 (Tabled Document 2), headed "*Planright Request- Lot 11 DP 285511, Perricoota Road, Moama*", Council heard that the proponent sought to rezone Lot 11 DP 285511 from RU1 Primary Production to R1 General Residential in order to allow Lot 11 DP 285511 to share the same zoning as the adjoining lot directly to the east and facilitate integration with the adjoining subdivision approved under DA 079/14 (as amended). Please see the tabled report (Tabled Document 2) for further information. In respect of this Clause, Council resolved that:-

"...the submission maker supplies Council with a study, prepared by a suitably qualified consultant, regarding the rezoning of the subject area of RU1 zoned land. The study shall be undertaken at the full cost of the submission maker..."

In accordance with the Resolution set out above, the submission maker has now supplied Council with a Planning Proposal pertaining to the subject land. The Proposal prepared by a suitably qualified consultant seeks a Resolution of Council to forward the planning proposal to NSW DPE for a gateway determination, requesting consideration of amendment to the Murray LEP 2011 via:-

- Rezoning of subject land from RU1 Primary Production to R1 General Residential;
- Reduction of required minimum lot size from 120 hectares to 750m².

As a result, Land Zoning Map LZN_006B and Minimum Lot Size Map LSZ_006B of the Murray LEP 2011 would require amendment. A copy of the Planning Proposal has been tabled for reference (Tabled Document 3).

The site

The subject site is Lot 11 DP 285511 known as RAN 312 Perricoota Road, Moama NSW 2731. This land is currently zoned RU1 Primary Production and is affected by a 120 hectare minimum lot size. The red outline in Figure 1 indicates the area affected by the subject proposal.



Figure 1 – Subject land – Lot 11 DP 285511

The lot is covered by the following Council mapping:-

Murray REP 2 Mapping

The lot is covered in its entirety – See Figure 2.



Figure 2 – Murray REP2 mapping coverage

Urban Release Area (URA) mapping

The subject lot is not currently covered by Council's URA mapping. See Figure 3 below.

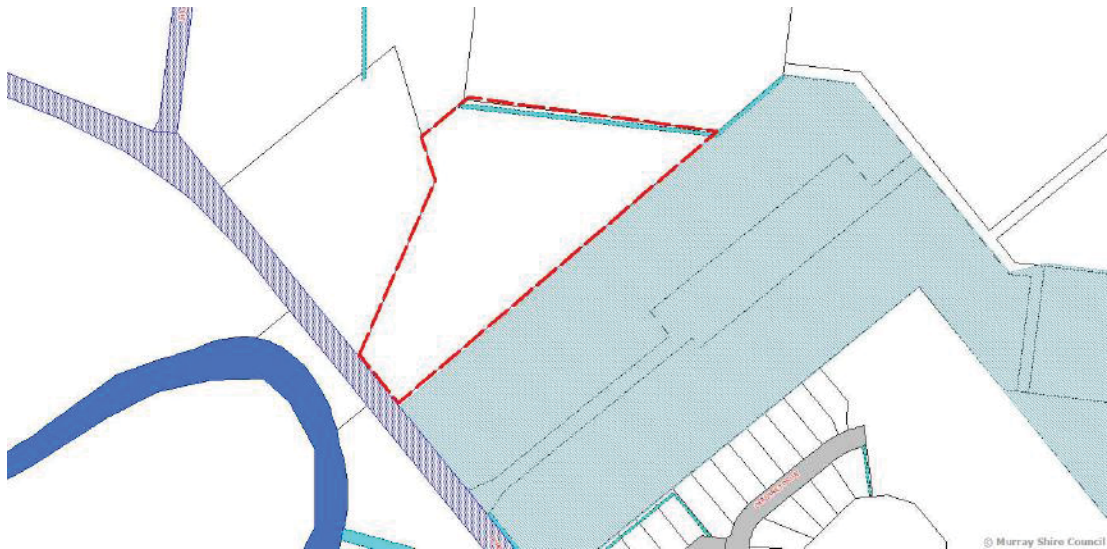


Figure 3 – Current URA mapping coverage (blue shading)

Flood planning mapping

The subject lot is not covered by Council's Flood Planning mapping of the Murray LEP 2011, as shown below in Figure 4.

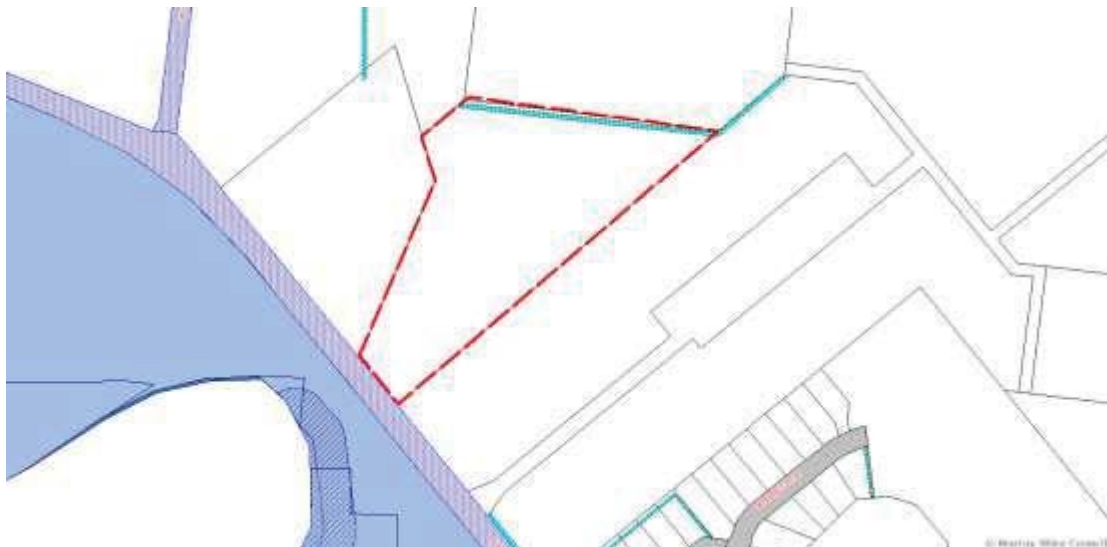


Figure 4 – Flood prone land mapping

Bushfire prone land mapping

A small section of the subject lot is mapped as bush fire prone land (mapped as 'buffer area'), as shown below in Figure 5. Figure 6 shows the bushfire mapping coverage in the southern corner of the property.

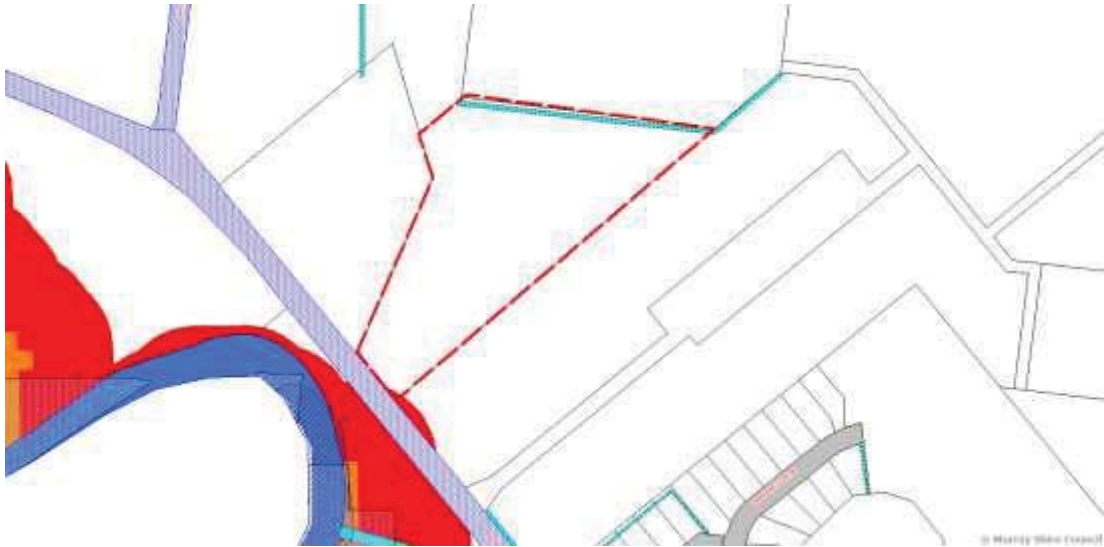


Figure 5 – Bush fire prone land mapping

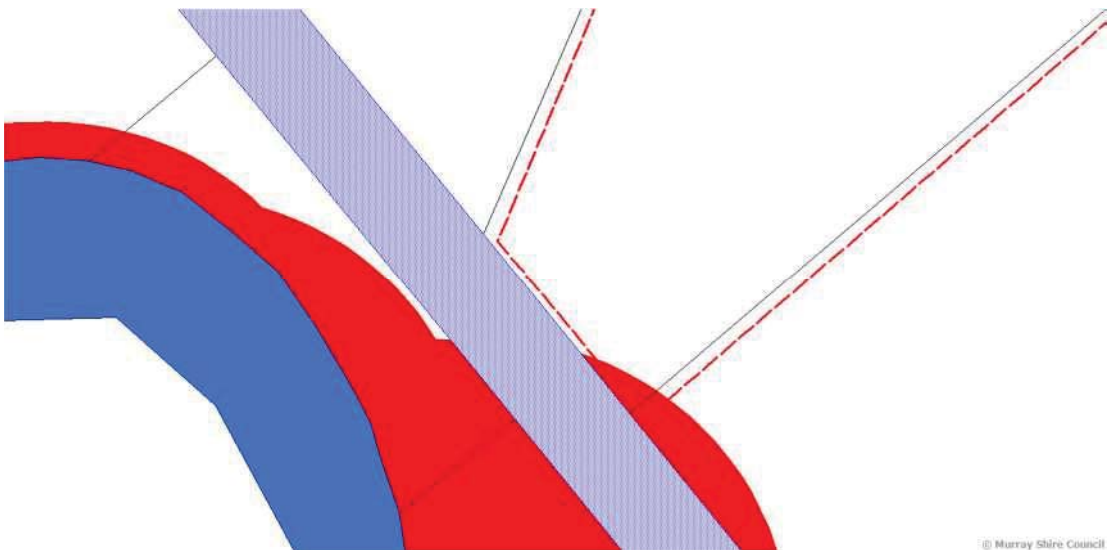


Figure 6 – Zoom of mapping showing bush fire prone land mapping coverage

The lot is not mapped as watercourse, wetlands, 'key fish habitat' biodiversity, 'terrestrial biodiversity', mining resources, or containing any known items of Aboriginal or non-Aboriginal Environmental Heritage Significance. The site is not mapped as contaminated land as outlined on Council's Contaminated Land Register, however the site is currently planted for viticulture purposes (inactive) and therefore has the potential to be contaminated.

The site currently has vehicular access from Perricoota Road and is within approximately 3.5km of Moama's main town centre. The lot has access to all required services, available for connection from the adjoining and surrounding development.

Assessment of Planning Proposal by Relevant Planning Authority (Murray Shire Council)

PART 1 – Statement of Objectives and Intended Outcomes of the Planning Instrument

Comment: This section of the proposal requires the Applicant to provide a short, concise statement setting out the objectives and intended outcomes of the Planning Proposal. The Applicant has advised that 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. The Applicant is considered to have provided a suitable statement in response to this Part. See tabled Planning Proposal for further information as Tabled Document 3.

PART 2 – Explanation of Provisions

Comment: This section of the proposal is required to demonstrate how the intended outcomes are proposed to be achieved. The Applicant has advised that the Planning Proposal is seeking to achieve the intended outcomes listed in Part 1 via rezoning of the subject land from RU1 Primary Production to R1 General Residential and subsequent amendment of Land Zoning Map LZN_006B (from RU1 Zone to R1 Zone), and Minimum Lot Size Map LSZ_006B of the Murray LEP 2011 (from 120 hectare minimum lot size to 750m²). The Applicant is considered to have provided a suitable statement in response to this Part. See tabled Planning Proposal for further information (Tabled Document 3).

PART 3 – Justification

Comment: This section of the proposal is required to identify any environmental, social and/or economic impacts associated with the Planning Proposal, together with suitable justification as to why the Planning Proposal should be considered.

QUESTIONS TO CONSIDER WHEN DEMONSTRATING THE JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of any strategic study or report?

Comment: The Planning Proposal has not been compiled as a result of a strategic study. As noted by the Applicant, the Planning Proposal has been compiled based on a broad review of the Murray LEP 2011 and the subsequent Resolution of Council regarding a submission made in respect of this property.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Comment: The Applicant has advised that based on the current zoning of the property, the subject Planning Proposal is the best means of achieving the intended outcome. It has been noted in the Planning Proposal that there would be a net community benefit via the provision of additional residential environments in Moama for additional population. The Applicant is considered to have suitably addressed the requirements of Section A of Part 3.

SECTION B – RELATIONSHIP WITH STRATEGIC PLANNING FRAMEWORK

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Comment: It is noted that an amended draft Riverina Murray Regional Plan was released by NSW DPE in April 2016. A copy of the current draft Riverina Murray Regional Plan has been tabled for reference as Tabled Document 4. The subject Planning Proposal was received by Council on 31 January 2016, and therefore, the draft Plan had not yet been released and hence was not addressed in the Planning Proposal prepared by the Applicant, which addressed the previous draft Murray Regional Strategy 2009-36. A review of the current draft Plan has been undertaken by Council staff who provide the following comments in respect of assessment against this draft document:

Direction 1.1 – Grow the economic potential of the agribusiness sector

Action 1.1.1 – Provide enabling planning controls to facilitate diversification and attract investment in the agribusiness sector

Comment: The Planning Proposal is not considered to be inconsistent with this action. The Proposal does not pose an adverse impact to the local or regional agricultural supply chain and poses no impact to the primary or secondary infrastructure that supports such.

Action 1.1.2 – Encourage value-add manufacturing opportunities across the region to increase regional economic diversification

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal does not pose an adverse impact to value-added manufacturing of agriculture opportunities, the export of regional agricultural commodities, the strategic positioning of future value-add enterprises, or manufacturing and intensive operations.

The proposal will not inhibit the encouragement of value-add manufacturing opportunities to increase regional economic diversification in agriculture and agribusiness, and will not adversely affect the factors which enable future agricultural enterprise to harness innovation technologies or agricultural research

Direction 1.2 – Manage productive agricultural lands in a sustainable way

Action 1.2.1- Identify and protect regionally important productive agricultural lands

Comment: The Planning Proposal is not considered to be inconsistent with this action. The Proposal is not considered to pose a significant adverse impact to resource availability and is not predicted to adversely affect agricultural efficiency or pose fragmentation of productive rural lands. While the Proposal does seek to rezone rural land which has been developed for viticulture, the then owner of the land (the property has been sold since the lodgement of the Proposal – see tabled email from new owner – Doc ID

181253 – Tabled Document 5) advised Council that it is no longer financially feasible to continue the viticulture on the land. In accordance with Council's SLUP, vineyards are generally regarded as incompatible with urban land uses, particularly residential uses, largely as a result of the use of chemical sprays. To plan urban development around the vineyards is problematic both from an infrastructure efficiency perspective as well as the sterilisation of large areas of land required for effective buffers. This is a problem which has been raised by the developer of the adjoining residential subdivision to the east, where land flagged for residential lots is currently required under condition of consent to be used instead as a buffer zone, despite the adjoining viticulture practice no longer occurring. Furthermore, this lot forms part of the Stage 2 (the next coming stage) of residential land release in accordance with the Murray Strategic Land Use Plan 2010-2030 and is therefore not considered to present a parcel of land planned for long term agricultural use. The Proposal is not considered to adversely affect the agricultural supply chain or State significant agricultural lands.

Action 1.2.2 – Establish a strategic planning framework that protects the productive values of agricultural land and manages land use conflict

Comment: The Planning Proposal is not considered to be inconsistent with this action. The proposal will not inhibit the delivery of strategic plans and policies to protect rural land uses, natural resources, developing industries, or dependent industries and communities, and is not predicted to result in land use conflict. See previous comments regarding land uses adjoining the subject lot.

Action 1.2.3 – Encourage the increased use of biosecurity measures to protect the regions agricultural assets

Comment: The Planning Proposal is not considered inconsistent with this action. The Planning Proposal is not considered to present a biosecurity risk to the region or locality. See comments contained within 'Action 1.2.1 regarding the management of conflicting land uses via the implementation of buffer areas and the long term strategic plan for this area of Moama.

Direction 1.3 – Manage and use the regions natural resource sustainably

Action 1.3.1 – Support the sustainable use and conservation of water resources

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal is not considered to adversely impact water resources, water catchments, watercourses or riparian areas. Based on the size of the lot proposed for rezoning for urban use, the Proposal is not considered to generate significant pressure on urban water supply, and as part of the SLUP and MNWMP, already forms part of the area strategically planned for future residential land supply.

Action 1.3.2 – Protect areas of mineral and energy, extractive and renewable energy potential

Comment: The Planning Proposal is not considered inconsistent with this action. The subject site is not mapped as "Mineral resources" and is likely to have no affect on the aim of the plan to protect the regions natural resource base and renewable energy infrastructure potential.

Action 1.3.3 – Avoid urban expansion and rural residential development on productive agricultural land identified mineral resource and energy resources

Comment: The Planning Proposal is not considered inconsistent with this action. While the Planning Proposal does seek to convert RU1 Primary Production zoned land to R1 General Residential zoned land, urban development of the subject site is not predicted to create land use conflicts, land speculation or place significant pressure on infrastructure and services used by the primary producers, resource and energy sector. See previous comments contained in 'Action 1.2.1. The site is not mapped as "Mineral Resources"'.

Action 1.3.4 – Implement the NSW Renewable Energy Plan to increase renewable energy generation

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the implementation of this plan.

Action 1.3.5 – Support the protection of native and plantation forests from encroachment

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The site is not utilised for or located in the vicinity of land used for the forestry industry.

Direction 2.1 – Enhance the regions freight networks through coordinated investment

Action 2.1.1 - Identify and prioritise pinch points in the freight network

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The Proposal is not considered to pose any impact to freight efficiency, future bypasses or bridge crossings (including the Moama Echuca Bridge Crossing upgrade).

Action 2.1.2 - Identify and protect intermodal freight terminals to facilitate growth in the freight and logistics sector

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. There are no existing or proposed intermodal terminals located in vicinity of the subject site.

Action 2.1.3 - Identify and prioritise opportunities to improve regionally significant local road connections

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. Any future development of the site for urban use is not predicted to place significant pressure on the local freight network.

Action 2.1.4 – Work with the Australian Government on the proposed Melbourne-Brisbane inland rail corridor

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The proposed inland rail corridor is not located in vicinity of the subject site.

Direction 2.2 – Improve inter-regional transport services

Action 2.2.1 – Implement local planning controls that protect regional airports from the encroachment of incompatible land uses

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The subject site is not located in the vicinity of a regional airport.

Action 2.2.2 – Identify and protect future rail corridors

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. There future rail corridor discussed within this direction is not located in the vicinity of the site, or Moama.

Direction 2.3 – Coordinate infrastructure delivery to facilitate economic opportunities

Action 2.3.1 – Coordinate the delivery of infrastructure to support the future needs of residents, business and industry

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal is not considered to pose an impact with respect to supply of energy, waste services, water, or telecommunication within the region and locality. The site is located with suitable access to all required utilities and services to accommodate the Proposal.

Action 2.3.2 – Establish monitoring mechanisms to enable better demand forecasting to inform infrastructure coordination

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Direction 3.1 – Grow the regional cities of Albury, Wagga Wagga and Griffith

Action 3.1.1 – Develop a regional cities strategies for Albury, Wagga Wagga and Griffith

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 3.1.2 – Implement an industrial land monitoring program to maintain a supply of well-located and serviced industrial land

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 3.1.3 – Develop and deliver strategies that strengthen the commercial function of the CBDs and town centres

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Direction 3.2 – Enhance the liveability and economic prosperity of the region’s towns and villages

Action 3.2.1 – Deliver improved tools and partnerships to build community capacity in towns and villages to strengthen community resilience

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal will not adversely impact on Community resilience or the alleviation of skill shortage, particularly in the agribusiness sector.

Action 3.2.2 – Support the continued identification and protection of the region’s heritage

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal site is not known to contain any items environmental heritage and will not impact the consideration of the heritage within the planning system, heritage protection, promotion, or management of heritage assets.

Action 3.2.3 – Deliver enabling planning controls to diversify regional tourism markets and increase tourism opportunities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The Proposal will not impact local or regional tourism, tourism markets or tourism events.

Action 3.2.4 – Deliver regionally specific urban design guidelines

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal will not impact the delivery of such guidelines. As set out in the SLUP and the MNWMP, this site forms an area earmarked for future urban release based on its ability to integrate into existing movement networks, public open space, and utilities infrastructure. The site is not constrained by native vegetation and is within close proximity to Council’s existing cycle and pedestrian paths along Perricoota Road.

Action 3.2.5 – Identify opportunities to provide improved and increased transport connections between the region’s town and villages to the regional cities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Direction 3.3 – Enhance the economic self-determination of Aboriginal communities

Action 3.3.1 – Conduct a strategic assessment of land held by the region's Local Aboriginal Land Councils to identify priority sites for further investigation of their economic opportunities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. The subject site is not land owned by the Local Aboriginal Land Council.

Direction 3.4 – Provide a continuous supply of appropriate housing to suit the different lifestyles and needs of the region's population

Action 3.4.1 – Deliver enabling planning controls that facilitate an increased range of housing options including infill housing close to existing jobs and services

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the implementation of considerations discussed within this action.

The existing SLUP and MNWMP earmarks this land for future residential land release, with future amendments to Council's strategic documents and plans required in order to achieve the aims of this Action.

Action 3.4.2 - Facilitate a more diverse range of housing for seniors

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal ultimately seeks to amend the zoning of the subject lot to allow residential development, with a minimum lot size of 750m². It is noted that given the close proximity of the lot to the town centre, access to services, community facilities and connection to transport network, the future development of these lots could be harnessed by seniors seeking to downsize to smaller allotments, however the Proposal is not specifically aimed to address such matters.

Action 3.4.3 Develop a framework to facilitate a range of accommodation options for itinerant workers

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has little effect on the considerations discussed within this action. While it is conceivable that the proposed future development of this subject land could accommodate rental properties to service seasonal workers, the Proposal is not specifically aimed to address this issue.

Action 3.4.4 – Develop and implement principles for rural residential development

Comment: The Planning Proposal is not considered inconsistent with this action. The subject Proposal does not seek to enable the development of this lot for rural-residential development, but rather, seeks to enable R1 General Residential zoning with a 750m² minimum lot size. The Proposal is consistent (in principle) with the SLUP and the MNWMP, although neither of these local strategic documents have been endorsed by the NSW DPE. The subject lot is located in close proximity (adjoining) approved residential development and

an R1 zone. Any future approved development of the subject lot will have access to existing infrastructure, which are available for connection. The subject land is consistent with the long term plans for the area for residential development and is not considered to pose land use conflict with the surrounding area, which are also earmarked for future residential development in the next stage of residential land release by Council. The land and surrounding area are currently planted for viticulture; however as noted by the then owner of the land, this use is not longer financially viable, and is no longer being pursued. The site is not an area of high environmental, cultural/heritage significance and is not considered important agricultural land. While the lot is partially mapped as bushfire prone land (buffer), the land is not flood prone and is not significantly affected by natural hazards. The proposal is considered to offer additional housing stock to the Council.

Action 3.4.5 – Facilitate the delivery of more affordable housing options through improved planning policies

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal ultimately seeks to amend the zoning of the subject lot to allow residential development, with a minimum lot size of 750m². It is noted that given the close proximity of the lot to the town centre, access to services, community facilities and connection to transport network, any future approved development of these lots could be harnessed by those seeking more affordable allotments within the Moama market, however this Proposal is not specifically aimed at providing affordable housing.

Direction 3.5 – Enhance connections and planning between cross-border communities to improve service quality and infrastructure delivery

Action 3.5.1 – Investigate opportunities to improve cross-border planning outcomes, including infrastructure and service delivery

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal seeks to increase the supply of housing lot stock in the Moama area, which will continue to facilitate the movement of populace between Echuca/Moama. The Proposal will have little impact on the delivery of infrastructure or services.

Action 3.5.2 – develop a cross-border land monitoring program

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal seeks to increase the supply of housing lot stock in the Moama area, which will continue to facilitate the movement between Echuca/Moama. The Proposal will not inhibit improved tracking and forecasting of housing and employment of land release within the region.

Direction 4.1 – Protect the nationally significant Murray River

Action 4.1.1 – Actively manage settlement and competing land uses along the Murray River

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal does not seek to impact land use adjoining the Murray River.

Direction 4.2- Protect the region's environmental assets and biodiversity values

Action 4.2.1 – Facilitate improved access to quality information relating to high environmental values, to avoid, minimise and mitigate the impacts of development on significant environmental assets

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 4.2.2 – Maintain healthy waterways and wetlands, including downstream environments

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal will have little effect on the considerations discussed within this action.

Direction 4.3 – Increase the region's resilience to natural hazards

Action 4.3.1 – Review and map natural hazard risks to inform land use planning decisions

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action. While the site is mapped as bushfire prone (buffer area), this subject proposal is not considered to pose any impact to any future review of Council's bushfire prone land mapping.

Action 4.3.2 – Support communities to build resilience to the impacts of natural hazards and climate change

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Action 4.3.3 – Minimise the potential impacts of naturally occurring asbestos on communities

Comment: The Planning Proposal is not considered inconsistent with this action. The Proposal has no effect on the considerations discussed within this action.

Assessment Criteria

- a) *Does the proposal have strategic merit and*
- *Is it consistent with a relevant local strategy endorsed by the Director General or*
 - *Is it consistent with the relevant regional strategy or Metropolitan Plan or*
 - *Can it otherwise demonstrate strategic merit, giving consideration to the relevant Section 117 Directions applying to the suite and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc.)*
- b) *Does the Proposal have site specific merit and is it compatible with the surrounding land uses, having regard to the following:*

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses, and likely future uses of the land in the vicinity of the proposal; and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Comment: Throughout the various sections of the Planning Proposal, the Applicant has suitably demonstrated the strategic merit of the Proposal. Although not specifically addressed in this Part of the Planning Proposal, there is no applicable local strategy endorsed by the Director General affecting this area of Murray River Council. Subsequent sections of the Planning Proposal also demonstrate compliance with the relevant Section 117 Directions and the suitability of the site for the proposed use based on its close proximity to existing urban areas, public transport, infrastructure, and community facilities. The Proposal is considered compatible with the surrounding land uses, the natural environment, existing uses, approved uses and the future use of land in the vicinity of the proposal in accordance with the strategic plans affecting the area. The Applicant is considered to have suitably addressed the assessment requirements.

Q4. Is the Planning Proposal consistent with a Council's Local Strategy of other local Strategic Plan?

Comment: The Murray Strategic Land Use Plan 2010-2030 (SLUP) and the Moama North West Master Plan 2008 (MNWMP) are applicable. Both the SLUP and the MNWMP have been adopted by Council and have been in operation for some time; however neither has been endorsed by the NSW Department of Planning & Environment. Copies of these Strategies have been tabled for reference as Tabled Document 6. The SLUP and MNWMP both recommend that the subject lot be utilised for future residential development. The SLUP recommends that this land be released as 'Stage 2' of future residential zoning (currently released Stage 1 and have not begun Stage 2- See Figure 7) and the MNWMP recommends that land be released in the long term (or as part of the last stage – see Figure 8 below). The Applicant notes that the rezoning of the subject land should be brought forward to ensure that the demand for residential lots can continue to be met on a number of development fronts while facilitating forward planning in a dynamic development environment. The Applicant also notes that the rezoning would facilitate integration of the site with the adjoining approved subdivision (DA 079/14 as amended) and a positive strategic outcome in the short term. See further comments provided by the Applicant with respect to assessment against these local strategies.

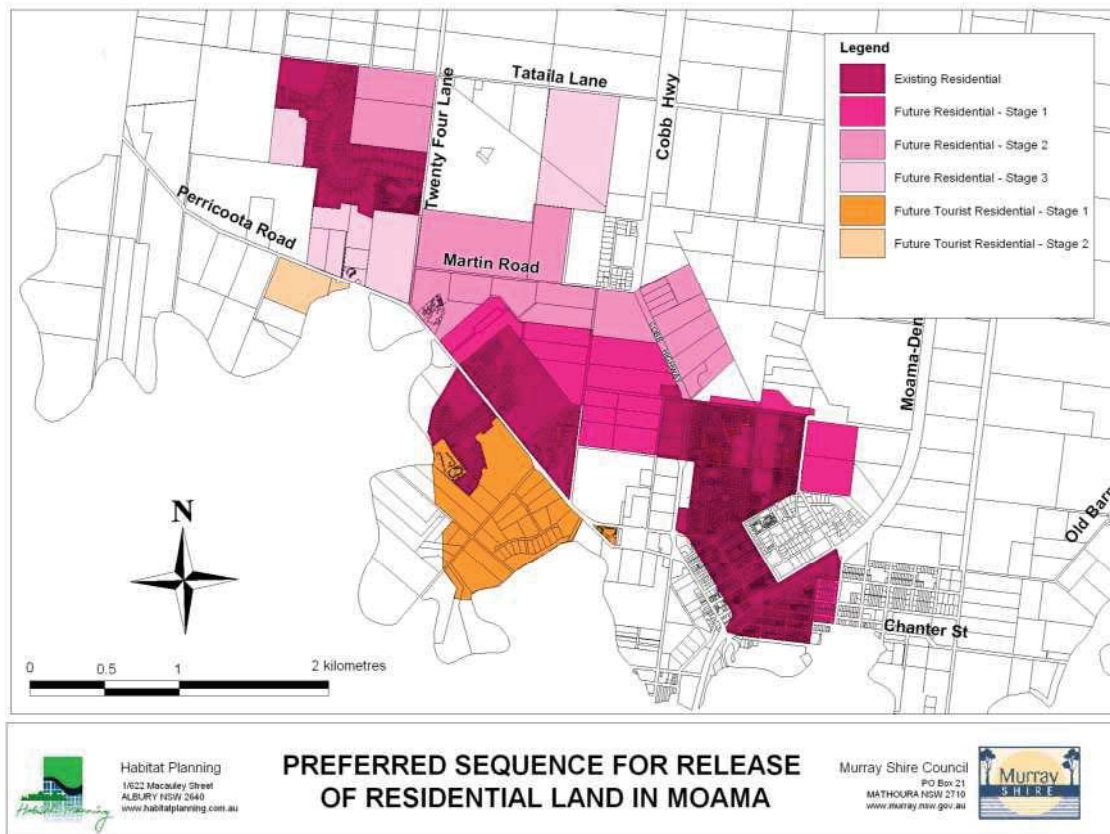


Figure 7 - Land release schedule set out in SLUP

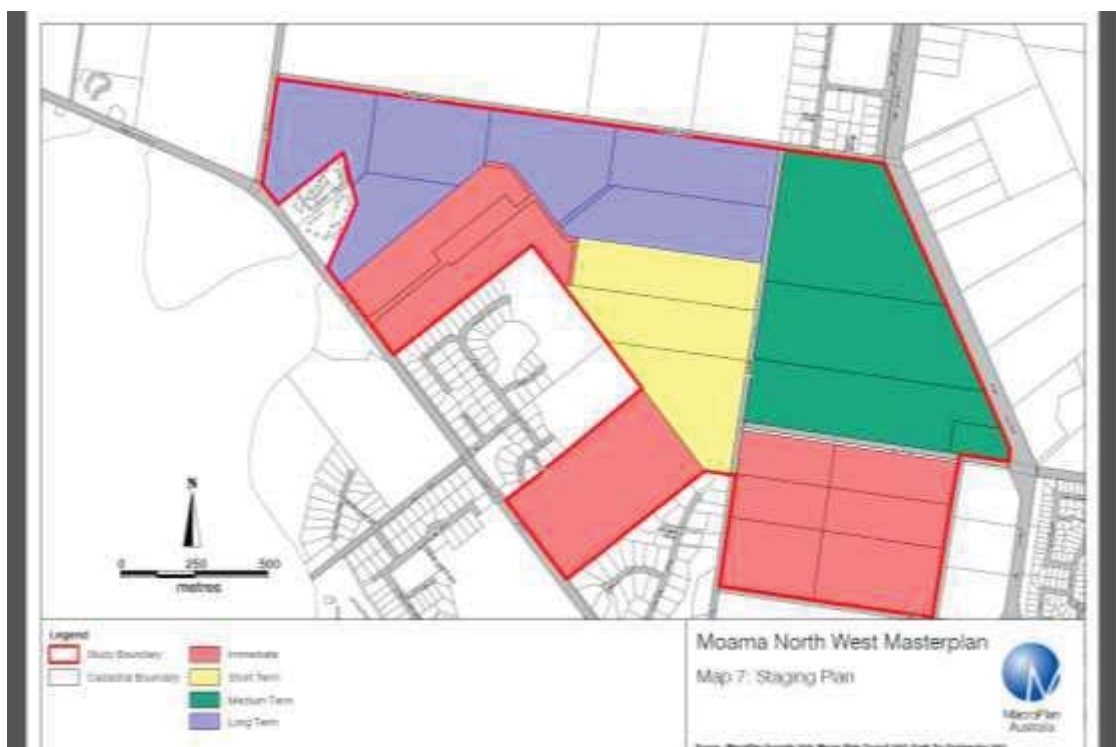


Figure 8 - Extract of Moama North West Master Plan showing subject site

Strategic Area (B) (Environmental Planning) of the Murray Shire Council Community Strategic Plan 2015/2016 – 2024/25 is also applicable, and sets out an objective to develop and implement strategic plans and planning instruments to ensure development occurs in an environmentally responsible and consistent manner. A copy of this document has been tabled for reference as Tabled Document 7. A key measure of control set out in the Community Strategic Plan is compliance with Murray Local Environmental Plan (LEP). Any subsequent development of the site would be subject to a merit based assessment against the Murray LEP 2011 and all other relevant legislation. The Applicant is considered to have suitably addressed the considerations relating to Council's local strategy.

Q5. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPPs)

Comment: As set out in Attachment A of the subject Planning Proposal, the Applicant has identified the SEPPs relevant to the Planning Proposal and notes consistency with each applicable SEPP. The Applicant states that SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas is not applicable to parts of Murray Shire, however it is noted that this SEPP does apply. Council staff consider that the subject Proposal is not inconsistent with the aims and objectives of SEPP 52. With respect to contamination, please see comments throughout the Proposal, together with documentation set out in Attachment D. A contaminated land assessment of the adjoining land was completed in 2010, with some small sites within this adjoining land identified as requiring remediation. Based on the past use of the site for viticulture, it is pertinent for the Applicant to provide a contaminated land assessment for the subject site in the future; however Council Staff consider that this can be dictated by the outcomes of the Gateway determination. The Applicant is considered to have provided suitable detail for the purposes of assessment at this stage.

Q6. Is the Planning Proposal consistent with the applicable Ministerial Directions (S.117 Directions)?

Comment: Please see Tabled Document 8 for a copy of the relevant Section 117 Directions referred to in this section. As set out in Attachment B of the subject Planning Proposal, the Applicant has identified that the subject proposal is either consistent or inconsistent, but able to satisfy the relevant criteria to justify inconsistency, or proposing a minor significance with the applicable Directions.

Direction 1.2 – Rural zones

The Applicant notes that the Planning Proposal is inconsistent with this Direction however this inconsistency is justified by the Council's strategy (SLUP) – See comments set out in Attachment B.

Direction 1.5 – Rural Lands

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B. It is noted that the Applicant states that the subject land is not classified as bushfire prone, however Council's mapping does partially cover this lot. Nonetheless, the Applicant's assessment against Direction 1.5 is considered satisfactory.

Direction 2.1 – Environmental Protection Zones

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 2.3 – Heritage Conservation

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 2.4 – Recreational vehicles

The Applicant notes that the Planning Proposal is not inconsistent with this Direction – See comments set out in Attachment B.

Direction 3.1 – Residential zones

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 3.2 – Caravan parks and manufactured home estates

The Applicant notes that the Planning Proposal is not inconsistent with this Direction – See comments set out in Attachment B.

Direction 3.3 – Home occupations

The Applicant notes that the Planning Proposal is not inconsistent with this Direction – See comments set out in Attachment B.

Direction 3.4 – Integrated land use and transport

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 4.4 – Planning for Bushfire Protection**4.4 Planning for Bush Fire – Assessment required as part is mapped**

The Applicant notes that the Planning Proposal is consistent with the Direction – See comments set out in Attachment C.

Direction 6.1 – Approval and referral requirements

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

Direction 6.2 – Reserving land for public purposes

The Applicant notes that the Planning Proposal is consistent with this Direction – See comments set out in Attachment B.

The Applicant is considered to have suitably addressed the Section 117 Directions.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. 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?

Comment: The lot is not covered by Council's biodiversity mapping. As noted by the Applicant, it is unlikely that the subject proposal will have a significant adverse impact on threatened species, populations, ecological communities, or habitats. Any future development of the site will be subject to a merit based assessment against Section 79C of the *EP&A Act 1979* and all other relevant legislation. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed the assessment requirements of Section C.

Q8. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Comment: The Applicant notes that there are not predicted to be any other environmental effects resulting from the Planning Proposal. The Applicant is considered to have suitably addressed the assessment requirements.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

Comment: The Applicant notes that the proposal will result in a positive social and economic effect to the town. There are no known items of Aboriginal or non-Aboriginal items of cultural heritage located onsite or in the vicinity of the subject site. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed the assessment requirements.

SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the Planning Proposal?

Comment: The Applicant notes that there is adequate public infrastructure in place to service to the subject proposal. No demand creating a shortfall is predicted to result. The Applicant is considered to have suitably addressed the assessment requirements.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Comment: The Applicant notes that the nature of the proposal is unlikely to trigger any necessary public authority consultation, and no preliminary consultation has been carried out to date. It is noted that any consultation required as a result of the Gateway determination will be completed as required. The Applicant is considered to have suitably addressed the assessment requirements.

PART 4 – Mapping

Comment: The Applicant has provided the relevant mapping applicable to this proposal detailing the land, current land uses in the vicinity, mapping associated with the SLUP and flood mapping. The Planning Proposal has provided detail regarding the zoning and current development standards affecting the site in Part 3 of the document. There are no heritage items or

conservation areas known to be located onsite. See Planning Proposal for further information.

Amendments to the affected Zoning and Minimum Lot Size mapping will be undertaken should the proposal be successful. The Applicant is considered to have suitably addressed the assessment requirements of Part 4.

PART 5 – Community Consultation

Comment: No preliminary public consultation has been undertaken, with the consultation requirements to be dictated by the Gateway determination. The Applicant notes that they predict that at a minimum, the Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of Section 57 of the *EP&A Act 1979* and will include various forms of consultation. See comments provided by the Applicant for further information. The Applicant is considered to have suitably addressed the assessment requirements of Part 5.

PART 6 – Project timeline

Comment: The Planning Proposal includes a project timeline extending over approximately 8 months. See relevant section within the Planning Proposal for further details. The Applicant is considered to have suitably addressed the assessment requirements of Part 6.