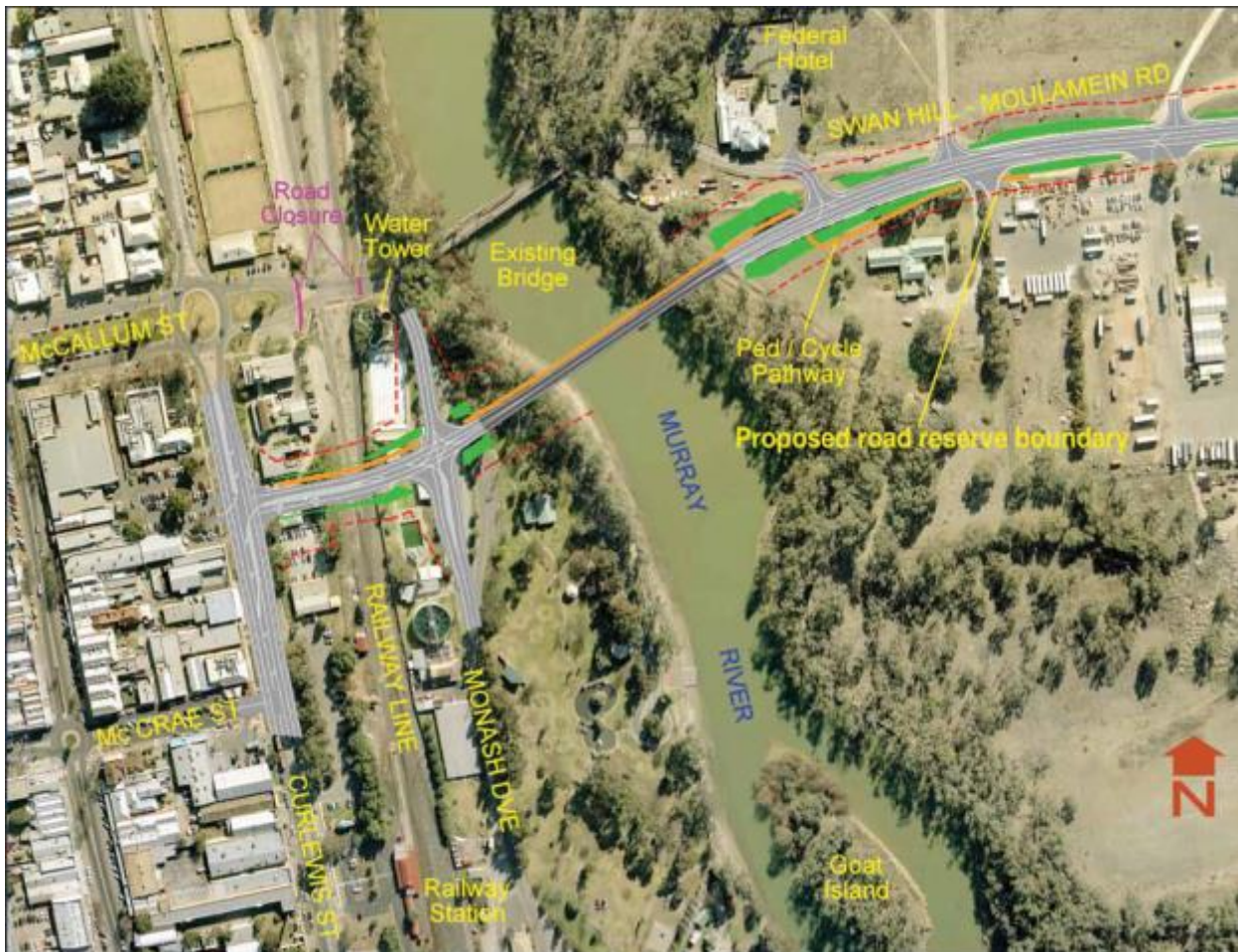




LOCATION OF THE PROPOSED ROAD / BRIDGE REALIGNMENT (PREFERRED OPTION 9A) (SOURCE: VIC ROADS (JUNE 2011) SWAN HILL BRIDGE PLANNING STUDY – INFORMATION UPDATE).

Planning Proposal

Proposed Amendment(s) to *Wakool Local Environmental Plan 2013* to Provide the Planning Framework to Support the Proposed New Bridge / Road Alignment over Murray River at Murray Downs (NSW) (adjacent to Swan Hill, Victoria)

**Prepared on behalf of the NSW Roads & Maritime Services & Wakool Shire Council
for submission to the NSW Department of Planning & Environment**

4 June 2015
Version B (Final)

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Document Control

Date	Version	Purpose	Recipients
18 May 2015	A	Draft for Internal Discussion	Paul O'Brien – DES Wakool Shire Council Tim Wilson – Roads & Maritime Services
4 June 2015	B	Final for Lodgement	Paul O'Brien – DES Wakool Shire Council Tim Wilson – Roads & Maritime Services Wayne Garnsey - DPE

1. INTRODUCTION

1.1. Aim of Amendment

The NSW Roads & Maritime Services ('RMS') and Wakool Shire Council ('Council') are applying to amend *Wakool Local Environmental Plan 2012* ('WLEP2013') to provide the necessary planning provisions to support a proposed new bridge and road alignment over the Murray River at Murray Downs (NSW) / Swan Hill (VIC).

This Proposal may include adding the new alignment to the Land Reservation Acquisition Map layer to identify it for future acquisition. It may also include rezoning the road corridor from Zone RU1 Primary Production to Zone SP2 Infrastructure (Classified Road). The method to make this amendment to WLEP2013 is a Planning Proposal ('Proposal').

Planning for the replacement of the Murray River Bridge has reached a point where a preferred option has been adopted by the roads authorities on both sides of the state boundary and has been communicated to the relevant communities.

The preferred option (Option 9A) is an intermediate level bridge on an alignment which starts on the Victoria side at Curlewis Street between McCallum and McCrae Streets and then passes through Riverside Park before spanning the river and then joining the Swan Hill-Moulamein Road east of the Federal Hotel on the NSW side.

The necessary planning approvals and amendments have already taken place on the Victorian side as part of a Planning Scheme Amendment. The next step is to amend *Wakool Local Environmental Plan 2012* ('WLEP2013') to add the proposed alignment to the Land Reservation Acquisition Map layer to identify it for future acquisition. There is no proposal to rezone land for the proposed road / bridge at this time.

The existing bridge carries 3700 vehicles each day with most travelling between Swan Hill and Murray Downs and to a lesser extent between Swan Hill and regional southern NSW. The existing bridge is narrow and reduced to one traffic lane on the lift span and it requires regular repairs. The bridge is not suitable for higher mass or over dimensional vehicles and cannot be modified due to its heritage values. The replacement bridge would improve road connections, reduce traffic disruptions and permit a wider range of vehicles (particularly heavy vehicles) to promote improved freight and transport across the Murray River. It must be noted that VicRoads is/has addressed the planning requirements on the Victorian side of the border and this does not form part of this application.

1.2. Planning Proposal

This Planning Proposal has been prepared in accordance with the requirements of:

- The *Environmental Planning & Assessment Act 1979* ('EP&A Act');
- The Department of Planning (October 2012) '*A guide to preparing planning proposals*';
- Planning Circular No. PS12-006 – *Delegations and independent review of plan-making decisions*;
- Planning Practice Note PH11-001 – *Preparing LEPs using the Standard Instrument: standard clauses*;
- *Wakool Local Environmental Plan 2013* ('WLEP2013').

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('Department') to allow this planning proposal to be placed on public exhibition.

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment to the WLEP2013 recommending that this amendment is generally consistent with any endorsed strategy or at least not inconsistent with any endorsed strategy.

We submit that there is sufficient detail in this Planning Proposal to justify a positive Gateway Determination considering the low complexity of the proposed amendment and limited chance of any significant impacts on adjacent land uses, the natural environment and the community.

1.3. Process & Consultation To-Date

A project steering committee was formed to guide the planning process including representation from the NSW RMS, VicRoads, Swan Hill Rural City Council, Wakool Shire Council, Wamba Wamba Local Aboriginal Land Council, and Victorian Department of Planning and Community Development. A Community Consultation Group was established through expressions of interest from both Victoria and New South Wales. A Consultation Strategy was prepared to guide the process.

As set out on the VicRoads Projects website the following process has taken place on the Victorian side but has included submissions from all stakeholders (including NSW):

The planning and environmental approvals sought for the replacement bridge by VicRoads were contained in the Planning Scheme Amendment (PSA) – Victoria (supported by Planning Assessment Report (PAR).

An Environmental Investigation (EI) was also prepared to examine the environmental constraints and impacts of the preferred option in NSW.

These documents were displayed for public inspection and submission between 16 June and 27 July 2011. In response to submissions received, a planning Panel was convened by the Minister for Planning to hear submissions on the PSA. The Planning Panel Hearing was held from 4 to 6 October 2011 at the Swan Hill Town Hall. The Swan Hill Bridge Panel Report was received by VicRoads acting as the Planning Authority on Friday 25 November 2011.

Following consideration and VicRoads agreement of the recommendations in the Panel Report, the Minister for Planning approved the adoption of Amendment C41 on 2 August 2012.

This Planning Proposal seeks to achieve the necessary planning amendments in NSW / Wakool Shire to support the scheme. Further details of community consultation are set out in the VicRoads (2011) *Planning Assessment Report* – Section 6 – Consultation.

1.4. Road Alignment Preferred Option

A number of road alignment options were considered in the preparation of the planning study. This was reduced down to six (6) options after detailed planning investigations.

The preferred option is Option 9A which is an intermediate level bridge on an alignment which starts on the Victoria side at Curlewis Street between McCallum and McCrae Streets and then passes through Riverside Park before spanning the river and then joining the Swan Hill-Moulamein Road east of the Federal Hotel on the NSW side (see diagram below of options).

The intermediate level bridge and lift span included in this option would provide two (2) metres additional clearance for river craft compared with the existing bridge, allowing for double deck houseboats during normal summer flows without raising the lift span. The proposed lift span would accommodate larger paddle boats.

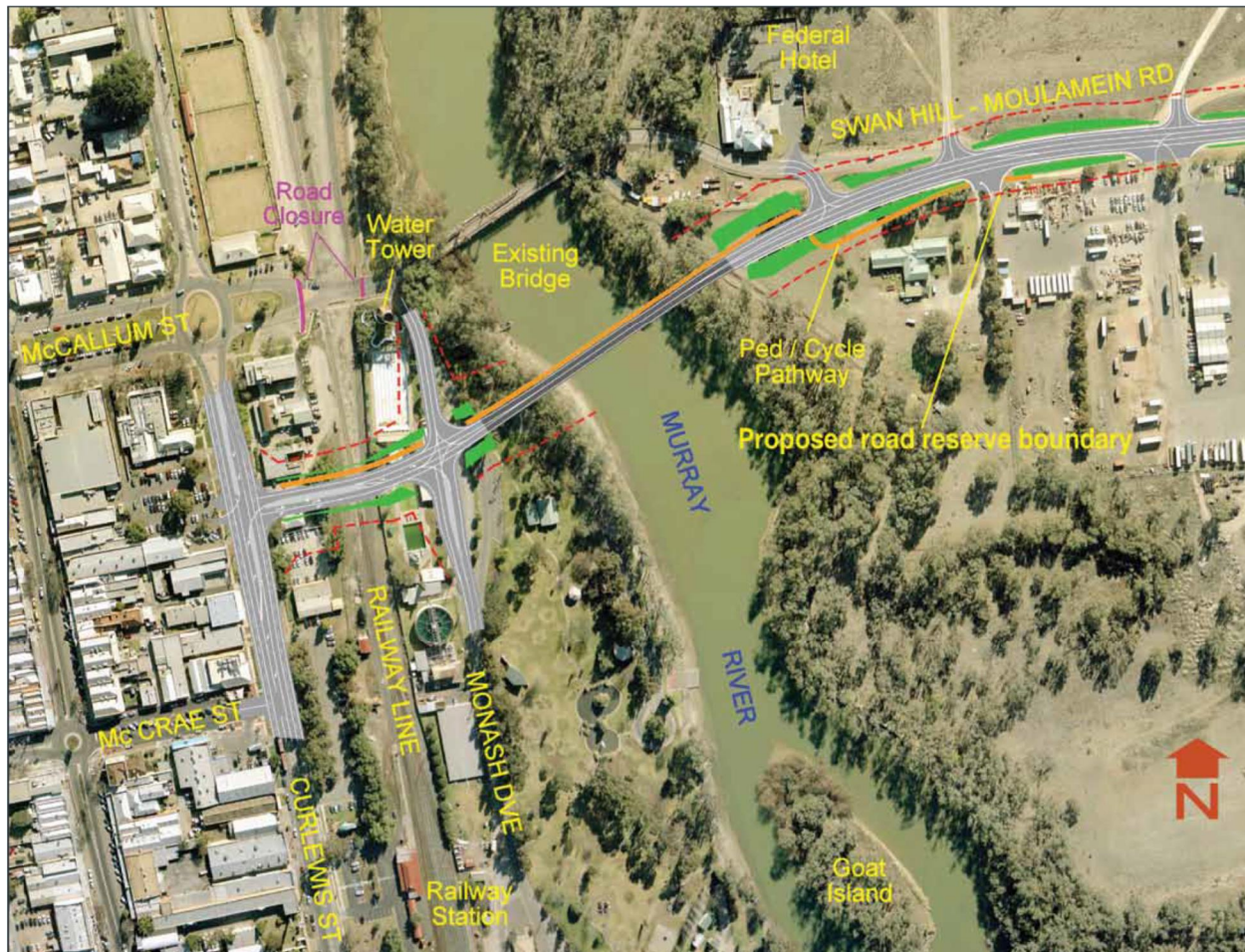
Option 9A has been designed for 60km/hour operational road speed and includes a 2.5m wide shared pedestrian and cycle path separated from traffic lanes. The bridge would be above the 1 in 100 year flood level and have an overall length of approximately 850 metres.

The benefits of Option 9A include (Source: Vic Roads (June 2011) *Swan Hill Bridge Planning Study – Information Update*):

- Well positioned to cater for current and future traffic needs;

- Retains direct access to NSW businesses;
- Least impact on residential areas of Federal Square and Wamba Wamba Aboriginal Land;
- Minimal length of alignment in NSW flood-plain;
- Least impact of alignment on biodiversity;
- No direct impact on post settlement cultural heritage sites and minimal impact on identified Aboriginal cultural heritage sites and places;
- Savings in travel time;
- Low project cost;
- Least overall impact of any option.

Some of the impacts are noted in the table below including impacts on the courthouse, correctional services building and swimming pool on the Victoria side.



Option 9a (Intermediate Level)

Located 110 metres upstream of the existing bridge, Option 9a commences at Curlewis Street, midblock between McCallum and McCrae Streets and passes through Riverside Park in Victoria and connects to the Swan Hill – Moulamein Road east of the Federal Hotel.

- Affects Riverside Park formal open space including views and amenity
- Requires acquisition of the swimming pool, government buildings and part of Riverside Park
- Requires acquisition of part of property used by the Cornerstone community
- Affects amenity for the Cornerstone community and Federal Hotel
- Increased noise levels for 2 properties
- Impacts on small area of archaeological sensitivity in NSW
- Requires removal of small area of native vegetation (0.83 ha)
- Provides travel time and cost savings (positive benefit cost ratio)
- Endorsed by the Swan Hill Rural City and Wakool Shire Councils, VicRoads and the RTA

LOCATION OF THE PROPOSED ROAD / BRIDGE REALIGNMENT (PREFERRED OPTION 9A) & SUMMARY OF FINDINGS OPTION 9A
(SOURCE: VIC ROADS (JUNE 2011) SWAN HILL BRIDGE PLANNING STUDY – INFORMATION UPDATE).

It is important to note that this Planning Proposal does not need to consider the alternative options as the options analysis is completed so the Proposal should only consider Option 9A.

1.5. Proposed New Bridge / Road Alignment Works

The *Environmental Investigation* (2011) sets out the detailed features of the proposed new bridge / road realignment but it has been summarised as follows (Executive Summary):

- The construction of a new bridge over the Murray River about 192 metres long and about 110 metres upstream of the existing Swan Hill Bridge. This would include:
 - Two traffic lanes (one in each direction).
 - A shared pedestrian and cyclist path.
 - Three sets of piers within the Murray River.
 - A lift span over the navigation channel to provide access under the bridge for large river craft.
- Realignment of the Swan Hill-Moulamein Road to the south of the existing road to meet the proposed bridge. This realignment would be located on an earthen embankment and position the road above the flood plain. The new alignment would include:
 - Two traffic lanes (one in each direction).
 - A shared pedestrian and cyclist path.
- Upgrade of a section of the existing Swan Hill-Moulamein Road at the eastern end of the proposal to facilitate the realignment.
- Access to properties and some property boundaries would be adjusted to facilitate the new Swan Hill-Moulamein Road alignment.
- Water quality control ponds to collect and treat stormwater and sediment.
- Landscaping including planting of vegetation in the road reserve.

1.6. Description of Affected Land (NSW only)

The Swan Hill-Moulamein Road is also known as **Swan Hill – Ivanhoe Road (MR467)** and is a Classified (Regional) Road that connects the Moulamein-Barham road (MR319) near Moulamein via MR386 to the Murray Valley Highway (B400) and Sea Lake - Swan Hill Road (C246) on the Victorian side of the river.

As this Proposal only relates to the NSW side of the border in Wakool Shire only those affected parcels are listed here (The Victorian Planning Scheme Amendment has addressed their side of the Proposal).

The NSW properties directly affected include:

- a) Lot 2 DP1123494 – 38-40 Swan Hill Road, Murray Downs - J R & W E & G S Pickering
- b) Lot 1 DP1123494 – 52 Swan Hill Road, Murray Downs – Lake Boga Transport

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

- c) Lot 1 & Lot 2 DP384076 – 27 Swan Hill Road, Murray Downs - Vitam Pty Ltd (Federal Hotel)
- d) Lot 73 DP1117956 – Swan Hill Road, Murray Downs – Wakool Shire Council;
- e) Lot 65 & Lot 67 DP756603 – Swan Hill Road, Murray Downs – Crown Lands (reservations for road, livestock & camping ground);
- f) Lot 71 DP756503 – Existing Road Alignment – Crown Lands (reservation for livestock & camping ground).

Freehold land owned by J.R and W.E and G.S Pickering would need to be acquired. Part of this land is leased by the Cornerstone Community and the Build Pro business (VicRoads (2011) *Planning Assessment Report* p.7-8). The access arrangements to the Federal Hotel, Pickering's Transport, Cornerstone

Planning Proposal for Land Reservation Acquisition Layer, Murray Downs Bridge, Wakool Shire NSW

Community, Build Pro and Wamba Wamba Community land would be modified – but direct access to the Swan Hill-Moulamein Road would be retained.



AERIAL PHOTO & CADASTRE OF AFFECTED LAND (SOURCE: SIX MAPS NSW STATE GOVERNMENT).

2. SITE ANALYSIS

2.1. Environmental Investigation

This planning proposal has been initiated by a joint study and project between Roads & Maritime Services (NSW) and VicRoads (Victoria). As part of this study a number of strategic studies were prepared including, but not limited to:

- a) *Swan Hill Bridge Planning Study Phase 1 & 2;*
- b) *VicRoads (June 2011) Replacement Murray River bridge crossing at Swan Hill - Planning Assessment Report (PAR);*
- c) *VicRoads / RTA (June 2011) Swan Hill Bridge Planning Study – Information Update;*
- d) *VicRoads (25 November 2011) Swan Hill Planning Scheme Amendment C41 – Replacement Murray River Bridge (Panel Report);*
- e) *GHD (on behalf of RTA) (June 2011) Replacement Murray River bridge crossing at Swan Hill – Environmental Investigation ('Environmental Investigation');*
- f) *Manidis Roberts (on behalf of RTA) (July 2013) Replacement Murray River bridge crossing at Swan Hill – Environmental Investigation Submissions Report ('Submissions Report');*

The Environmental Investigation and its supporting reports provides a comprehensive review of all of the environmental, social and economic issues and provides recommendations supporting the alignment of proposed Option 9A. This includes the following list of documents (see Planning Assessment Report – Technical Supplement):

- 1) **Traffic Modelling Final Report**, VicRoads Network and Asset Planning, August 2007.
Traffic Modelling Addendum Report, VicRoads Network and Asset Planning, May 2011.
- 2) **Regional Economy Report**, Essential Economics Pty Ltd, June 2007.
Regional Economy Addendum Report, Essential Economics Pty Ltd, May 2011.
- 3) **Desktop Assessment of Land Use Issues**, George Ward Consulting Pty Ltd, April 2007.
- 4) **Social Impact Assessment**, AECOM Australia Pty Ltd, May 2009.
- 5) **Landscape and Visual Impact Assessment**, ASPECT Studios Pty Ltd, June 2010
Landscape Planning Concept, ASPECT Studios Pty Ltd, May 2011.
- 6) **Detailed Flora and Fauna Assessment, Options Analysis and Impact Assessment**, Brett Lane & Associates Pty Ltd, May 2011.
Flora and Fauna Addendum Report, Brett Lane & Associates Pty Ltd, May 2011.
- 7) **Aquatic Fauna Study**, GHD, April 2011.
- 8) **Aboriginal Heritage Assessment**, Heritage Concepts Pty Ltd, 2009.
Aboriginal Cultural Heritage Addendum Report, Andrew Long & Associates Pty Ltd, May 2011.
- 9) **Historic Heritage Assessment**, Heritage Concepts Pty Ltd, 2009.
- 10) **Noise Impact Assessment**, Renzo Tonin & Associates (Vic) Pty Ltd, March 2011.
- 11) **Detailed Hydrology Study**, Cardno Lawson Treloar Pty Ltd, March 2009.
Detailed Hydraulic Study Addendum Report, Cardno Pty Ltd, May 2011.
- 12) **Geotechnical Risk Register**, VicRoads Technical Consulting, February 2011.

The Environmental Investigation was prepared in the context of addressing the *Threatened Species Conservation Act 1995*; *Fisheries Management Act 1994*; *Environment Protection and Biodiversity Conservation Act 1999 (Cmth)*. A further Environmental Impact Statement may be required prior to construction, but at this stage the Environmental Investigation is sufficient to support this Planning Proposal.

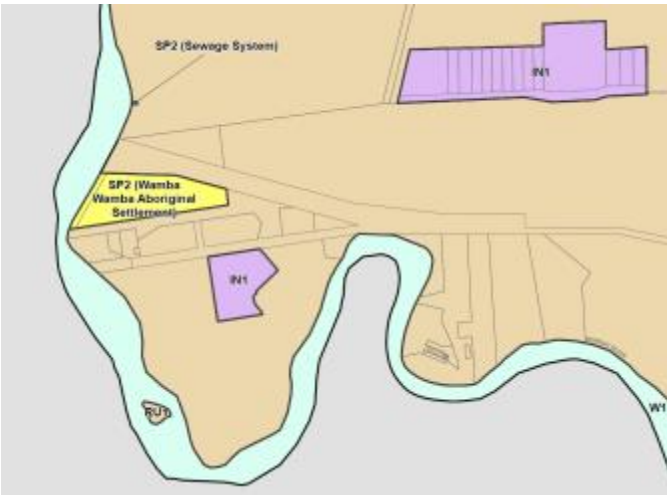
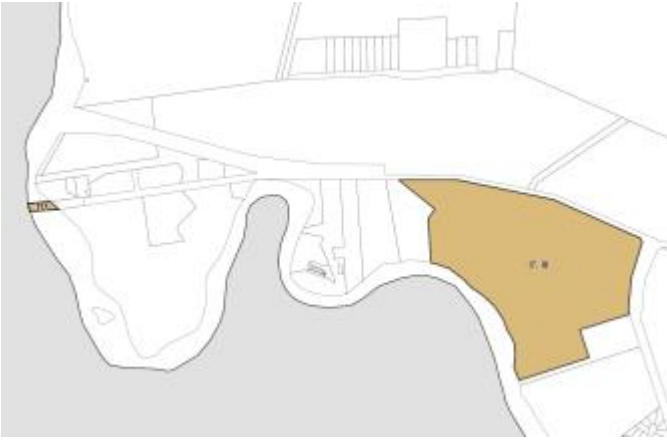
Please also see Section 2.1.1 – Relevant Strategies and Plans in the Environmental Investigation for a review of consistency of this proposal with the objectives in the *NSW State Plan*; *Draft Murray Regional Strategy*, and the *Council of Australian Government’s transport reform*.

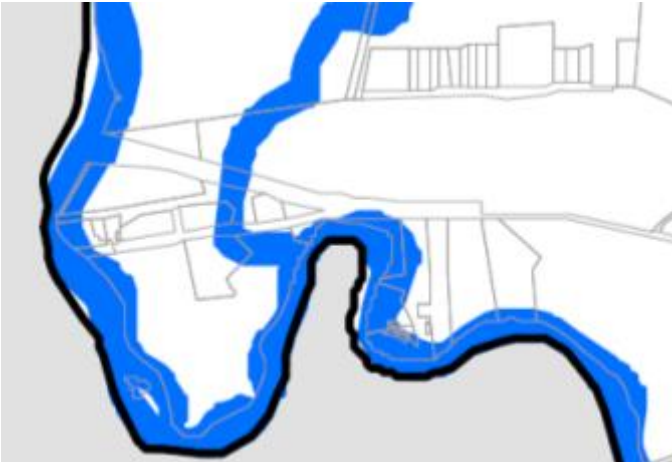
This Planning Proposal will not reproduce the findings of all of these reports except where directly relevant to a review of State Environmental Planning Policy or Ministerial Direction below. These documents should form an attachment to the exhibited copy of this Planning Proposal.

Where the recommendations of these reports are followed then key environmental and social impacts should be able to be managed through the construction process.

2.2. Wakool Local Environmental Plan 2013 ('WLEP2013')

This Proposal seeks to amend WLEP2013. The following are the key planning controls in this document relevant to the subject lands:

Zoning 	Land Zoning Map LZN_005B shows that: The bridge will cross over existing Zone W1 Natural Waterway and the road realignment will cross over existing Zone RU1 Primary Production lands. It is important to note that the Swan Hill – Moulamein Road is a classified road but is not covered by Zone SP2 Infrastructure (Classified Road) in WLEP2013.
Heritage (Non-Indigenous) 	Heritage Map HER_005B shows that: Item I11 is the existing bridge over the Murray River and the aim of this Proposal is to retain and protect that item by realigning the new bridge along Option 9A route. Item I7 & I8 are located to the east of the site and will not be affected by the Proposal. This has been addressed by Heritage Concepts (2009) <i>Historic Heritage Assessment</i> and Andrew Long + Associates (2011) <i>Swan Hill Bridge Aboriginal Cultural Heritage (Addendum Report)</i>.

Biodiversity 	Biodiversity Map BIO_005 shows that: There are potential areas of biodiversity significance along both sides of the Murray River. This has been addressed by the <i>Flora & Fauna Assessment</i> (2011) attached to the <i>Environmental Investigation</i> (2011).
Watercourses 	The Watercourse Map WCL_005 shows that: The Murray River and its direct tributaries are highlighted watercourses under WLEP2013. This has been addressed in accordance with the <i>Flora & Fauna Assessment</i> (2011) and <i>Hydrological Assessment</i> (2011) as part of the <i>Environmental Investigation</i> (2011).
Wetlands 	Wetlands Map WET_005 shows that the Murray River and its banks form part of a wetland system under WLEP2013. This has been addressed in accordance with the <i>Flora & Fauna Assessment</i> (2011) and <i>Hydrological Assessment</i> (2011) as part of the <i>Environmental Investigation</i> (2011).
Land Reserved for Acquisition	Whilst there is a Land Reservation Acquisition Map attached to WLEP2013, to the best of our awareness there are no sites identified on that map as at April 2015. Therefore, this Proposal will create the 1st site for this purpose.

3. LAND USE STRATEGIES

3.1. Murray Regional Strategy (2009) DRAFT

The applicable Regional Strategy is the *Draft Murray Regional Strategy* (2009). Whilst there are currently new Subregional Strategies being prepared for the region these are not currently public so the Draft is the only applicable strategy (confirmed with the Department of Planning Dubbo Office by phone call 5 May 2015).

The Draft Strategy (2009) has a number of sections, the most relevant relating to economic development, natural environment, and cultural heritage. Key aims include protecting and managing the sensitive riverine environment and recognising and protecting the cultural and archaeological heritage values of the Region.

The Strategy recognises the interdependence of ‘twin towns’ along the Murray (such as Swan Hill/Murray Downs) and the necessary transport connections as well as the broader infrastructure requirements including transport and access issues to support regional economic growth. It recognises that there are 30 road and/or rail bridges across the Murray River and many on the NSW side are disadvantaged by low quality bridges with weight restrictions and capacity issues currently being addressed by upgrading projects such as this proposal.

In this way the process followed for this proposal is consistent with an attempt to balance the need for bridge upgrades along the Murray River with environmental and social impacts and the key issues have been adequately addressed.

3.2. Wakool Shire LEP Review – Land Use Strategy Report (2009)

The primary land use strategy for Wakool Shire is the Collie Pty Ltd (2009) *Wakool Shire LEP Review – Land Use Strategy Report*. However, the focus of this strategy was to determine appropriate planning controls for the new Standard Instrument Local Environmental Plan. There is limited detail relating to infrastructure provision and upgrades including roads and bridges though there is some guidance for Murray Downs.

Section 4.2 – Objectives for Development includes relevant objectives:

- *Recognise and protect existing land use patterns;*
- *Ensure development contributes to maintaining high quality riverine environments and protect other environmental attributes;*
- *Provide opportunities for economic development through provision of land in appropriate locations;*
- *Protect existing rural activities within the Shire.*

Section 4.3.2 – Biodiversity and Conservation clearly notes that areas of high conservation value, native vegetation, environmentally sensitive land should be identified, and appropriate zones be applied to protect such areas.

Section 4.3.4 – Roads and Access acknowledges that there is a need for a roads and bridges maintenance strategy but otherwise there are no relevant strategies for the bridge dealt within this Proposal.

Section 4.3.5 – Cultural Heritage notes key relevant objectives including:

- *Land mooted for more intensive uses should be assessed for cultural heritage characteristics;*
- *Significant views, vistas, cultural landscapes and conservation areas should be identified and protected;*
- *Appropriate heritage provision should be identified and included in the LEP.*

Section 5.4 – Murray Downs provides an overview of the existing and proposed role / development potential of the area but this focusses on residential, industrial and retail/commercial development. It does note that *“the provision of adequate infrastructure in a timely manner will also need to be assured”* (p.41). At the time of preparing this Strategy the proposed bridge realignment was not taken into account. The relevant principles from this section include:

- *Protect aboriginal areas;*
- *Protect areas of high heritage value;*
- *Ensure certainty for existing residential land owners;*
- *Ensure development does not occur on flood liable land.*

The strategic framework for Murray Downs does not specifically address road or bridge upgrades but the intent to increase growth and development implicitly suggests that upgrades to infrastructure would be required.

The proposed area for Option 9A road realignment is nominated as a ‘Commercial Area’ in Figure 15 – Murray Downs Strategic Framework. The realignment of the road is not inconsistent with the surrounding land being used for this purpose where appropriate access can be provided – preferably not directly to the classified road. This can be resolved as part of any detailed future master plan for land release in the area as the most recent local environmental plan has not rezoned this area for commercial uses.

It is suggested that the proposed road/bridge realignment has been based on a thorough environmental and consultation process to determine the route option with the least environmental, social and economic impacts that is in accordance with the objectives and strategies of the local land use strategy.

4. PLANNING PROPOSAL

The layout of this section is in accordance with the requirements of the Department of Planning's document dated October 2012 entitled 'Guide to preparing planning proposals'.

4.1. Part 1 – Objectives and Intended Outcomes of Proposed Instrument

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The project objectives are set out in detail in Section 2.2 of the attached GHD (June 2011) *Replacement Murray River bridge crossing at Swan Hill - Environmental Investigation*. In summary, the proposal seeks to provide a new bridge and associated road connections over the Murray River for the following objectives:

- a) to improve road and pedestrian safety;
- b) to meet the transport and economic needs of Swan Hill and the region;
- c) to maintaining navigation clearances for boats;
- d) to minimise impacts on the environment and heritage of the river and surrounds;
- e) to minimise impacts on surrounding lands and nearby residents.

The specific objective of this planning proposal is to made amendments to *Wakool Local Environmental Plan 2013* ('WLEP2013') to facilitate the acquisition of land in accordance with the *Environmental Planning and Assessment Act 1979* and *Land Acquisition (Just Terms Compensation) Act 1991* to enable the new bridge to be constructed and to protect that road corridor with a suitable land use zone that prevents development of that land for purposes that would contradict its future infrastructure use.

4.2. Part 2 – Explanation of Provisions to be included in Proposed Instrument

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The LEP will be amended in two (2) ways:

- a) By altering the Land Reservation Acquisition Map in WLEP2013; and
- b) By changing the zoning of the road/bridge alignment to Zone SP2 Infrastructure (Classified Road).

The mapping changes will **ONLY affect PRIVATE lands that do not form part of the existing road corridor or Murray River waterway (i.e. they will only affect land currently in Zone RU1 Primary Production)**. No amendments to the text body of the LEP are required as Zone SP2 is already in the Land Use Table.

Whilst WLEP2013 (as at April 2015) has a Land Reservation Acquisition Map (7800_COM_LRA_001_600_20130919), to be best of our awareness no land is currently identified on this map. This Planning Proposal seeks to include the alignment (Option 9A) for the new Murray Bridge at Swan Hill/Murray Downs as set out in this Planning Proposal (on the NSW side) onto the Land Reservation Acquisition Map. **Note:** As the current map is a shire-wide map at a large scale it may be worth considering a smaller scale map aligned with Map Tile 005B (Murray Downs and surrounds).

It also seeks to change the zoning of the land along the alignment of Option 9A between the Swan Hill – Moulamein Road and the bridge from Zone RU1 Primary Production to Zone SP2 Infrastructure (Classified Road). This will protect the proposed road/bridge corridor from any development that would be inconsistent with the future road corridor.

4.3. Part 3 – Justification of Objectives, Outcomes & Process for Implementation

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed instrument. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination.

The Director General has set out the following requirements as matters that must be addressed in the justification of all planning proposals:

SECTION A

- 1) *Is the planning proposal the result of any strategic study or report?*
- 2) *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

SECTION B

- 3) *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?*
- 4) *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*
- 5) *Is the planning proposal consistent with applicable State Environmental Planning Policies?*
- 6) *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

SECTION C

- 7) *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?*
- 8) *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*
- 9) *Has the planning proposal adequately addressed any social and economic effects?*

SECTION D

- 10) *Is there adequate public infrastructure for the planning proposal?*
- 11) *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

The following justification sets out the case for the amendment to WLEP2013. It must be noted that the amendment of a Land Reservation Acquisition layer does not of itself have any environmental impact but it does support the future construction of the road/bridge realignment that may have substantial impact. The change in zoning will have an impact in terms of which land uses are permissible along the road corridor / within Zone SP2 Classified Road (particularly the construction of buildings / infrastructure that may conflict with the future road purpose) but does not preclude its ongoing use for extensive agriculture until such time as the land is acquired and the road constructed.

4.3.1. SECTION A

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

This planning proposal has been initiated by a joint study and project between Roads & Maritime Services (NSW) and VicRoads (Victoria). As part of this study a number of strategic studies were prepared including, but not limited to:

- a) *Swan Hill Bridge Planning Study Phase 1 & 2;*
- b) *VicRoads / RTA (June 2011) Swan Hill Bridge Planning Study – Information Update;*
- c) *VicRoads (25 November 2011) Swan Hill Planning Scheme Amendment C41 – Replacement Murray River Bridge (Panel Report);*
- d) *GHD (on behalf of RTA) (June 2011) Replacement Murray River bridge crossing at Swan Hill – Environmental Investigation.*

The Environmental Investigation and its supporting reports provides a comprehensive review of all of the environmental, social and economic issues and provides recommendations supporting the alignment of proposed Option 9A (See Site Analysis Section above).

The Environmental Investigation was prepared in the context of addressing the *Threatened Species Conservation Act 1995; Fisheries Management Act 1994; Environment Protection and Biodiversity Conservation Act 1999 (Cmth)*. A further Environmental Impact Statement may be required prior to construction, but at this stage the Environmental Investigation is sufficient to support this Planning Proposal.

Please also see Section 2.1.1 – Relevant Strategies and Plans in the Environmental Investigation for a review of consistency of this proposal with the objectives in the *NSW State Plan; Draft Murray Regional Strategy*, and the *Council of Australian Government’s transport reform*.

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

A Planning Proposal is the primary means (other than another Environmental Planning Instrument or legislation) to amend WLEP2013 including the Land Reservation Acquisition Map(s) and the Land Zoning Map 005B.

Under *Clause 5.1 – Relevant Acquisition Authority* of WLEP2013, the objective of the clause is to identify, for the purposes of section 27 of the *Environmental Planning and Assessment Act 1979* (‘the Act’), the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land is required to be shown on the ‘Land Reservation Acquisition Map’ if it is expressly set apart by the Plan exclusively for a ‘public purpose’ referred to in section 26 (1) (c) of the Act (see Practice Note 11-001). This would include public roads, particularly classified roads such as the Swan Hill-Moulamein Road. In regards to Classified Roads (which are generally included in Zone SP2 Infrastructure), the relevant authority is the Roads & Maritime Services (‘RMS’) and they consent to being listed for this purpose.

By including the new bridge road corridor in Zone SP2 Infrastructure (Classified Roads) it provides additional protection to the road corridor to ensure that inconsistent / contradictory developments do not occur on the existing rural lands (either as exempt, complying or local development). Whilst the remainder of the Swan Hill – Moulamein Road does not have the SP2 zoning, the function of this zoning is protection prior to the road construction over the lands that are held in private ownership (**Note:** The zoning change will only affect existing Zone RU1 Primary Production lands – not Zone W1 Natural Waterways).

4.3.2. SECTION B

3) Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The applicable Regional Strategy is the *Draft Murray Regional Strategy* (2009). Whilst there are currently new Subregional Strategies being prepared for the region these are not currently public so the Draft is the only applicable strategy (confirmed with the Department of Planning Dubbo Office by phone call 5 May 2015).

The Draft Strategy (2009) has a number of sections, the most relevant relating to economic development, natural environment, and cultural heritage. Key aims include protecting and managing the sensitive riverine environment and recognising and protecting the cultural and archaeological heritage values of the Region.

The Strategy recognises the interdependence of 'twin towns' along the Murray (such as Swan Hill/Murray Downs) and the necessary transport connections as well as the broader infrastructure requirements including transport and access issues to support regional economic growth. It recognises that there are 30 road and/or rail bridges across the Murray River and many on the NSW side are disadvantaged by low quality bridges with weight restrictions and capacity issues currently being addressed by upgrading projects such as this proposal.

In this way the process followed for this proposal is consistent with an attempt to balance the need for bridge upgrades along the Murray River with environmental and social impacts and the key issues have been adequately addressed.

More relevant is the *Murray Regional Environmental Plan No.2 – Riverine Lands* (addressed below in relation to State Environmental Planning Policies).

4) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Wakool Shire Council's existing local strategy includes two key documents:

- a) *Vision 2023 – Community Strategic Plan*; and
- b) Collie Pty Ltd (2009) *Wakool Shire LEP Review - Land Use Strategy Report*.

The Community Strategic Plan has key relevant strategies including:

- Healthy, culturally rich and inclusive communities (social)
- Resilient local economies (economic)
- Sustainable built and natural environments (environment)
- Democratic and engaged communities (civic leadership)

This proposal is consistent with improving access across the Murray River, increasing the Wakool Shire economy through that increased access to key centres/markets/routes, minimising environmental and social impacts, and has been considered as part of a democratic process of community engagement.

The Land Use Strategy Report only briefly considers roads and access (no specifics on bridges and upgrades) and provides some principles for Murray Downs which focusses on its relationship (and need for access to) Swan Hill. This is addressed in more detail in Section 3 above where it was suggested that the proposal is consistent with the objectives and principles of that Strategy in accordance with the findings of the *Environmental Investigation* (2011).

5) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with all of the State Environmental Planning Policies as follows:

SEPP No.44 – Koala Habitat Protection

Wakool is a listed LGA to which this SEPP applies. This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The land reservation acquisition layer and change in zoning are designed to facilitate the future construction of the new road / bridge alignment.

The Flora & Fauna Assessment (Addendum – May 2011) that supports the *Environmental Investigation* (2011) determined that all six alignment options would impact on River Red gum Forest adjacent to the Murray River, however, this habitat was only of moderate habitat quality for fauna. There were no flora or fauna species listed as rare or threatened in the study area and no sightings of koala with limited local records even though the habitat is suitable.

- Step 1 – Is the land potential koala habitat? YES
- Step 2- Is the land core koala habitat? Koalas are known to inhabit River Red Gum woodlands (and these are a listed tree species) but it is not a preferred habitat according to the Assessment.
- Step 3 – Can development consent be granted in relation to core koala habitat? The Assessment states that “*The small amount of tree removal proposed as part of this development would not have a significant impact on this species*” (p.17 Addendum). Option 9A seeks to minimise impacts on the habitat compared to the other options (Page 30).

See Flora & Fauna Assessment (Addendum) for more details. **Therefore, the Proposal is consistent with this SEPP.**

SEPP No.55 – Remediation of Land

This policy applies to the whole State including the Site. Under Clause 6, contamination and remediation is to be considered in zoning or rezoning proposals. The change from a rural zone to an infrastructure zone is only expected to protect the use of the land for road infrastructure. However, there is expected to be significant disturbance of soil.

The VicRoads (May 2011) *Geotechnical Risk Register – Swan Hill Bridge Planning Study* conducts a review of potentially contaminated sites that may affect the road/bridge realignment and notes that Options 4B & 4C may be affected by fuel storage sites / fertiliser site on the Victorian side. However, on the NSW side there are no specific sites highlighted as potentially contaminated.

The proposed use of the land for the purpose of a road is unlikely to be a sensitive land use that warrants further investigation. If any other contamination is found during later geo-technical testing then it will be remediated in accordance with SEPP55 and the relevant guidelines / policies. **Therefore, the Proposal is consistent with this SEPP.**

SEPP (Infrastructure) 2007

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State. In particular, under Part 3 Development Controls – Division 17 – Roads & Traffic – Subdivision 1 – Road Infrastructure Facilities – development for the purposes of a road or road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land. This Proposal is about amending the Planning controls to allow for acquisition of the land for a road and a suitable zoning to protect that future road alignment. **Therefore, the Proposal is consistent with this SEPP.**

SEPP (Rural Lands) 2008

This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles, reduce land use conflicts, and identify State significant agricultural land.

The Rural Planning Principles (Part 2) are as follows:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) *recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

This Proposal seeks to take up a limited area of zoned rural (primary production) land for the purposes of infrastructure. This is in the economic and social interests of the broader community. The impacts on rural lands are minimal and there are no significant intensive or highly productive lands removed by this Proposal. **Therefore, the Proposal is consistent with this SEPP.**

Murray Regional Environmental Plan No.2 – Riverine Land

The aim of this plan is to conserve and enhance the riverine environment of the River Murray for the benefit of all users. This should be considered when amending any LEP. A range of Planning Principles have been set out that relate to: Access; Bank disturbance; Flooding; Land degradation; Landscape; River related uses; Settlement; Water quality; and Wetlands. These issues have been addressed in detail in the attached *Environmental Investigation and Planning Assessment Report*. Option 9A has been chosen as having the least impact of all of the options on each of these issues. In general, the Proposal is consistent with this State policy. This has also been addressed in relation to the Draft Murray Regional Strategy (2009) above. A road project does not require a specific consent under the REP2 but is to be referred to the Murray Darling Basin Commission and other relevant agencies.

6) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with all of the relevant Ministerial Directions as follows:

1. Employment & Resources - 1.2 Rural Zones (Reissue 9 May 2008)

This direction seeks to protect rural zoned land from being rezoned to a residential, business, industrial, village or tourist zone. The variation from rural zoned land to infrastructure zoned land is consistent with this direction.

1. Employment & Resources - 1.5 Rural Lands (9 May 2008)

The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. The key justification for the amendment from a rural zone to an infrastructure zone for this land only utilises a small area of rural land and potentially benefits a much larger area through improved road infrastructure and connections for agricultural goods to key markets. The Rural Planning Principles in SEPP (Rural Lands) 2008 have been addressed above. This Proposal is consistent with this direction.

2. Environment & Heritage – 2.1 Environment Protection Zones (Reissue 9 May 2008)

This direction applies to all environmentally sensitive areas. It is assumed that the Murray River and its banks would fall within this classification not just because of their W1 zoning but also the other environmental overlays in WLEP2013. It is not proposed to adopt Zone SP2 Infrastructure (Classified Road) across the existing W1 zone but only over Zone RU1 lands. The Site Analysis Section above demonstrates that this Proposal (if deemed inconsistent with this direction) is justified by a strategy which considers the objectives of this direction and is in accordance with the Draft Murray Regional Strategy. Therefore, this Proposal is consistent with this direction.

2. Environment & Heritage - 2.3 Heritage Conservation (19 July 2007)

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The existing bridge is a listed heritage item (Item No.11) and a key aim of the new bridge alignment is to protect the existing bridge. In addition, Option 9A alignment seeks to minimise any impacts on Indigenous heritage and an Aboriginal Heritage Assessment (Heritage Concepts 2009) and Aboriginal Cultural Heritage Addendum Report (Andrew Long + Associates May 2011) support the proposed realignment.

The 2009 report states that *“Route Option 9a has no tangible impact upon the identified Aboriginal heritage items with the exception of Area of Archaeological Sensitivity 2. Importantly, this route option respects the curtilage, privacy and security of the Wamba Wamba LALC lands and the numerous Aboriginal scarred trees that form part of the areas cultural landscape”* (p.iv) and its recommendation no.1 is that *“Option 9a should be selected as the preferred option”* (p.iv).

The 2011 Addendum Report agrees with the 2009 study and sets out a list of recommendations to minimise or mitigate any impacts on the Area of Archaeological Sensitivity 2. A draft LEP may be inconsistent with this direction only if Council can demonstrate that the amendment complies with Part 5 of the *Heritage Act 1977*. It is submitted that the attached reports demonstrate this compliance.

3. Housing, Infrastructure & Urban Development-3.4 Integrating Land Use and Transport (19 July 2007)

The objectives of this direction seek to improve access to transport, reduce travel demand, support the efficient and viable operation of public transport services, and provide for the efficient movement of freight. The aim of this Proposal is to improve the safety and efficiency of the bridge across the Murray to facilitate, amongst other things, improved freight and logistics with capacity for heavier vehicles. Primarily this direction is related to urban zones instead of infrastructure zoning – but in effect this Proposal is consistent with the objectives of this direction.

4. Hazard & Risk - 4.3 Flood Prone Land (19 July 2007)

This direction applies to all land that may be flood prone land in accordance with the *Floodplain Development Manual 2005* but technically only applies to urban zones for buildings (as opposed to road infrastructure).

Flooding and Hydrology has been assessed in the attached *Detailed Hydrology Study for the Swan Hill Bridge Planning Study* (March 2009) and the *Addendum Report* (May 2011) by Cardno. Option 9a requires the least amount of mitigation works (culverts) to address flooding and is the preferred option. The Addendum Report focussed on the Option 9A alignment and shows that the road surface levels are above the existing flood level for both the river and the floodplain. With mitigation measures in place, the Option 9A alignment meets the afflux criteria set by the Office of Environment and Heritage (OEH) (page i). Therefore, the Proposal has addressed the impacts on flood planning areas in accordance with this direction.

Note: There has since been a further hydrological study that provides additional details in GHD (June 2014) Murray Downs Flood Study – Draft Final Report.

4. Hazard & Risk - 4.4 Planning for Bushfire Protection (19 July 2007)

The principles of this direction are to avoid placing inappropriate development in hazardous areas. This is an application for road infrastructure (not new buildings). Whilst there are no specialist reports addressing this issue it is not deemed to be a high risk land use and sufficient buffers to adjacent landscape are expected within the road reserve. Therefore, this Proposal addresses this direction.

Note: No review of bushfire prone land mapping has taken place for this Proposal but it is assumed that there is a reasonable likelihood of bushfire prone land along the Murray River significant vegetation area.

4.3.3. SECTION C

7) 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?

As stated in the *Environmental Investigation* (Executive Summary p.i-ii):

Terrestrial ecology

The proposal would require the removal of 0.3 hectares of native vegetation, mainly comprising River Red Gum forest within the riparian area of the Murray River. Several isolated trees would also be removed east of the riparian area near the existing Swan Hill-Moulamein Road. The proposal would reduce habitat for 20 threatened species known or likely to occur in the area. The proposal may also fragment the riparian corridor at the bridge site. However, the terrestrial ecological assessment found that with the implementation of the recommended safeguard and management measures, the proposal would be unlikely to have a significant impact on any threatened or migratory species, population or ecological community.

The site would be rehabilitated following construction, including replanting of River Red Gums and other locally endemic species.

Aquatic ecology

The construction of three bridge piers in the river bed was investigated and issues such as fish passage, removal of aquatic habitat and sedimentation were identified. The aquatic ecology assessment found that the proposal would be unlikely to have a significant impact on any species or ecological community listed under the *NSW Fisheries Management Act 1994* or *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*, provided the recommended safeguards and management measures are implemented.

Please see the following attachments to the *Environmental Investigation* for more details:

- 6) **Detailed Flora and Fauna Assessment, Options Analysis and Impact Assessment**, Brett Lane & Associates Pty Ltd, May 2011.
Flora and Fauna Addendum Report, Brett Lane & Associates Pty Ltd, May 2011.
- 7) **Aquatic Fauna Study**, GHD, April 2011.

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

The *Environmental Investigation* and the attached specialist reports have reviewed all of the other major environmental effects of the proposal including traffic; regional economy; social impacts; landscape and visual impacts; Aboriginal heritage assessment; Historic heritage assessment; Noise impact assessment; hydrology / flooding; and geo-technical issues as set out below:

- 1) **Traffic Modelling Final Report**, VicRoads Network and Asset Planning, August 2007.
Traffic Modelling Addendum Report, VicRoads Network and Asset Planning, May 2011.
- 2) **Regional Economy Report**, Essential Economics Pty Ltd, June 2007.
Regional Economy Addendum Report, Essential Economics Pty Ltd, May 2011.
- 3) **Desktop Assessment of Land Use Issues**, George Ward Consulting Pty Ltd, April 2007.
- 4) **Social Impact Assessment**, AECOM Australia Pty Ltd, May 2009.
- 5) **Landscape and Visual Impact Assessment**, ASPECT Studios Pty Ltd, June 2010
Landscape Planning Concept, ASPECT Studios Pty Ltd, May 2011.
- 8) **Aboriginal Heritage Assessment**, Heritage Concepts Pty Ltd, 2009.
Aboriginal Cultural Heritage Addendum Report, Andrew Long & Associates Pty Ltd, May 2011.
- 9) **Historic Heritage Assessment**, Heritage Concepts Pty Ltd, 2009.
- 10) **Noise Impact Assessment**, Renzo Tonin & Associates (Vic) Pty Ltd, March 2011.
- 11) **Detailed Hydrology Study**, Cardno Lawson Treloar Pty Ltd, March 2009.
Detailed Hydraulic Study Addendum Report, Cardno Pty Ltd, May 2011.
- 12) **Geotechnical Risk Register**, VicRoads Technical Consulting, February 2011.

All of these reports have recommended that the Option 9A alignment is the preferred alignment and has the least environmental impacts (see summaries below). They have all provided recommendations that provide mitigation measures to manage any environmental impacts.

Water quality

The proposal has the potential to affect water quality in the Murray River. During construction there is the potential for a wide range of pollutants to enter the river such as sediments from erosion, oils and chemicals from spills and general construction waste. Following construction, use of the new road and bridge may also degrade water quality through polluted runoff. However, the water quality investigation found that effects on water quality would be minimal provided the recommended safeguard and management measures are implemented.

Hydrology

Construction of the proposal would result in changes to existing flows and flood depths during flood events. A decrease in flood depth is anticipated on the northern side (down stream) of the proposed bridge and road approach, while a small increase (50 millimetres) in flood depth on the southern side (up stream) of the proposed bridge and road approach is expected. The hydrology assessment found that impacts on hydrology would not be major.

Traffic and access

During peak construction periods, between 100 and 150 additional vehicle movements may access the site per day. This increase would only be experienced during peak construction periods. Alterations to property access would also be expected. It was demonstrated that through the use of standard mitigation measures traffic and access conditions would remain acceptable.

During operation the proposal would service the surrounding road network in a similar fashion and location to the existing bridge. Access across the Murray River for heavy and general vehicles would be improved as a result of the proposal.

Noise and vibration

Construction noise was identified as an issue for three nearby sensitive receivers. To minimise potential construction noise issues, works would be conducted mainly during standard work hours, and the recommended mitigation measures would be implemented to reduce impacts.

Operational noise has been estimated to result in exceedances of criteria at one receiver. Safeguards and management measures would reduce the effect of operational noise to an acceptable level.

Visual amenity

The proposal would result in some changes to the visual environment due to the introduction of new infrastructure in the landscape. Views from the existing bridge (which is to be retained) and along the Murray River would be impacted upon. The vista for one residential dwelling is likely to be adversely affected by the proposal.

Aboriginal heritage

The proposal would not affect known Aboriginal objects or places. The proposal crosses an area identified as an 'Area of Archaeological Sensitivity'. Investigations in line with the RTA's Procedure for Aboriginal Cultural Heritage Consultation and Investigation are currently ongoing. The impact of the proposal would be further assessed as part of any future environmental impact assessment for the proposal. It is expected that the potential impacts on this area could be managed by the implementation of recommended safeguards and management measures.

Non-Aboriginal heritage

The existing bridge is listed on the NSW State Heritage Register. The proposal would not directly affect the fabric or curtilage of the existing bridge. There is potential for the proposal to indirectly impact on the setting of the existing bridge given the proximity of the two bridges. Design of the new bridge would minimise the visual dominance of the new bridge on the existing heritage listed bridge.

9) *Has the planning proposal adequately addressed any social and economic effects?*

As stated above, the *Environmental Investigation* and the attached specialist reports (see list below) have specifically addressed regional and local economic effects and social impacts from the proposal.

- 2) **Regional Economy Report**, Essential Economics Pty Ltd, June 2007.
Regional Economy Addendum Report, Essential Economics Pty Ltd, May 2011.
- 3) **Desktop Assessment of Land Use Issues**, George Ward Consulting Pty Ltd, April 2007.
- 4) **Social Impact Assessment**, AECOM Australia Pty Ltd, May 2009.

The *Regional Economy Addendum Report* concludes (p.6) that "From a business viewpoint, Option 9a meets all commercial operator requirements (eg two-way access, minimal delays, ability to accommodate large vehicles and machinery), with the exception of not providing a high level bridge ... In summary, therefore, Option 9a represents a very good planning outcome for the business community, providing a bridge close to the existing bridge corridor.

The *Social Impact Assessment* reviewed all of the options and found Option 9a performed 'Well' as an overall assessment compared to 'very poor' to 'poor' for all of the other options. They stated that "Option 9a has the least social impact of the options assessed in this study. In addition, the negative social impacts of this option are generally capable of being mitigated either through design or future development activities" (p.i). A range of management and mitigation opportunities were put forward. Therefore, the Planning Proposal has adequately addressed any social and economic effects.

4.3.4. SECTION D

10) Is there adequate public infrastructure for the planning proposal?

This Planning Proposal will facilitate the improvement of public infrastructure (i.e. road and pedestrian access) between the two sides of the Murray River. It will only have limited reliance on other public utilities (electricity) and water for construction. There will need to be modifications to existing road connections and signage (and possibly utilities) to facilitate this realignment.

11) What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The *Environmental Investigation* (NSW) (Chapter 4) and *Planning Assessment Report* (Victoria) set out the Community Consultation that has been achieved to-date which includes consultation with most relevant state government agencies as set out below (p.32):

Agencies notified included:

- NSW Department of Environment, Climate Change and Water (DECCW) (now NSW Office of Environment and Heritage).
- Wakool Shire Council.
- NSW Industry and Investment (I&I) (now NSW Trade and Investment).
- Murray Darling Basin Authority (MDBA).
- Murray Catchment Management Authority.
- Maritime Authority of NSW.
- NSW Office of Water.
- NSW State Water Corporation.
- Wamba Wamba LALC.

Consultation has also been undertaken by VicRoads with the following agencies:

- State Emergency Services.
- NSW Fire Brigade.
- NSW Police.
- NSW Ambulance.

Responses to the consultation letters were received from DECCW, I&I, MDBA, Murray Darling Catchment Management Authority and NSW State Water Corporation. The responses from these agencies are summarised in Table 4.2.

Table 4.2 also indicates where the issues raised by the agencies are addressed in the environmental investigation.

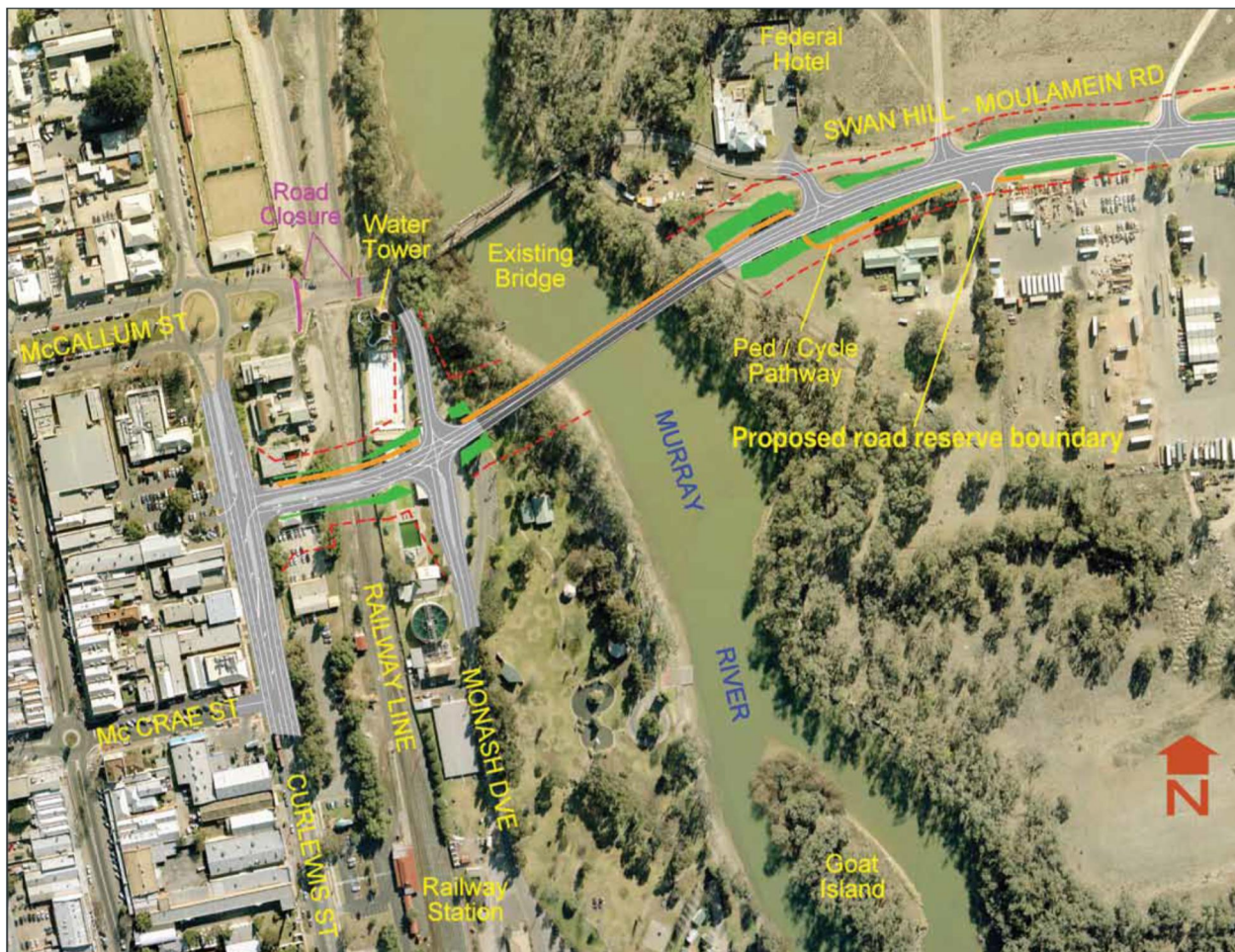
Please see Table 4.2 of the *Environmental Investigation* for the summary of key feedback / issues and how they are addressed by the Proposal. In addition, the RMS (June 2013) *Environmental Investigation Submissions Report* provides a comprehensive review of all submissions made to the 2011 Environmental Investigation and response.

4.4. Part 4 – Maps (where relevant) showing Intent of Planning Proposal

At this stage the amended Land Reservation Acquisition Map and Land Zoning Map LZN_005B have not been prepared. However, if the Gateway Determination is successful these maps can be prepared with assistance from the Department of Planning & Environment to be placed on public exhibition with the Planning Proposal and supporting documentation.

The figure below shows the indicative location for all of the main road works. The mapping changes in WLEP2013 will only relate to the areas within NSW / Wakool Shire. The mapping changes will **ONLY** affect **PRIVATE** lands that do not form part of the existing road corridor or Murray River waterway.

These will need to be included on the Land Reservation Acquisition Map and on the Land Zoning Map LZN_005B. The zoning will need to be changed from Zone RU1 Primary Production to Zone SP2 Infrastructure (Classified Road). This will not affect Zone W1 Natural Waterways or the existing road corridor.



INDICATIVE LOCATION OF THE PROPOSED ROAD / BRIDGE REALIGNMENT (PREFERRED OPTION 9A)
(SOURCE: VIC ROADS (JUNE 2011) SWAN HILL BRIDGE PLANNING STUDY – INFORMATION UPDATE).

4.5. Part 5 - Community Consultation

4.5.1. Role of Consultation

It is important to clarify several matters relevant to consultation for this Proposal:

- There has been extensive public and agency consultation on the nature of the bridge / road alignment and impact assessments prior to the preparation of this Planning Proposal and key decisions on this alignment have already been made by the relevant authorities;
- The planning processes for the Victorian / Swan Hill side have already been achieved through *Swan Hill Planning Scheme – Amendment C41* and its approval / adoption so issues relating to the Victorian planning processes are not directly relevant to this Planning Proposal;
- This Planning Proposal is not an opportunity to comment on or modify the bridge / road alignment;
- This Planning Proposal only seeks to ensure the Planning processes align with a future acquisition of the land for the new bridge (once funding is available);
- Whilst Victorian residents are not precluded from making a submission, only those submissions relevant to NSW planning issues will be addressed as part of this process.

4.5.2. Public Exhibition & Notification

The public exhibition & notification requirements will be in accordance with the Gateway Determination made by the Department of Planning & Environment.

Public exhibition of this Proposal will occur in a newspaper that services both sides of the Murray River in Swan Hill and Murray Downs (likely to be 'The Guardian' based in Swan Hill). Council will provide public notice of a proposed resolution to rezone land and specify a 28 day period during which submissions may be made to Council.

A copy of the Gateway Determination, Planning Proposal and supporting information will be held for public inspection at the Council Offices in Wakool Shire and Swan Hill Rural City Council office.

Additional notification will include:

- a) The key agency stakeholders for this Proposal listed in Section 4.3 of this Proposal;
- b) The directly affected land owners listed in Section 1.6 of this Proposal.

There will not be specific notification to previous community submission writers as the public has been consulted widely on this matter and this Proposal does not relate to the location of the proposed bridge, but only the preservation and acquisition of the approaches / alignment.

4.5.3. Submissions

Council will accept public submissions up to the close of the public exhibition period. The outcomes of any public hearing (if required) will also be considered prior to making a recommendation to Council.

4.6. Part 6 – Project Timeline

The inclusion of a project timeline provides a mechanism to monitor the progress of the Planning Proposal through the plan making process and avoid delays. The project timeline will be assessed by the Department and may be amended by the Gateway.

The timeframe will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. In this case it is submitted that all of these issues have been comprehensively addressed in the earlier stages of the process – so there can and should be a relatively straight-forward process / timeline.

Commencement Date (Date of Gateway Determination)	June-July 2015
Completion of Required Technical Information	No additional information required
Timeframe for Government Agency Consultation	28 days – Public Exhibition + 2 Weeks additional time for Government Agencies (if required)
Commencement & Completion Dates for Public Exhibition Period	August – September 2015 (subject to Council resources)
Dates for Public Hearing (if required)	October 2015
Timeframe for Consideration of Submissions	November – December 2015
Timeframe for the Consideration of a Proposal Post Exhibition	Not expected to be required
Date of Submission to the Department to Finalise the LEP	January – February 2016
Anticipated date RPA will make the Plan (if delegated)	March – April 2016
Anticipated date RPA will forward to the Department for Notification	April – May 2016

APPENDICES / ANNEXURES

1. Completed Application Forms (DPE Requirements)

- a. Request for Initial Gateway Determination
- b. Attachment 1 – Information Checklist
- c. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions

2. Wakool Shire Council – Report / Resolution / Minute July 2014

100714 PLANNING PROPOSAL – MURRAY DOWNS – SWAN HILL BRIDGE

Cr Jackson Moved and Cr Membrey Seconded

- i. That the Officer's report be received and noted.
- ii. That Council support the proposition to undertake a Planning Proposal to amend Wakool Local Environmental Plan to secure the NSW approach road and bridge corridor to the proposed crossing of the Murray River at Murray Downs – Swan Hill (Option 9A)
- iii. That the completion of the Planning Proposal be managed by Councils Deputy General Manager.
- iv. That the preparation of the Planning Proposal be at the full cost of the NSW Roads and Maritime Services.

Voted for

Cr Lipp

Cr Lockhart

Cr Jackson

Cr Membrey

Cr Gorey

Voted Against

Cr Crowe

CARRIED



OFFICER'S REPORT
ORDINARY COUNCIL MEETING
16TH JULY 2014

2. PLANNING PROPOSAL – MURRAY DOWNS – SWAN HILL BRIDGE

AUTHOR: Paul O'Brien – Director Development Services
VENUE: Moulamein Bowling Club
TRIM Reference:

Issues Considered in writing report: Council Policy, Legislation, Resources (financial, community & staff), Environmental issues, Risk Issues & Options – issues applicable have been reported on.

Recommendation

- i. That the Officer's report be received and noted.
- ii. That Council support the proposition to undertake a Planning Proposal to amend Wakool Local Environmental Plan to secure the NSW approach road and bridge corridor to the proposed crossing of the Murray River at Murray Downs – Swan Hill (Option 9A).
- iii. That the completion of the Planning Proposal be managed by Councils Deputy General Manager.
- iv. That the preparation of the Planning Proposal be at the full cost of the NSW Roads and Maritime Services.

Report

Council has been approached by NSW Roads and Maritime Services with a request that Wakool Shire Council place an appropriate overlay or zoning in the Wakool Local Environmental Plan in order to reserve a corridor for the future approach road and bridge across the Murray River at Murray Downs – Swan Hill. A copy of that correspondence and the General Managers reply are attached for information.

At its Ordinary Meeting held on 19th March 2014, Council resolved as follows:

“ . . . that Council confirms its position in relation to the approved option 9a as its preferred solution for the Murray River Bridge Crossing at Murray Downs/Swan Hill.”

It is proposed that it would be appropriate to put in place a Land Reservation Acquisition Map layer detailing land proposed for acquisition by NSW Roads and Maritime for NSW approach road and bridge corridor to the proposed crossing of the Murray River at Murray Downs – Swan Hill (Option 9A).

It therefore recommended that Council support the proposition to prepare a Planning Proposal for the land.



20 June 2014

A/10001
SF2014/045345

Bruce Graham
General Manager
Wakool Shire Council
Private Bag 40
Moulamein NSW 2733

Dear Mr Graham

Swan Hill/Murray Downs bridge Planning

VicRoads on behalf of VicRoads and Roads and Maritime Services have completed a route study to determine a preferred route for the future replacement bridge over the Murray River at Swan Hill. This route has been given the designation 9a. This route has been endorsed by VicRoads, Roads and Maritime Services, Wakool Council and initially Swan Hill Rural City Council.

The road corridor boundaries have been determined for the approach roads and new bridge. The corridor for the bridge approaches and approach road in Victoria have been placed in the Swan Hill Rural City Council Planning Scheme by VicRoads under the Victorian planning process. A plan of the approach road and bridge corridor in NSW is attached to this letter.

Roads and Maritime Services requests that Wakool Shire Council place an appropriate overlay or zoning in the Wakool Local Environmental Plan in order to reserve this corridor for the future road and bridge.

Further information on the project can be found at:

http://www.rms.nsw.gov.au/roadprojects/projects/south_western_region/murray_river_bridges/swan_hill_bridge/index.html

If you have any questions please contact Mr Timothy Wilson on 6937 1604.

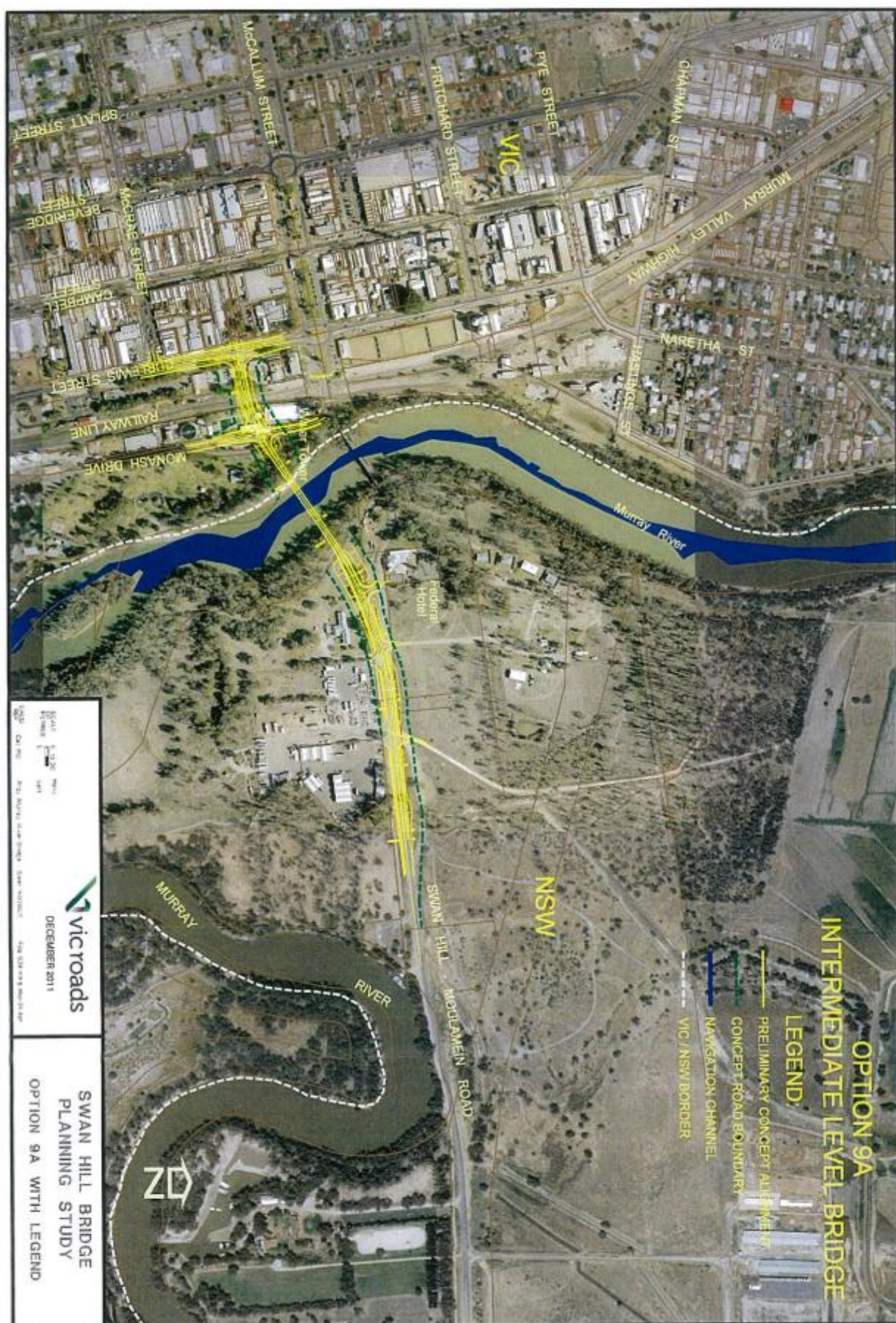
Yours sincerely

David Corry
Principal Manager Project Development

Roads & Maritime Services

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T 02 6938 1111 | F 02 6938 1183 | E timothy.v.wilson@rms.nsw.gov.au

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TRIM REF: I14/3084

CONTACT: B Graham

YOUR REF:

2nd July 2014

David Corry
Principal Manager Project Development
Roads and Maritime Services
PO Box 484
WAGGA WAGGA NSW 2650

Dear David

Swan Hill/Murray Downs Bridge Planning

I refer to your letter received on 25th June 2014.

I can advise that, at its Ordinary Meeting held on 19th March 2014, Wakool Shire Council resolved as follows:

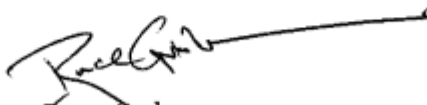
“...that Council confirms its position in relation to the approved option 9a as its preferred solution for the Murray River Bridge Crossing at Murray Downs/Swan Hill.”

A planning proposal to amend the Wakool Local Environmental Plan 2013 is required in order to facilitate a change of zoning for the area detailed in your letter of request as the NSW approach to the proposed bridge.

Accordingly, a report shall be presented to the next Ordinary Meeting of Council, scheduled for 16th July 2014, recommending that Council proceed with this planning proposal.

Paul O'Brien, our Deputy General Manager, will contact you with further information once that report has been to Council. Please contact Paul on 03 5453 3200 should you require further information.

Yours sincerely



Bruce Graham
General Manager

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