

**Wakool Local Environmental Plan 2013 - rezone land and amend Land Acquisition Map
(new bridge/road alignment over Murray River)**

Proposal Title :	Wakool Local Environmental Plan 2013 - rezone land and amend Land Acquisition Map (new bridge/road alignment over Murray River)		
Proposal Summary :	Rezone land from zoned RU1 Primary Production and IN1 General Industrial to SP2 Infrastructure to facilitate realignment of the existing Swan Hill-Moulamein Road and amend the Land Acquisition Map. It is intended that the minimum lot size of 500 hectares be retained.		
PP Number :	PP_2015_WAKOO_001_00	Dop File No :	15/07737

Proposal Details

Date Planning Proposal Received :	07-Jul-2015	LGA covered :	Wakool
Region :	Western	RPA :	The Council of the Shire of Wakool
State Electorate :	MURRAY DARLING	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Swan Hill Road		
Suburb :	Murray Downs	City :	Murray Downs
		Postcode :	2734
Land Parcel :	Part Lots 1 & 2 DP 1123494		

DoP Planning Officer Contact Details

Contact Name :	Jessica Holland		
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey		
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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The Planning Proposal seeks to amend land zoned RU1 Primary Production and IN1 General Industrial to SP2 Infrastructure in order to facilitate construction involved in the realignment of the existing Swan Hill-Moulamein Road. As a result of this amendment the Planning Proposal also intends to amend the Land Acquisition Map with appropriate changes.

The planning proposal intends to facilitate the development of a new bridge over the Murray River upstream from the existing Swan Hill Bridge and realignment of the Swan Hill-Moulamein Road to the south of the existing road. This has been determined after an extensive consultation process with all stakeholders.

The project will affect access to properties and as well as require boundary adjustments to facilitate the realignment. The NSW properties directly affected include:

- Lot 2 DP1123494 – 38-40 Swan Hill Road, Murray Downs – JR & WE & GS Pickering (this land will need to be acquired)
- Lot 1 DP 1123494 – 52 Swan Hill Road, Murray Downs – Lake Boga Transport

The NSW properties indirectly affected (by changes in access) include:

- Lot 1 & Lot 2 DP384076 – 27 Swan Hill Road, Murray Downs – Vitam Pty Ltd (Federal Hotel)
- Lot 73 DP1117956 – Swan Hill Road, Murray Downs – Wakool Shire Council
- Lot 65 & Lot 67 DP756603 – Swan Hill Road, Murray Downs – Crown Lands (reserved for road, livestock and camping ground)
- Lot 71 DP756503 – Existing Road Alignment – Crown lands (reserved for road, livestock and camping ground)

A project steering committee was formed to guide the planning process including representation from NSW RMS, VicRoads, Swan Hill Rural City Council, Wakool Shire Council, Wamba Wamba Local Aboriginal Land Council, and Victoria Department of Planning and Community Development.

The required planning process has been undertaken and approved on the Victorian side of the bridge with the Minister for Planning approving the adoption of Amendment C41 on August 2 2012.

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External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objective clearly states the purpose of the planning proposal is to rezone land from RU1 Primary Production and IN1 General Industrial to SP2 Infrastructure to facilitate realignment of the road corridor and to prevent development for purposes that would restrict future infrastructure land use.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The objectives of the planning proposal will be achieved by amending:**
- Land Reservation Acquisition Map (LRA_001) to include land affected by the subject road alignment, and
- Land Zoning Map (LZN_005B) to zone land from zone RU1 Primary Production to zone SP2 Infrastructure.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

Murray REP No. 2 - Riverine Land

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

1.2 Rural Zones: The Ministerial Direction is applicable to the planning proposal as the proposal affects land within an existing rural zone. The planning proposal is consistent with the Direction as it seeks to rezone land to an infrastructure zone and does not contain provisions that increase the permissible density of land.

1.5 Rural Lands: The Ministerial Direction is applicable to the planning proposal as the proposal affects land within a rural zone. The planning proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles contained in SEPP (Rural Lands) 2008 and does not impact potential productive and sustainable economic activities on surrounding rural land. The planning proposal is consistent with the Direction.

2.1 Environmental Protection Zones: The Ministerial Direction is applicable to the planning proposal as the proposal affects environmentally sensitive land. The planning proposal does not reduce the environment protection standards that apply to the land. The planning proposal is consistent with this Direction.

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2.3 Heritage Conservation: The Ministerial Direction requires a planning proposal to include provisions that facilitate the conservation of heritage items and areas. The planning proposal does not affect any identified items or places of environmental heritage and does not amend the existing provisions for heritage conservation. The planning proposal is consistent with this Direction.

3.4 Integrating Land Use and Transport: This Ministerial Direction applies to planning proposals that create, alter or remove a zone or provision relating to urban land including land zoned for residential, business, industrial, village or tourist purposes. The Direction does not contain requirements that relate to this planning proposal.

4.3 Flood Prone Land: the Ministerial Direction is relevant to the planning proposal as the proposal affects flood prone land. The Direction requires a planning proposal not rezone land within flood planning areas from rural to special use (infrastructure). The planning proposal is inconsistent with this Direction however the inconsistency is considered to be of minor significance as the land subject to rezoning (proposed road alignment) is above the existing flood level of the river and floodplain.

SEPP 44 Koala Habitat Protection: The SEPP is relevant to the planning proposal. Prior to carrying out development on the land, an assessment shall be conducted as to the presence of core koala habitat and if necessary, a plan of management shall be prepared. There are no further requirements as part of the planning proposal.

SEPP 55 Remediation of Land: The SEPP is relevant to the planning proposal. The planning proposal states that the site is not identified as potentially contaminated. There are no further considerations as part of this planning proposal.

SEPP (Rural Lands) 2008: The SEPP is relevant to the planning proposal as the proposal affects rural land. The planning proposal is consistent with the Rural Planning Principles as it relates to the provision of key infrastructure. There are no further requirements as part of the planning proposal.

Murray REP No. 2 Riverine Land: The SEPP is relevant to the planning proposal. The planning proposal states that the rezoning of land is consistent with the principles of the Plan in relation to protection of the riverine environment. There are no further requirements as part of the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Prior to public exhibition, Council will be required to prepare draft amending Land Zoning Map (LZN_005B) and Land Acquisition Map. These maps are to be publicly exhibited with the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to publicly exhibit the proposal in Swan Hill local paper (The Guardian). A copy of the Gateway Determination, Planning Proposal and supporting information will also be available to the public at Wakool Shire Council and Swan Hill Rural City Council.

Council have states the following stakeholders to be notified of public exhibition of the planning proposal:

- The key agency stakeholders
- Directly affected land owners
- Indirectly affected landowners (those affected by changes in access)

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The consultation is adequate noting that the proposed bridge and road realignment has been determined and this planning proposal is to appropriately zone the land.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Wakool Local Environmental Plan 2013 was notified 10 June 2014.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal seeks to rezone land from zoned RU1 Primary Production and IN2 General Industrial to SP2 Infrastructure to facilitate realignment of the existing Swan Hill-Moulamein Road. As a result of this amendment the Planning Proposal also intends to amend the Land Acquisition Map.

Consistency with
strategic planning
framework :

The planning proposal is consistent with the local strategic plan to improve access across the Murray river and increase access to markets.

Environmental social
economic impacts :

The impacts have been considered as part of the planning proposal. The planning proposal concludes that no significant issues are likely as a result of the rezoning of the subject land.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

Additional Information :

- 1. Prior to public exhibition, Council is to prepare a draft amending Land Zoning Map (LZN_005B) and Land Acquisition Map. These maps are to be publicly exhibited with the planning proposal in accordance with Condition 2 of this Gateway Determination.**

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

- (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).**

- (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.**

- 3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 117 Directions:**

- (a) NSW Office of Environment and Heritage**
 - (b) Department of Primary Industries - NSW Office of Water**
 - (c) NSW Roads and Maritime Services**
 - (d) VIC Roads**
 - (e) Swan Hill Rural City Council**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning

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proposal prior to community consultation.

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

5. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

Noting the new bridge and road alignment has been determined by another process, the planning proposal is to facilitate the proposal by correctly zoning the affected land.

The planning proposal is consistent with the relevant Section 117 Directions and it is recommended that a proposal proceed with gateway determination subject to the conditions listed above.

Signature:



Printed Name:

Jessica Holland

Date:

15.7.15