

5.4 DIRECTOR PLANNING AND ENVIRONMENT REPORT AND SUPPLEMENTARY MATTERS**5.4.1 AMENDMENT 15 OF MURRAY LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REDUCE THE MINIMUM LOT SIZE AT LOT 17 DP258661, 17 MAIDENSMITH DRIVE, MOAMA FROM 3000M2 TO 1000M2**

File Number: -

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Authoriser: Rod Croft, Director Planning & Environment

RECOMMENDATION

That Council

1. Endorse staff to finalise proposed Amendment 15 of the Murray Local Environmental Plan 2011 including any alteration to the Planning Proposal which may be required throughout the course of the LEP amendment process

BACKGROUND

Council has received a privately initiated Planning Proposal (Attachment 1 of this report) for the amendment of the Murray Local Environmental Plan 2011. The proposal seeks to reduce the minimum lot size effecting Lot 17 DP258661, 17 Maidensmith Drive, Moama. If approved, the minimum lot size at this site would be reduced from 3000m² to 1000m². The zoning is not sought to be changed as part of this proposal and would remain R2 Low Density Residential. The subject land is shown below in Figure 1 and Figure 2.

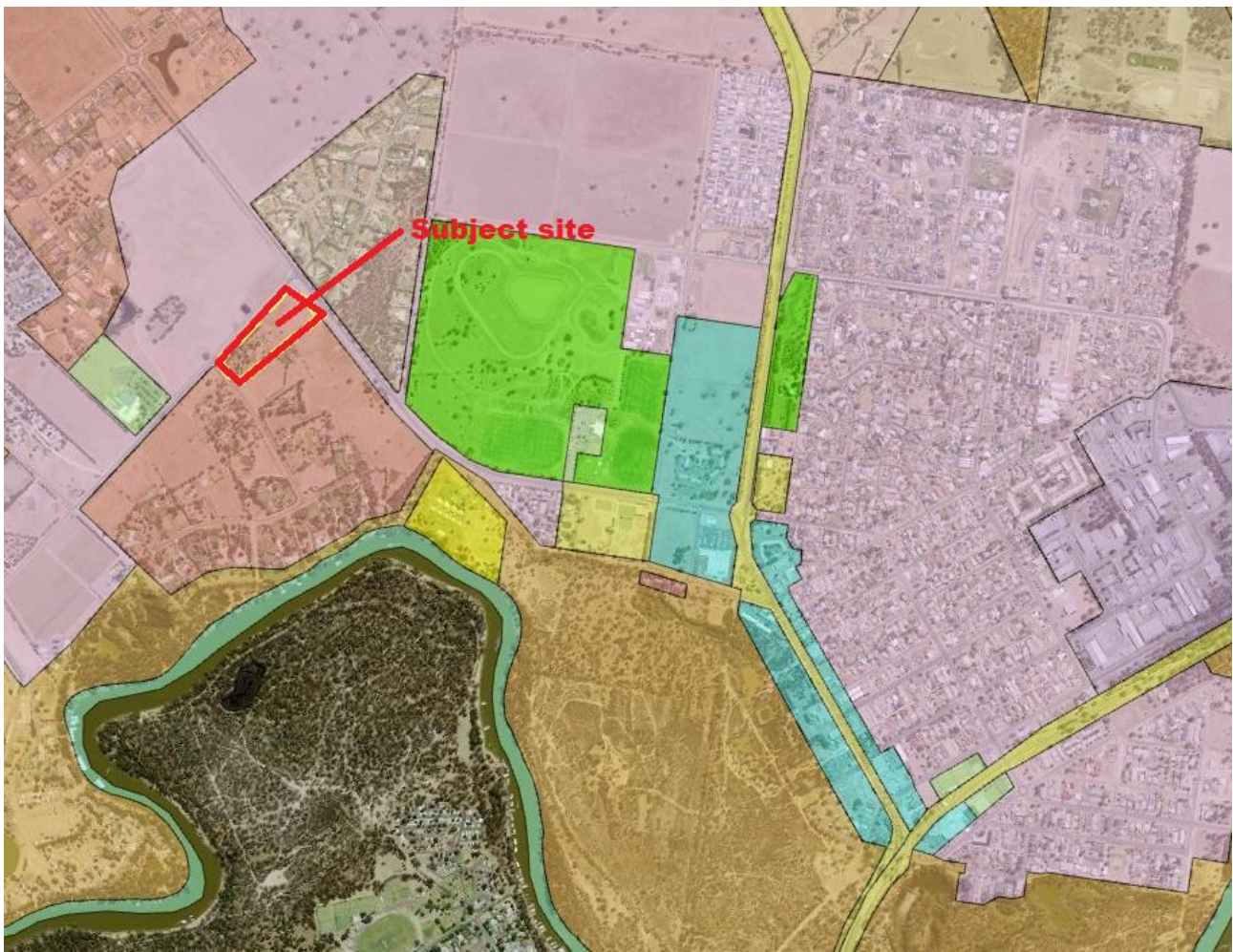


Figure 1 – Locality map



Figure 2 – Aerial Photography of Planning Proposal site

Site characteristics

The site has a total area of 3.086 hectares and contains a single dwelling. The site has vehicle access from Maidensmith Drive, with connection to sewer, stormwater, filtered water, raw water, electricity, and gas available from Merool Road and Perricoota Road (depending on the utility). The site contains both planted and remnant vegetation however is not covered by Council's biodiversity mapping. The applicant has provided a Test of Significance (ToS) (Attachment 2) to accompany the Planning Proposal. The site is covered in entirety by the Urban Release Area Map and as shown in Figure 3 below, is partially classified as Bushfire Prone Land (Vegetation Buffer).

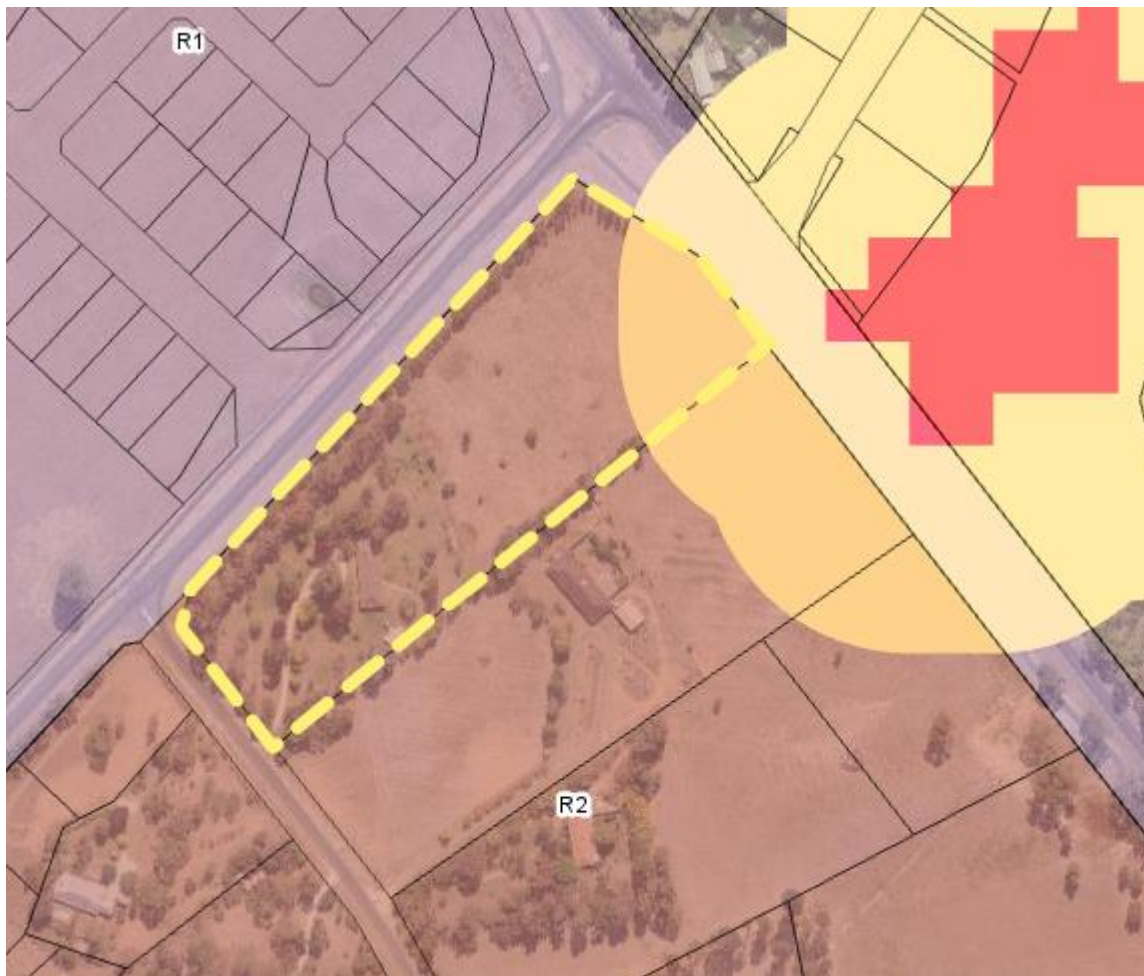


Figure 3 – Bushfire Prone Land mapping coverage

The site is currently afforded a development consent issued on 21 September 2018 to create seven lots and does not appear to be encumbered with any easements or restrictions which would impact any future use of the site at an increased density. The land is surrounded by a mix of residential zones and minimum lot sizes, as shown by Figure 4 and 5 below.



Figure 4 – Surrounding zoning.

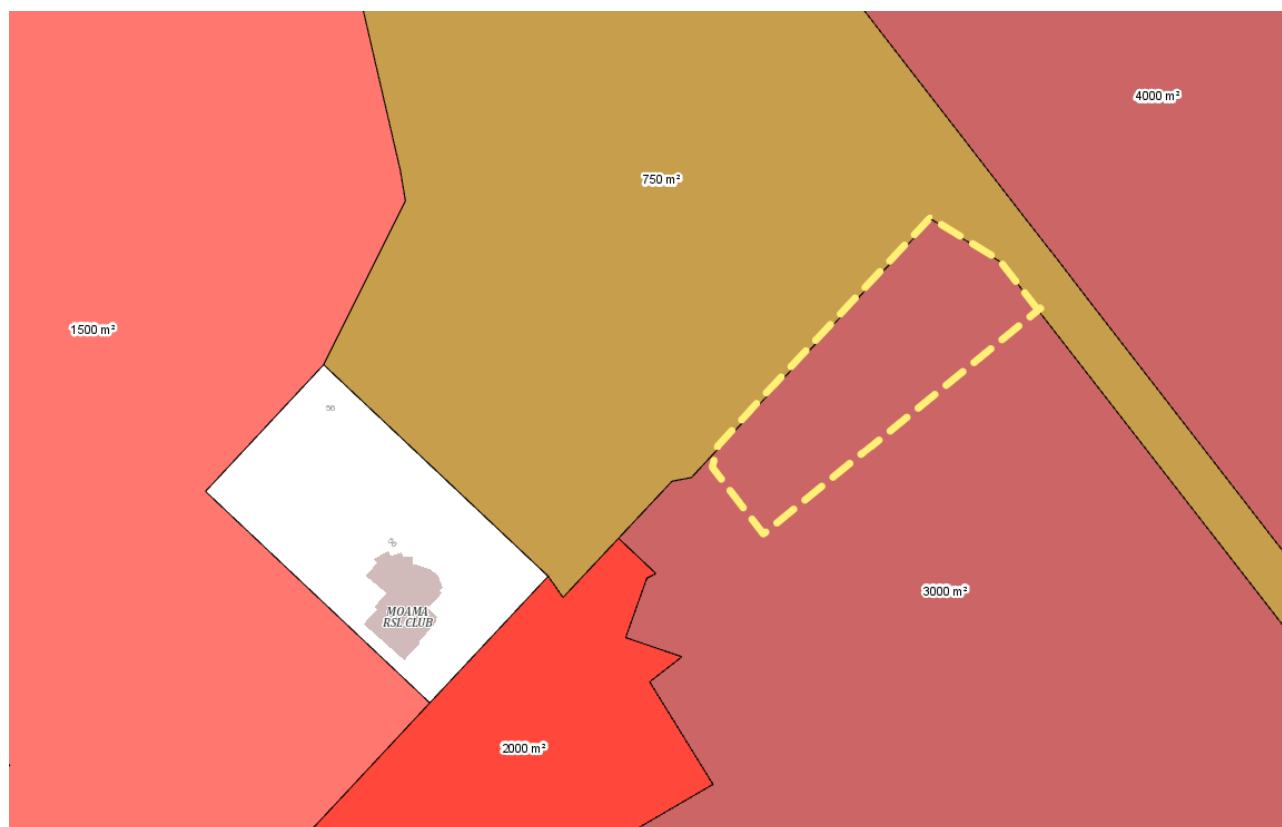


Figure 5 – Surrounding minimum lot sizes

DISCUSSION

Planning Proposal adequacy assessment

The Planning Proposal has been assessed against all relevant provisions and is consistent with the following:

- Murray River Council Local Strategic Planning Statement 2020-2040
- Murray River Council Community Strategic Plan 2018-2028, and
- Riverina Murray Regional Plan 2036.
- Applicable State Environmental Planning Policies
- Applicable Section 9.1 Ministerial Directions.

The comments and assessment contained within the Planning Proposal align with Council's evaluation of the proposal. The ToS accompanying the Planning Proposal concludes that there would be no significant native vegetation impacted by any eventual development of the site at a density of 1000m² and any hazard presented by the bushfire classification of the land can be addressed and mitigated at development application stage in accordance with the requirements for Planning for Bushfire Protection 2019. The site can be serviced by all required infrastructure in an established urban area of the town which is close to existing services and facilities. A servicing letter provided in support of the Proposal is included as Attachment 3. The land is not known to contain any items local heritage significance or of Aboriginal heritage significance and was historically used as farmland. Staff have conducted an Aboriginal Heritage Information Management System (AHIMS) search of the site which shows that there are no Aboriginal sites or Places known to be located at the site. The AHIMS search is included as Attachment 4.

The proposal does not present any adverse impact and is considered to represent logical and complementary outcomes for an intensified density in this existing residential growth area of Moama. Staff support that the zoning remain at R2 Low Density to assist in achieving transition between land

uses and in this area. Excerpts of the land use tables for the R2, R1 and R5 zones have been included for comparison, below:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To avoid potential land use conflict and protect the amenity of residents.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Dwelling houses; Group homes; Home industries; Home occupations; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health consulting rooms; Heavy industrial storage establishments; Helipads; Highway service centres; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To avoid potential land use conflict and protect the amenity of residents.
- To provide for tourist and visitor accommodation in appropriate locations.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top

housing; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Exhibition homes; Farm stay accommodation; Home industries; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Secondary dwellings; Take away food and drink premises; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies; Electricity generating works; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

Indicative subdivision plan only

It is noted that the proposed subdivision layout included on Page 9 of the ToS document has not been formally assessed by Council and should not be given material consideration in Councillor's evaluation of the Proposal. Any future development of the site would be subject to the separate lodgement and assessment of development application for subdivision. The proposed design is considered to provide context to the Proposal, however has not formed part of staff assessment.

Perceived lot demand and future Murray River Council Housing Strategy

Murray River Council has experienced a far faster population growth rate than what was forecast by the State Government projections released in 2019. Based on those projections, we exceeded the 2026 anticipated population in early 2021 and our current population of 12,330 is currently sitting approximately 120 people shy of the 2031 projections. Council also received an unprecedented increase in housing applications over the preceding financial year (FY), with a 56% increase in new dwelling applications from 2019/2020 FY to 2020/2021 FY. In addition, data for vacant residential land supply in Moama represents that while Murray River Council have a steady number of approved subdivisions being developed in the town, the lots are largely sold off the plan and are sold almost immediately after being released to waitlists managed by local Real Estate firms. Based on real estate data and Council records, approximately 535 lots have been released for sale in major subdivisions in Moama since the 2018/2019 FY. At the time of writing this report, there were 10 vacant lots available for sale in Moama, with 6 of those lots being offered 'off the plan' prior to the issue of land titles. The rate at which subdivisions are approved, sold, constructed, and titled has also dramatically increased, with subdivision stages including more lots, and multiple stages of major subdivisions being released and constructed simultaneously. These factors prompted Council to include various Actions within Priority 4 of Council's Local Strategic Planning Statement for "Housing growth, supply and density", which included to:

- *Investigate and update current supply and demand data for residential housing in the LGA.*
- *Develop a housing strategy or strategies.*

Council is currently in the early stages of drafting a Housing Strategy which will deliver these LSPS outcomes. Council have also engaged a third party to complete fine grain population projections at a town level which will inform outcomes of future strategies for housing, infrastructure and economy.

Staff acknowledge it would be optimum to await the outcomes of the Housing Strategy prior to endorsing a Planning Proposal to reduce the density of existing residential land. However, given the demand factors discussed above and the existing strategic merit of the proposal, staff are in support of this application proceeding to Gateway lodgement prior to the drafting the Housing Strategy. This area (Maidensmith Drive) is identified in the Murray Shire Strategic Land Use Plan for infill development at a density which is not only reflective of market trends but makes more efficient use of existing services and infrastructure. It is predicted that the outcomes of this proposal would be reflected in the Housing Strategy, and as such, awaiting its completion is considered unnecessary. Council have been in discussion with the Applicant and the Department of Planning, Infrastructure and Environment (DPIE) during the drafting of the subject Planning Proposal and no issues have been raised during that consultation regarding the general outcomes posed or the timing of lodgement. Staff assess that the proposal will adequately integrate with the existing densities in the surrounding area, despite not yet being supported by an overarching up to date Council strategy for housing growth.

STRATEGIC IMPLICATIONS

1 - Strategic Theme 1: Built/Physical Environment

1.1 - Improve and maintain our built town environments

1.1.1 - Support each township to develop their unique character

BUDGETARY IMPLICATIONS

No Council funding is required to be allocated to deliver the outcomes of this proposal.

POLICY IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Environmental Planning & Assessment Act 1979.

Murray Local Environmental Plan 2011

RISK ANALYSIS

- **What can happen?**

The release of additional residential land at a 1000m² density within Moama is delayed.

- **How can it happen?**

Council does not resolve to support the Planning Proposal at this time

- **What are the consequences of the event happening?**

The proposed 1000m² density in this area will be considered as part of the Murray River Council Housing Strategy based on existing strategic merit.

- **What is the likelihood of the event happening?**

Low

- **Adequacy of existing controls?**

The Planning Proposal is considered the best means of achieving the Proposal as the current minimum lot size prohibits intensification to the proposed density.







- **Treatment options to mitigate the risk?**

Support the Planning Proposal and resolutions of this report.

CONCLUSION

The subject Planning Proposal has been assessed against all necessary frameworks and is considered adequate to proceed to lodgement for Gateway Determination with Department of Planning, Infrastructure and Environment. The lot is not constrained by any factors which would limit the future development of the site and is able to be serviced by all available utilities. The proposed minimum lot size reduction is considered to present a suitable intensification of residential lot density in an established housing area within Moama. The Proposal aligns with existing strategic outcomes of the Murray Shire Strategic Land Use Plan and is consistent with all overarching local and regional strategic plans, guidelines, and assessment criteria.

ATTACHMENTS

1. **Planning Proposal - Minimum lot size reduction at 17 Maidensmith Drive, Moama (under separate cover)** 
2. **Test of Significance - 17 Maidensmith Drive, Moama (under separate cover)** 
3. **Servicing advice letter**  
4. **AHIMS search- 17 Maidensmith Drive, Moama**  

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M7481

11th June 2021

David hunter
Habitat Planning

Dear David,

Re: Servicing Advice – 17 Maiden Smith Drive, Moama

As lead consultant we are providing servicing advice for 17 Maiden Smith Drive, Moama.

The site comprising of 2.88ha is currently a single resident site (See Slide 1.0).

**SLIDE 1.0**

With the proposal for residential subdivision of the site from the current minimum lot size of 3000m² revised to 1000m². The servicing requirements for the site can be readily accommodated with existing council assets, as the site is an 'infill development'.

Servicing can be achieved as follows:

SERVICE	SOURCE
Sewer	Sewer for the new development will be gravity – directed in the existing pump station located as the corner of Merool Rd / Perricoota Rd.
Stormwater	Stormwater will be directed to newly constructed retardation basin located on Perricoota Rd, one lot south of the development site
Potable Water	Will be accessed from existing service in Merool Rd with adequate capacity.
Raw Water	Will be accessed from existing service in Merool Rd with adequate capacity.
Electricity	Will be accessed from existing service in Merool Rd with adequate capacity.
Gas	Will be accessed from existing service in Merool Rd with adequate capacity.

Yours sincerely,



NICK RITCHIE
DIRECTOR

D:\DROPBOX\DROPBOX (NESD)\NESD JOB DIRECTORY\M7481-24 LOT SUB - 17 MAIDEN SMITH DRV MOAMA - P
COTCHIN\PLANNING\DOCUMENTS\M7481-21.06.11- SERVICNG ADVICE - 17 MAIDEN SMITH DRIVE.DOC



NORTH EAST SURVEY DESIGN



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 17 Maidensmith Drive PP

Client Service ID : 632446

Murray River Council

Date: 21 October 2021

21-25 Conargo Street

Mathoura New South Wales 2710

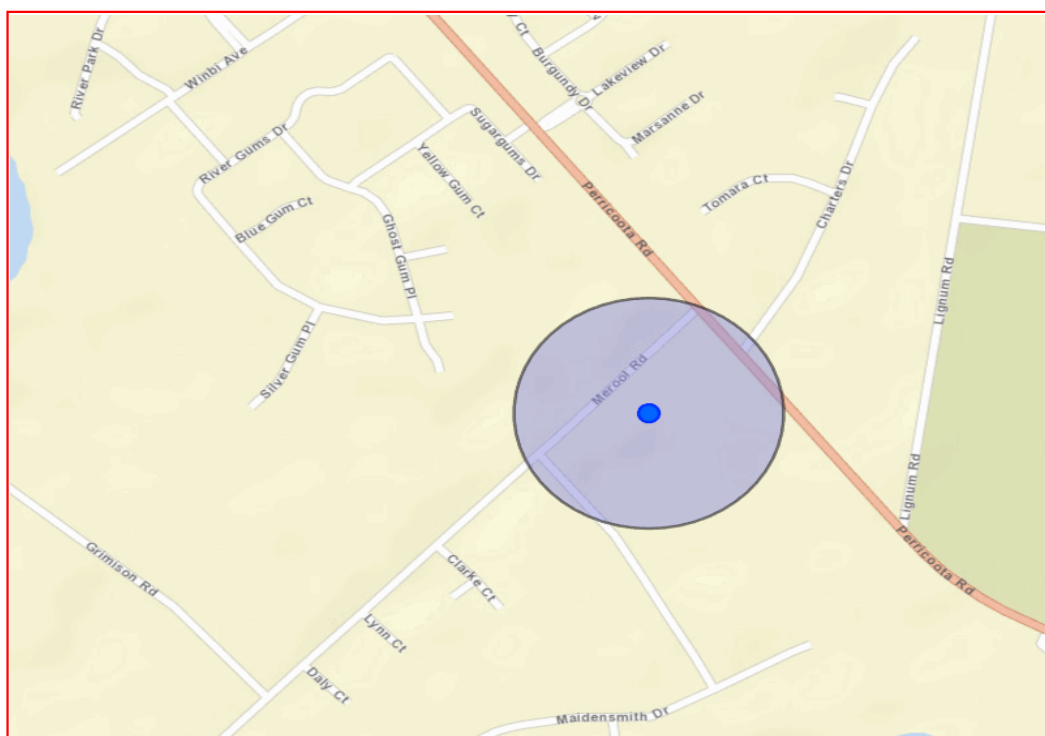
Attention: Llyan Smith

Email: lsmith@murrayriver.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 17 MAIDENSMITH DRIVE MOAMA 2731 with a Buffer of 200 meters, conducted by Llyan Smith on 21 October 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.