



Planning,
Industry &
Environment

IRF21/4661

Gateway determination report – PP-2021-5594

Reduce Minimum Lot Size for Lot 17 DP258661, 17
Maidensmith Drive, Moama

December 21



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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Planning Proposal, 17 Maidensmith Drive, Moama, August 2021 prepared by Habitat Planning

Murray River Council, Extraordinary Council Meeting Agenda, 4 November 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Murray River
PPA	Murray River Council
NAME	Reduce minimum lot size from 3000m² to 1000m² for Lot 17 DP258661
NUMBER	PP-2021-5594
LEP TO BE AMENDED	Murray Local Environmental Plan 2011
ADDRESS	17 Maidensmith Drive, Moama
DESCRIPTION	Lot 17 DP258661
RECEIVED	9/11/2021
FILE NO.	IRF21/4661
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to reduce the minimum lot size (MLS) at Lot 17 DP25866, 17 Maidensmith Drive, Moama from 3,000m² to 1,000m² to facilitate development of the land for low density residential purposes.

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Murray Local Environmental Plan (LEP) 2011 by amending the Lot Size Map on Sheet LSZ_006B for Lot 17 DP258661 from 3,000m² to 1,000m².

The planning proposal contains an explanation of provisions that adequately explains how the objective of the proposal will be achieved.

This will be a map only amendment.

1.4 Site description and surrounding area

The subject land is described as Lot 17 DP258661, 17 Maidensmith Drive, Moama with an area of 3.08ha, refer to Figure 1.



Figure 1 Subject site (source: ePlanning Spatial Viewer)

The subject land is currently zoned as R2 Low Density Residential with a minimum lot size of 3,000m². The site is relatively flat whilst containing an existing dwelling with established gardens to the south and a cleared paddock to the north. The site has frontage to Maidensmith Drive located to the south-west, Merool Road to the north-west, and Perricoota Road to the north-east.

The site is situated within an Urban Release Area known as “Perricoota Road” (Figure 5) and is within an established residential setting. There is a mixture of residential zones and variety of MLS within 400m of the subject land as seen in Figures 3 and 4 including:

- R1 General Residential with MLS of 750m² (north-west) and 1,500m² (west);
- R2 Low Density Residential with MLS of 1500m² (west) 2,000m² (south-west) and 3,000m (south); and
- R5 Large Lot Residential with MLS of 4,000m² (north-east).

Other defining characteristics of the site include being approximately 560m south to the Murray River, 180m west to the Moama RSL Club and 300m east to a recreation area. The subject land is also located approximately 1.8km to the north-west of the Moama town centre, refer to Figure 2.



Figure 2 Site context (Source: ePlanning Spatial Viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Minimum Lot Size map, which are suitable for community consultation, refer to Figure 6.

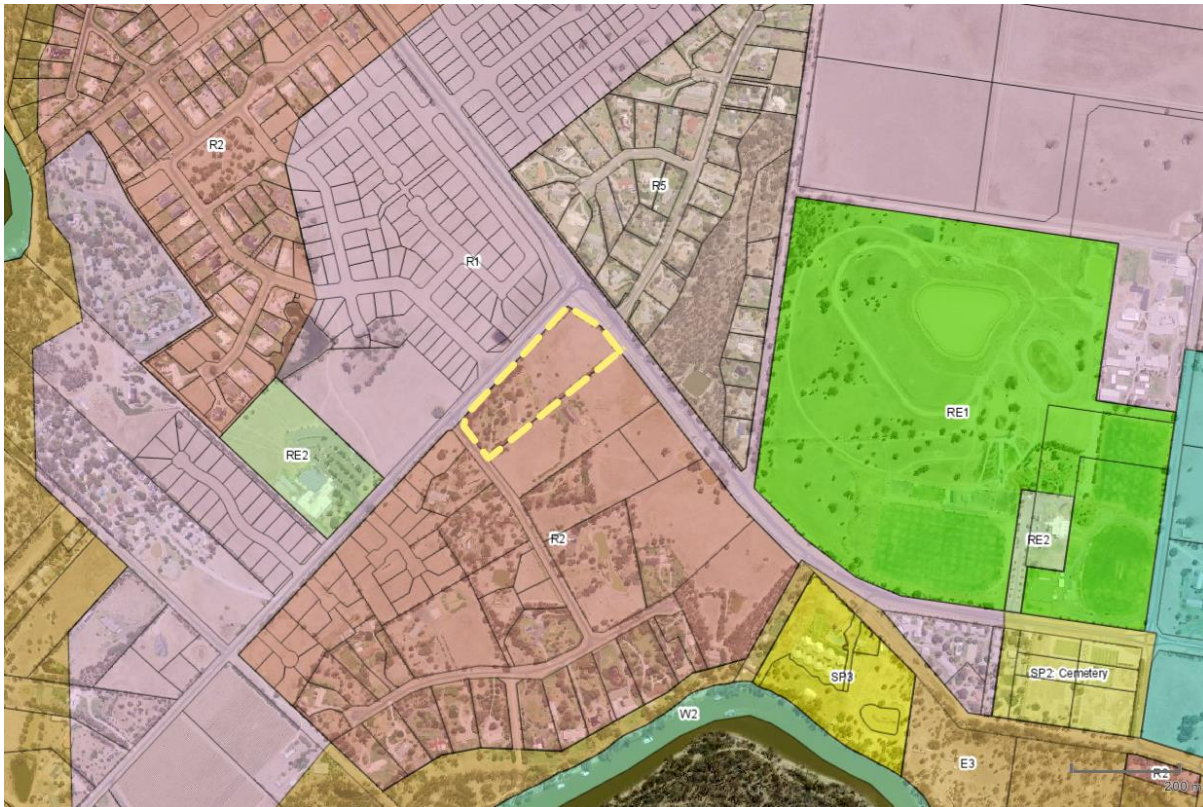


Figure 3 Current zoning map (Source: ePlanning Spatial Viewer)

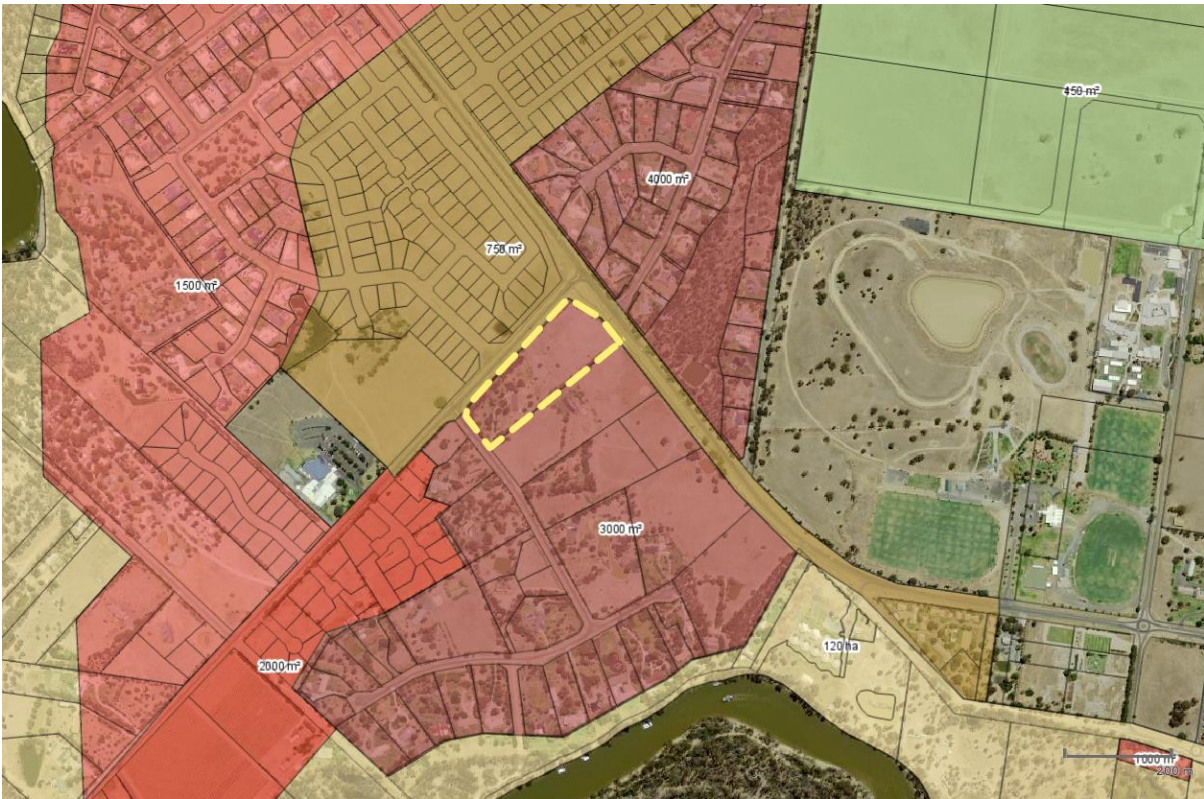


Figure 4 Current minimum lot size map (Source: ePlanning Spatial Viewer)

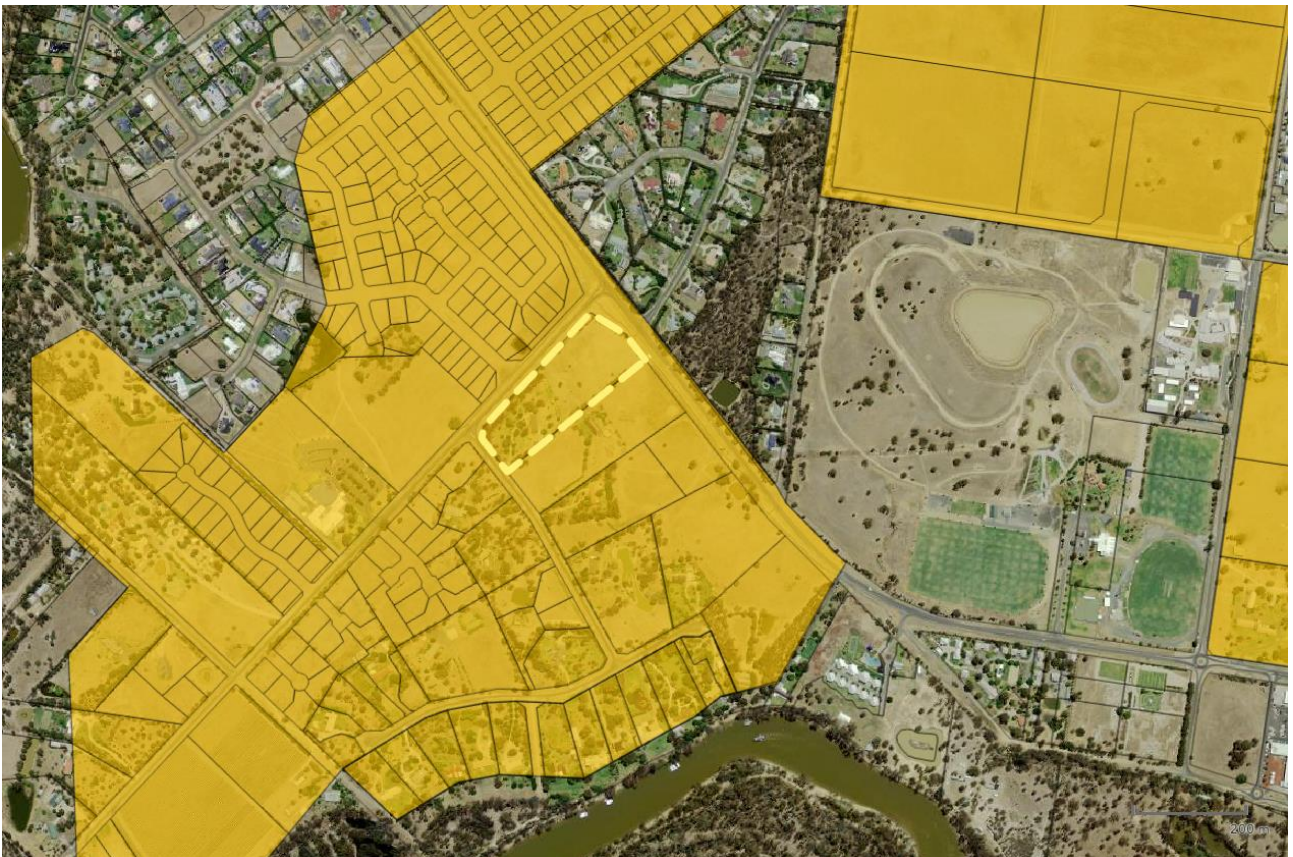


Figure 5 Current urban release map (Source: ePlanning Spatial Viewer)

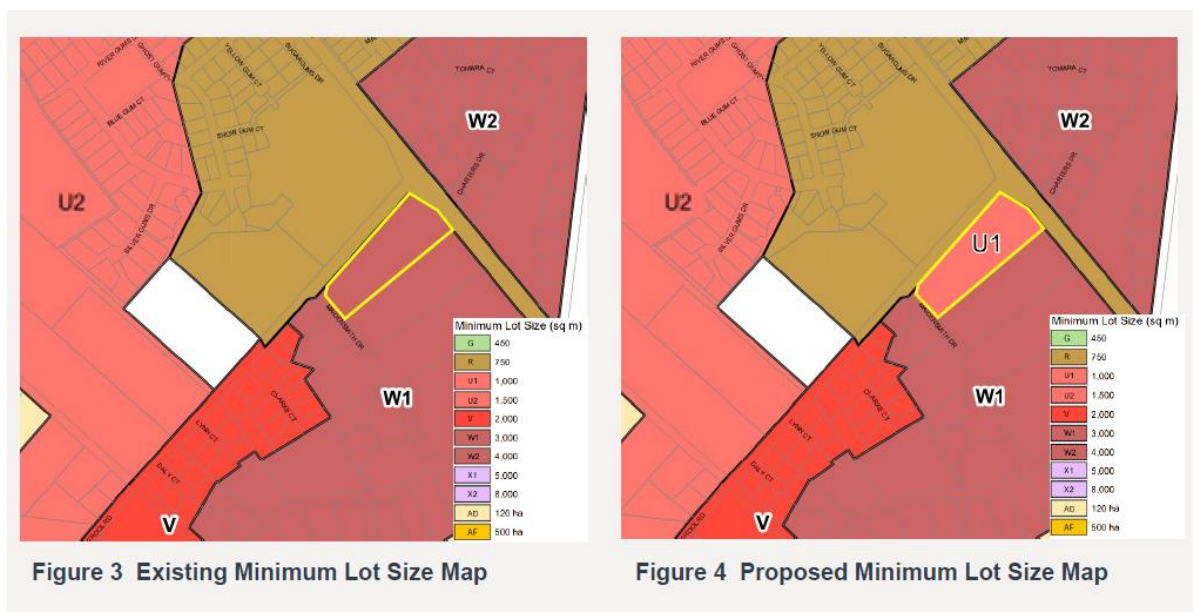


Figure 6 Proposed minimum lot size map (Source: Planning proposal report, 2021)

1.6 Background

The subject land was recently part of a broader precinct located in the Maidensmith Drive estate that was subject to a planning proposal known as PP_2016_MURRA_001_00. The planning proposal resulted in rezoning the precinct from R5 Large Lot Residential to R2 Low Density Residential as well as reducing the MLS from 5,000m² to 3,000m².

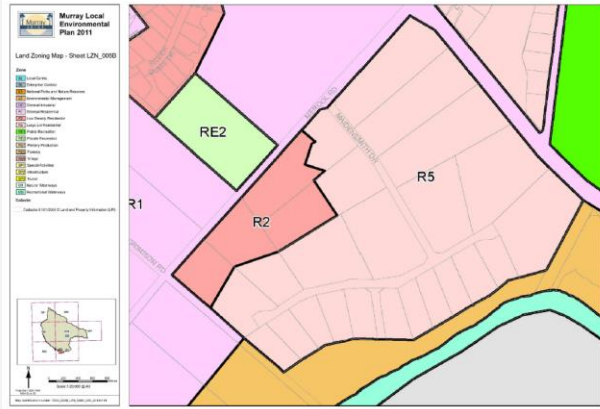
The timeline of the Maidensmith Drive precinct planning proposal (PP_2016_MURRA_001_00) is outlined below with maps provided in Figures 7 and 8:

- 3 March 2015 – Council staff report recommended reduce MLS from 5,000m² to 2,000m² north of Maidensmith Drive. However, Council resolved to not support planning proposal.
- 13 April 2015 – Proponent submitted pre-Gateway Review to Department to rezone from R5 to R2 and amend MLS from 5,000m² to 2000m²
- 12 May 2015 – Department referred planning proposal to Joint Regional Planning Panel and recommend rezoning R5 to R2 and amend MLS from 5,000m² to 3,000m²
- 13 August 2015 – Panel recommend retain R5 and MLS 5,000m² for river facing lots and support other lots in estate being rezoned to R2 and amend MLS to 3,000m²
- 27 April 2016 – Gateway determination issued (PP_2016_MURRA_001_00) to rezone R5 to R2 and amend MLS 5,000m² to 3,000m² for all 23 lots in Maidensmith Drive precinct
- 7 April 2017 – Murray LEP 2011 Amendment No. 5 notified.

The planning proposal report and Council's assessment report do not outline the above-mentioned history of the subject land being part of a precinct wide up-zoning in recent times. However, Council's assessment report did mention that the subject land had a development consent issued 21 September 2018 for a seven lot subdivision.

The planning proposal report should be amended to acknowledge the recent history of the subject land as part of the Maidensmith Drive precinct and the change in zoning and MLS in 2017.

Current Zoning Map:

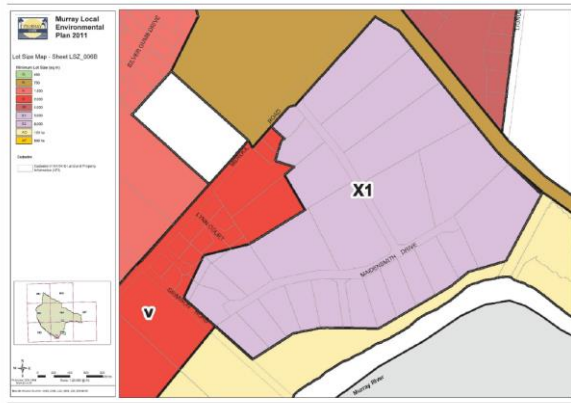


Proposed Zoning Map:



Figure 7 Previous planning proposal zoning amendments from PP_2016_MURRA_001_00 (Source: Planning proposal report, prepared by Planright Surveying, undated)

Current Lot Size Map:



Proposed Lot Size Map:

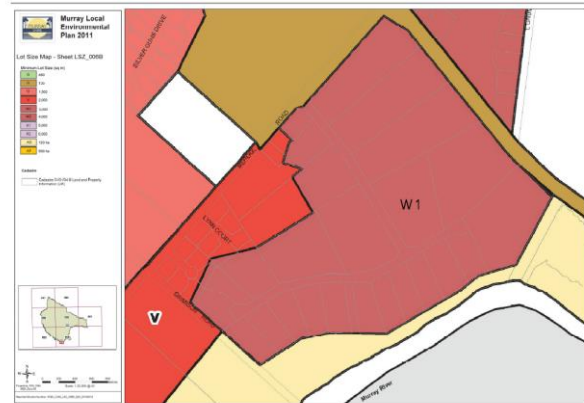


Figure 8 Previous planning proposal MLS amendments from PP_2016_MURRA_001_00 (Source: Planning proposal report, prepared by Planright Surveying, undated)

2 Need for the planning proposal

The planning proposal is intending for an intensified urban density of one lot within an existing residential area of Moama.

The planning proposal has linkages to the strategic outcomes of the Murray Shire Strategic Land Use Plan (“MSSLUP”) as further outlined in Section 3.2. Council is also in the process of preparing a local housing strategy which is anticipated to support the outcomes of the planning proposal. Council advise that the draft housing strategy may be placed on exhibition early in 2022.

However, whether amending the MLS of one lot in the Maidensmith Drive precinct to 1,000m² is an appropriate urban intensification outcome requires further information and justification.

The factors that justify the need for the planning proposal as well as outline the potential for suboptimal urban design outcomes are discussed below:

- Lot demand and supply

The planning proposal and Council’s assessment report both refer to the current scenario of a restricted housing market and have an underlying assumption that release of residential land is

beneficial to alleviate the situation. In recent times Moama has been experiencing a high demand and low supply of residential lots.

However, there is a lack of quantitative evidence of the restricted housing market in the planning proposal report, as illustrated in the following statement (page 29):

“Council have communicated to the proponent that the high level of demand referred to above and lack of supply is evidence based, however the data is not public available at this stage and will be tested and modelled with the current Housing Strategy that is being produced by Murray River Council”.

The Council assessment report does outline that it has recently experienced an unprecedented increase in housing development applications as well as an increase in the scale and uptake of subdivision stages. Moama has also experienced a higher than forecasted population growth rate.

The planning proposal and Council's assessment report do not provide evidence on the reason for the lack of residential land supply, for example, whether the issue is a lack of residential zoned land or if whether there is an issue with making developed land available to the market. There is also no indication of how long the current residential land supply will last or the strategic timing of this planning proposal and its subsequent subdivision in the broader township supply. Lastly, the planning proposal does not identify the potential lot yield from the subject land and how this would alleviate current supply issues. These are matters that will be addressed in the draft Housing Strategy.

Additionally, as mentioned in the background in Section 1.6 of this report, the subject land was part of a Maidensmith Drive precinct scale up-zoning in 2017. The rationale or factors contributing to the need for the intensified MLS density within four years of only part of the land subject to the previous up-zoning is not discussed in the planning proposal. This proposal is premature in that such matters will be addressed in the draft housing strategy.

- MLS of 1,000m²

There are a variety of MLS and zones in the vicinity of the subject land including: R1 General Residential with MLS of 750m² and 1,500m²; R2 Low Density Residential with MLS of 1,500m², 2,000m², 3,000m²; and R5 Large Lot Residential with MLS of 4,000m².

The insertion of MLS of 1,000m² can integrate with the existing densities in the surrounding area and support greater choice to meet community needs. Amending the MLS creates opportunity for infill development relatively close to town centre and leverages established infrastructure and services. However, there is a risk of suboptimal urban design with too many varying MLS in proximity.

Additionally, there is no justification why a MLS of 1,000m² is the most appropriate lot size in this case at this site. Currently MLS 1,000m² does not exist in Moama with the exception of one part lot on Boundary Road.

- Precinct level infill development

The most recent rezoning and amending of MLS (PP_2016_MURRA_001_00) in the Maidensmith Drive Estate was strategically approached as a precinct for 23 lots.

There is a risk that introducing a novel MLS for only one 3.08ha lot in the Maidensmith Drive Estate could potentially lead to suboptimal urban design outcomes. A spot rezoning amendment approach to infill development with no strategic master planning in place could potentially introduce a scattered and inconsistent subdivision design that is not integrated as part of a broader precinct.

The planning proposal has not considered or discussed amending the MLS for the Maidensmith Drive Estate precinct. Whilst this will likely be addressed in the forthcoming housing strategy, the planning proposal should address this issue to promote orderly planning for the estate.

- Forthcoming housing strategy

The MSSLUP supports the strategic intent of the planning proposal to intensify the density of the subject land as part of infill development. Additionally, a local housing strategy is currently being prepared by Council which is expected to support this MLS amendment as indicated in Council's report by the following statement (page 12):

“...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...”

However, an up to date local housing strategy will likely present an evidence base that addresses the current supply and demand issues being experienced in Moama. The housing strategy would also reinforce the appropriate locations and urban densities for infill development as well as address the subject land as part of the broader Maidensmith Drive precinct.

Overall, the proposed MLS amendment will enable subdivision of the subject land to provide additional dwellings in Moama, a township which is currently experiencing a restricted housing market. There is a demonstrated need for the urban intensification that is being facilitated by the planning proposal. However, it is recommended that the planning proposal be updated to address several issues to provide a stronger evidence base and additional contextual information as outlined above.

In summary, the Department's preferred position is for Council to:

- clarify the potential lot yield of the subject land and the current supply of residential zoned land in Moama;
- further elaborate on introduction of 1,000m² as a novel MLS in Moama;
- consideration of the Maidensmith Drive precinct for infill development opportunities.

The planning proposal should be amended to reflect the above suggestions prior to community consultation and is recommended to be a condition of the Gateway determination.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 14: Manage key uses along the river corridors	The Regional Plan outlines the importance of directing settlement away from riverbank areas, such as along the Murray River. The planning proposal is consistent with Direction 14 as the subject land is located over 560m away from the Murray River and is within an existing urban area.

Direction 16: Increase resilience to natural hazards and climate change	<p>The Regional Plan outlines the importance of considering the impacts of climate change on natural hazards such as bushfires. A review of the planning proposal indicates that it is consistent with Direction 16 as well as the following action:</p> <ul style="list-style-type: none"> • Action 16.1: Locate developments, including new urban release areas, away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards. <p>The northern portion of the subject land does contain bushfire prone land. However, the subject land is considered low risk as it contains a vegetation buffer as part of the bushfire prone land mapping as well as being located in an existing residential area. Consultation with NSW Rural Fire Service will still be required as part of s9.1 Ministerial Directions 4.4 Planning for Bushfire Protection as discussed later.</p>
Direction 22: Promote the growth of regional cities and local centres	<p>The Regional Plan outlines the importance of local centres for the economic prosperity of the region. The planning proposal is consistent with this Direction as it will support the growth of Moama through provision of additional housing.</p>
Direction 24: Create a connected and competitive cross-border environment for cross-border communities	<p>The Regional Plan discusses the issues facing cross-border settlements along the Murray River. The planning proposal report discusses that the additional housing in Moama will support its Victorian twin town of Echuca.</p> <p>Whilst the intent of the planning proposal is broadly consistent with this Direction, the lack of an up to date housing strategy for Moama highlights the current potential for inconsistent and ad-hoc land use policy approaches as well as lack of integration with Echuca. An updated housing strategy will ensure consistent and complementary policy approach in the cross-border community that can be leveraged for economic, infrastructure and servicing planning.</p>
Direction 25: Build housing capacity to meet demand	<p>The Regional Plan discusses the role of catering to housing demand, especially through developing housing strategies. The planning proposal report discusses that there is an evidence-base for the high demand and low supply of residential land in Moama, and that a local housing strategy is being developed.</p> <p>The intent of the planning proposal supports this Direction through increasing the density of existing urban land in Moama as well as being consistent with the following:</p> <ul style="list-style-type: none"> • Action 25.4: Locate higher-density development close to town centres to capitalise on existing infrastructure and to provide increased housing choice. <p>However, this planning proposal reinforces the necessity for an up to date housing strategy to identify local needs and housing types, especially the density of urban lands for infill development. Whilst the planning proposal is consistent with this Direction, the strategic importance of preparing a housing strategy is recommended.</p>

Direction 26: Provide greater housing choice	<p>The Regional Plan outlines the need to cater for greater housing choice to cater for changing household sizes. The planning proposal discusses unlocking additional housing opportunities in proximity to the town centre and that the current MLS inhibits this housing development that the current low-density zone provides.</p> <p>However, justification is required for the proposed MLS of 1,000m² in Moama. Additionally, there is no discussion or consideration if the proposed MLS of 1,000m² is appropriate for the intended housing choices discussed in the Direction including smaller households, seasonal workers, tourists, seniors housing.</p> <p>The planning proposal is consistent with Direction 26 although again it underlines importance of locally prepared and up to date housing strategy. The planning proposal is to be updated to include discussion on the appropriateness of providing 1,000m² to the housing market.</p>
Direction 28: Deliver healthy built environments and improved urban design	<p>The Regional Plan discusses the importance of incorporating good urban design and environmental considerations into the decision-making process for the community's benefit. The planning proposal report outlines that it is consistent with this Direction as it enables infill development.</p> <p>However, amending the MLS for one lot and not considering the broader Maidensmith Drive Estate as a precinct could potentially contribute to suboptimal urban design.</p> <p>The planning proposal underlines the necessity for a housing strategy to consider the precinct as well as master planning to ensure a coherent and consistent approach to future subdivisions and infill development opportunities. Strategic planning will also reduce the need for ad hoc and site specific MLS amendments.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Murray River Council Local Strategic Planning Statement 2020-2040	<p>The planning proposal report outlines that it is consistent with the Murray River LSPS including supporting the vision of the following planning priority:</p> <ul style="list-style-type: none"> Planning Priority 4: Housing growth, supply and density <p>Whilst the planning proposal discusses consistency with the various aspects of the vision, the report does not discuss the following vision statement dot point (page 55 of LSPS):</p> <p><i>“respond to demand with a well-planned supply of land”</i></p> <p>Amending the MLS of just one lot in a precinct without the strategic support of a current local housing strategy could potentially result in sub-optimal planning outcomes and not consistent with the above-mentioned LSPS vision statement. However, the preparation of a local housing strategy is an LSPS action and should provide an orderly and staged approach to both infill and greenfield development.</p> <p>Overall, the planning proposal is consistent with the Murray River LSPS as proposed the urban infill intensification will provide additional residential dwellings.</p>

Murray Shire
Strategic Land Use
Plan 2010-2030
(Not Department
endorsed)

The planning proposal report outlines that it is consistent with the Murray Shire Strategic Land Use Plan (“MSSLUP”) and responds to changing market demands. The subject land is within an identified precinct, refer to Figure 9 that should:

“encourage restructuring of lots for urban development through the provision of services”

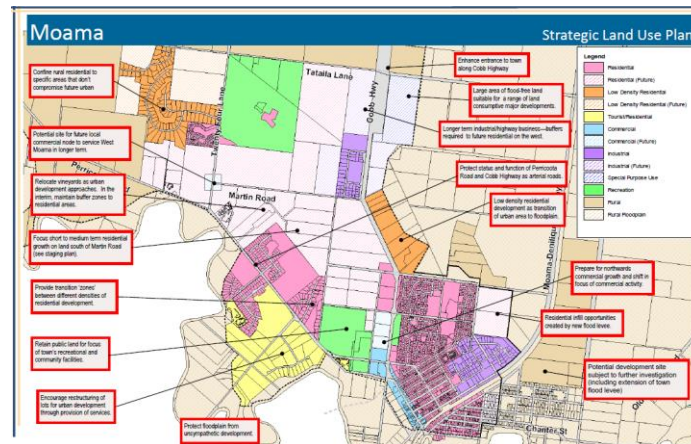


Figure 9 Moama strategic land use plan (Source: MSSLUP, page 8)

The Maidensmith Drive precinct is also mentioned in the land use plan (page 4-5):

“...The residential market has become more sophisticated in recent times with the demand for larger residential lots being met more by lots in the range 1,000 to 1,500m² rather than the ‘traditional’ 4,000m² rural residential allotment. Some of the older and much larger rural residential development (e.g. Maiden Smith Drive) should be considered for redevelopment at an urban density to make more efficient use of land closer to Moama’s centre...”

The above-mentioned statement was also used to strategically justify the previous Maidensmith Drive precinct up-zoning (PP_2016_MURRA_001_00) to the current MLS of 3,000m². Additionally, whilst the MSSLUP identifies the subject land for intensification, it does not explicitly recommend the most suitable MLS or zoning, the strategy broadly suggests for the Moama township having lots ranging 1,000m² to 1,500m².

Lastly, the planning proposal report does not discuss that the MSSLUP identifies the subject land as part of the “Future Tourist Residential – Stage 1” in the land release sequence map, refer to Figure 10 as well as mentions that (page 4):

“...land to the west of Perricoota Road can co-exist with tourist development”

However, the R2 Low Density Zone in the Murray LEP 2011 currently prohibits caravan parks as well as tourist and visitor accommodation whilst permitting bed and breakfast accommodation. Consequently, the current zone permissibility’s are more aligned with residential land uses rather than tourism development and identification for tourist development should be reviewed.

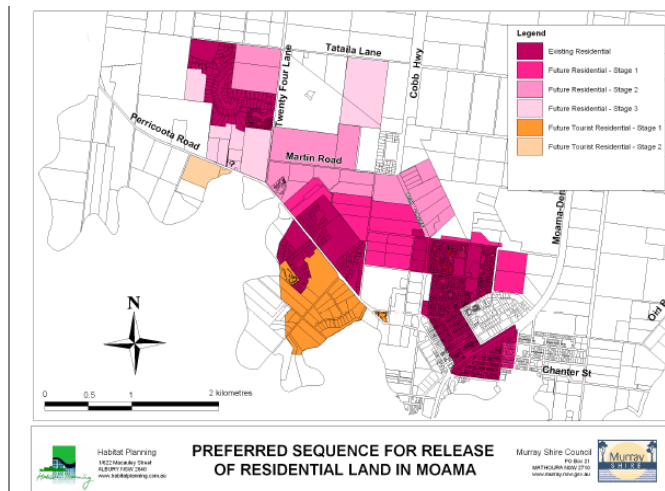


Figure 10 Moama residential land release sequence (Source: MSSLUP, page 4)

Overall, the planning proposal is consistent with the MSSLUP through facilitating the redevelopment of land and will likely not compromise co-existence with future tourism developments. However, the planning proposal will need to be updated to consider strategic consistency with the sequence map and co-existence with tourism developments.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.1 Environment Protection Zones	Yes	<p>The aim of this Direction is to protect environmentally sensitive lands.</p> <p>The planning proposal is consistent with this Direction as the subject land does not contain environmentally sensitive lands or seek to modify development standards</p>
2.3 Heritage Conservation	Yes	<p>The aim of this Direction is to conserve items of heritage significance.</p> <p>The planning proposal is consistent with this Direction as the subject land does not contain heritage items of local or state significance.</p>

2.6 Remediation of Contaminated Lands	Yes	<p>The aim of this Direction is to ensure that planning proposals consider contamination and remediation of land to reduce the risk of harm to human health and the environment.</p> <p>The planning proposal report (page 43) specifies that this Direction is not applicable as the land was not used for a purpose identified in Table 1 of the contaminated land planning guidelines. Whilst the northern portion of the lot is a vacant paddock, the risk of contamination from agricultural activities is considered minimal due to extended length of time the area has been a rural residential estate.</p> <p>The planning proposal is consistent with this Direction.</p>
3.1 Residential Zones	Yes	<p>The aim of this Direction is to encourage variety of housing types and minimise the impact of residential development. This Direction applies to the planning proposal as it will affect land within an existing residential zone.</p> <p>The planning proposal is arguably consistent with this Direction as the lot size choice in Moama will be broadened through the introduction of the new MLS of 1,000m² however diversity should not come at the expense of orderly roll-out of development. There will be increased housing supply through infill development in an existing residential area.</p>
4.3 Flooding	Yes	<p>The aim of this Direction is to ensure that development of flood prone land is undertaken in an appropriate manner.</p> <p>This Direction is not applicable to the planning proposal as the subject land is not mapped as flood prone land.</p>
4.4 Planning for Bushfire Protection	No	<p>The aim of this Direction is to encourage sound management of bushfire prone areas. This Direction applies to the planning proposal as the subject land contains a vegetation buffer mapped as part of bushfire prone land.</p> <p>The planning proposal report mentions consistency with this Direction and adhering to the requirements of the <i>Planning for Bushfire Protection 2019</i> guidelines during the subdivision development stage (page 45). The report does not mention consultation with NSW Rural Fire Service to satisfy Direction subclause (4). However, consultation with RFS was indicated in the assessment of the regional plan (page 26) not in the SEPP assessment section. To ensure consistency with this Direction, consultation with NSW Rural Fire Service is recommended for inclusion as a condition of the Gateway determination.</p>
5.10 Implementation of Regional Plans	Yes	<p>The aim of Direction 5.10 is to give legal effect to the goals and directions contained in Regional Plans. The planning proposal is consistent with this Direction as it implements seven directions in the Riverina Murray Regional Plan 2036 as previously outlined in this report in Section 3.1.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Koala Habitat Protection) 2021	Conservation and protection of koala habitat	Yes	<p>This SEPP is relevant to the planning proposal as Schedule 1 identifies Murray Shire Council as containing Far West and Riverina Koala Management Areas.</p> <p>The planning proposal report includes a BOS Test of Significance report which indicated that the subject land is not suitable koala habitat and that koalas are unlikely to be present.</p> <p>Overall, the planning proposal is consistent with this SEPP.</p>
Murray Regional Environmental Plan No. 2 – Riverine Land	Conserve and enhance riverine environment of the Murray River	Yes	<p>This SEPP is relevant to the planning proposal as the subject land is within the land application area of Murray Shire Council.</p> <p>The planning proposal is unlikely to have a significant environmental impact on the Murray River or its riverine environment due being within an existing urban area and being setback over 500m from the Murray River.</p> <p>The planning proposal is consistent with this SEPP.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Threatened species	The planning proposal outlines that there are no known impacts on critical habitat or threatened species, populations or ecological communities. The subject land does not contain biodiversity identified in the Murray LEP Biodiversity map or the NSW Biodiversity Values map. A Test of Significance indicates that the subdivision of the subject land does not require a Biodiversity Development Assessment Report or to enter the Biodiversity Offset Scheme.
Proximity to river	There are likely negligible impacts on the riverine corridor from this planning proposal due to the subject land being located over 500m from the Murray River.
Bushfire	The planning proposal will require consultation with NSW Rural Fire Service due to containing bushfire prone lands as outlined in Section 3.3.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Landscape and visual amenity	The urban intensification of a single lot in the Maidensmith Drive Estate will alter the existing and well established rural residential character of the precinct. However, the proposed urban density is broadly consistent with the new neighbouring residential lands located to the west. Whilst the planning proposal report and Council report does not consider potential visual impacts and alteration of the estate character, these issues can be addressed at the DA stage.
Urban design	There is potential for suboptimal urban design as this planning proposal intends for urban intensification of one lot of an established residential estate as well as introduces a new MLS to the surrounding area. A spot rezoning approach to a precinct could potentially result in a scattered and inconsistent subdivision design without master planning in place. However, the design and integration of the subdivision into the surrounding area can be considered at the development application stage.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
No adverse impacts	The planning proposal is located within an existing and established urban area with existing connections to water, sewerage, electricity and gas. The subject land also has street frontage to three roads (Perricoota Road, Merool Road and Maindensmith Drive) to provide vehicular access to the future subdivision. The additional dwellings in the subdivision can be serviced by existing infrastructure with no adverse impacts anticipated.
Urban Release Area/ State Designated Public Infrastructure	The subject land is within a Moama Urban Release Area known as “Perricoota Road” as identified in clause 6.1(2)(b) of the Murray LEP 2011. A Department letter dated 16 June 2012 provided certification that satisfactory arrangements for designated state public infrastructure had been made for the Moama Urban Release Areas. There is no need for further consultation or certification due to the minimal lot yield increase proposed in this planning proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Rural Fire Service

6 Timeframe

Council proposes a 26 week (i.e. 6.5 months) time frame to complete the LEP.

The Department recommends a time frame of nine (9) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported council is to exhibit as soon as possible.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

As Council has no interest in the subject land, the Department recommends that Council is authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Facilitate urban infill development and provision of additional dwellings
- Consistency with relevant regional and local plans
- No adverse impacts on the environment or infrastructure

Based on the assessment outlined in this report, the proposal is to be updated before community consultation to:

- Acknowledge the recent history of the subject land being part of the Maidensmith Drive precinct planning proposal (PP_2016_MURRA_001_00)
- Clarify the current supply of residential zoned land in Moama and the potential lot yield of the subject land
- Further elaborate on introduction of 1,000m² as the chosen MLS despite not being a common MLS in Moama
- Consideration of broader Maidensmith Drive precinct for infill development
- Consideration of the co-existence with tourism development as identified in the Murray Shire Strategic Land Use Plan

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification as well as consultation with the NSW Rural Fire Service.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Outline potential lot yield of the subject land;
 - Acknowledge the recent rezoning history of the subject land;
 - Clarify of the current supply of residential zoned land in Moama;
 - Provide discussion on introduction of 1,000m² MLS in Moama;
 - Discussion on Maidensmith Drive precinct for infill development; and
 - Consideration of the co-existence with tourism development as identified in the Murray Shire Strategic Land Use Plan.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
4. The planning proposal should be made available for community consultation for a minimum of 28 days

5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

17 December 2021 (Date)

Wayne Garnsey
Manager, Western Region



(Signature)

17 December 2021 (Date)

Garry Hopkins
Director, Western Region

Assessment officer

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