

Amendment to Murray Local Environment Plan 2011

Lot 611 in DP806704
6 Clifton Street, Mathoura

MAY 2024

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Executive Summary

The report has been prepared to address the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Infrastructure & Environment's guidelines titled: *Local Environmental Plan Making Guideline* (December 2021).

1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of Mike Rose and Tara Alderton and is submitted to Murray River Council in support of a Planning Proposal to amend the *Murray Local Environmental Plan 2011* (LEP).

Specifically, the Planning Proposal requests that Murray River Council resolve to support the changes to the LEP as detailed in this Planning Proposal and forward it for a Gateway Determination to undertake the following:

- Amend the Land Zoning Map as it relates to Lot 611 in DP806704, from R5 Large Lot Residential to RU5 Village zone.
- Amend the Minimum Lot Size Map as it relates to Lot 611 in DP806704, from a minimum lot size of 4000m² to a minimum lot size of 450m².

As a condition of the Gateway Determination, this Planning Proposal also seeks to correct some minor anomalies relating to the mislabelling of the adjacent SP2 Infrastructure Zones (see section 3.2) by the following:

- Amend the Land Zoning Map to relabel the easterly SP2 Infrastructure Zone subtitle from "Railway Infrastructure" to "Classified Road"
- Amend the Land Zoning Map to relabel the westerly SP2 Infrastructure Zone subtitle from "Classified Road" to "Railway Infrastructure"

The report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Infrastructure & Environment's guideline titled: *Local Environmental Plan Making Guideline* (September 2022).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it relates to the rezoning of lots to a Residential zone, consistent with the recommendations of the Murray Local Housing Strategy 2023.

In this instance, the Planning Proposal is sought in response to the recommendations of the *Murray Local Housing Strategy 2023* ("the LHS Strategy"). The LHS Strategy notes the specific recommendation to rezone the land for increased urban density. The landowners intend to pursue a proposed higher density housing development at a later date which will be able to accommodate affordable housing options for the Mathoura market. This may include smaller and higher density lots with an internal road network and landscape setting for persons seeking a smaller, low maintenance lifestyle but wanting to retain private ownership, including affordable housing, housing for older demographics and key worker housing.

The outcome is directly the result of both the Local Strategic Planning Statement and a Strategic Study of Council.

This outcome is broadly in line with the key strategic planning principles and a long term urban outcome that is derived for physical conditions of the land.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Murray River Shire.
- The proposal is consistent with the specific recommendations of the Murray Local Housing Strategy.
- The resultant development of the land will not create any unacceptable environmental or social impacts.
- The proposed changes in land use which will be appropriate to establish at the northern periphery of Mathoura and represent appropriate growth of the urban area;
- Development of this land as sought by this Planning Proposal will enable the land to be developed for diverse housing outcomes, supporting alternative segments of the housing market.
- The subject land can be provided with all urban services.

It is recommended that Murray River Council resolve to support the changes to the LEP as detailed in this Planning Proposal and forward it for a Gateway Determination

Table 1 Executive Summary Table

Item	Description																		
Site Address	6 Clifton Street, Mathoura																		
Property Descriptor	Lot 611 in DP806704																		
Existing Planning Controls	<table> <tr> <td>Land Zoning</td><td>R5 Large Lot Residential</td></tr> <tr> <td>Minimum Lot Size</td><td>4000m²</td></tr> <tr> <td>Height of Buildings</td><td>N/A</td></tr> <tr> <td>Floor Space Ratio</td><td>N/A</td></tr> <tr> <td>Heritage</td><td>N/A</td></tr> <tr> <td>Land Reservation Acquisition</td><td>N/A</td></tr> <tr> <td>Site Specific Local Provisions</td><td>N/A</td></tr> <tr> <td>Terrestrial Biodiversity</td><td>Yes</td></tr> <tr> <td>Bush Fire Prone Land</td><td>Yes, Vegetation Buffer</td></tr> </table>	Land Zoning	R5 Large Lot Residential	Minimum Lot Size	4000m ²	Height of Buildings	N/A	Floor Space Ratio	N/A	Heritage	N/A	Land Reservation Acquisition	N/A	Site Specific Local Provisions	N/A	Terrestrial Biodiversity	Yes	Bush Fire Prone Land	Yes, Vegetation Buffer
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Proposed Amendment	<p>Amend the Land Zoning Map as it relates to Lot 611 in DP806704, from R5 Large Lot Residential to RU5 Village zone.</p> <p>Amend the Minimum Lot Size Map as it relates to Lot 611 in DP806704, from a minimum lot size of 4000m² to a minimum lot size of 450m².</p> <p>Amend the Land Zoning Map to relabel the easterly SP2 Infrastructure Zone subtitle from "Railway Infrastructure" to "Classified Road"</p>																		

	Amend the Land Zoning Map to relabel the westerly SP2 Infrastructure Zone subtitle from “Classified Road” to “Railway Infrastructure”
Type of Amendment	Standard

2. Introduction

2.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of Mike Rose and Tara Alderton and is submitted to Murray River Council in support of a Planning Proposal to amend the Murray Local Environmental Plan 2011 (LEP) as it relates to Lot 611 in DP806704 at 6 Clifton Street, Mathoura.

This report has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning and Environment (DPE) guideline *Local Environmental Plan Making Guideline* (December 2021)

This report demonstrates that the proposed amendment to the Land Zoning and Minimum Lot Size Maps are consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide both Council and the NSW DPE with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

It is requested that Council forward the Planning Proposal to the Minister for Planning for Gateway Determination in accordance with the EP&A Act. The Gateway Determination by the Minister will decide:

- Whether the matter should proceed (with or without variation).
- Whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal).
- The community consultation required before consideration is given to the making of the proposed instrument.
- Whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body.
- The times within which the various stages of the procedure for the making of the proposed instrument are to be completed.

2.2. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed changes to the LEP and has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal;
- Section 2.0 provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed;
- Section 3.0 identified the planning framework applicable to the site and considers the Planning Proposal against the relevant strategic plans and policies;
- Section 4.0 contains the Planning Proposal, prepared in accordance with the matters to be considered in the Department of Planning's document titled *A Guide to Preparing Planning Proposals*; and
- Section 5.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend the LEP.

2.3. Supporting Plans and Documentation

The Planning Proposal has been prepared with regard to the following supporting documents which have been prepared to accompany the application. These documents are included as attachments to this report and are identified in **Table 1**.

Table 2 Attachments to Planning Proposal

No.	Document Name	Prepared by
A	Consistency with Riverina-Murray Regional Plan 2041	Habitat Planning
B	Consistency with State Environmental Planning Policies	Habitat Planning
C	Consistency with Section 9.1 Ministerial Directions	Habitat Planning

3. Site Description

3.1. Site Location and Context – Subject Site

The subject land comprises a single lot of land at the northern fringe of the Mathoura township.

The land is described as Lot 611 in DP806704 and addressed as 6 Clifton Street, Mathoura. It presents a large square shaped parcel of land with two road frontages, positioned on the north western corner of the Cobb Highway and Clifton Street. The lot has a total area of 2.02 hectares.

Figure 1 below shows the location of the subject in a broader context and **Figure 2** shows an aerial image of the subject land.

Figure 1 – Site Map



Figure 2 – Aerial view of the subject land (Nearmap)

3.2. Site Location and Context – SP2 Infrastructure Zone

The planning anomalies, outlined in the gateway determination relate to the adjacent SP2 Infrastructure Zones to the east and west of the subject site.

The current SP2 Infrastructure Zone -Classified Road, (to be amended to Railway Infrastructure), covers the Moama-Deniliquin Railway, from the NSW/Victoria border in the south to the northern edge of the LGA.



Figure 3 - Current SP2 Infrastructure Zone - Classified Road (incorrectly labelled)

The current SP2 Infrastructure Zone – Railway Infrastructure Zone (to be amended to Classified Road), covers the Cobb Highway, from Barnes Crossing at the intersection of the Moama-Deniliquin Railway, to the northern edge of the LGA.



Figure 4 - Current SP2 Infrastructure Zone - Railway Infrastructure (incorrectly labelled)

3.3. Surrounding Development

The site is essentially located within the Mathoura village area, although is further north from the core township land. As such, the surrounding context comprises a variety of small to medium size residential properties as a transitional area.

Land to the north consists of a number of small rural residential properties along Cobb Highway, with the Mathoura Golf Club located approximately 1 kilometre north of the subject land. The Moama-Deniliquin Railway line extends through Mathoura and is located to the north west of the subject land.

Land to the south comprises the urban area of Mathoura, with land generally being of a smaller size and containing various residential activities. The land immediately adjacent to the south includes the unsealed Clifton Street road reserve and vacant future residential land. The township continues further south in a generally linear alignment along the Cobb Highway and the Moama-Deniliquin Railway line.

Land to the east is defined by partly vegetated reserve land alongside the Gulpa Creek. Low density and sporadic development has been undertaken along the cleared areas of the land further south east of the subject land.

4. Proposed Amendment

This section of the report addresses the NSW Department of Planning and Environment (DPE) guideline *Local Environmental Plan Making Guideline* (December 2021).

4.1. Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the Murray Local Environmental 2011 to provide a consistent RU5 Village zoning and associated minimum lot size, to enable diverse housing outcomes for the subject land.

The landowner intends to pursue a proposed development outcome for higher density housing lots which will be able to accommodate affordable housing options for the Mathoura market. The landowner envisages development of the land could accommodate smaller and higher density lots with an internal road network and landscape setting. We note that the Murray Local Housing Strategy refers to this intended outcome.

The future development of the land would be targeting persons seeking a smaller, low maintenance lifestyle but wanting to retain private ownership, including affordable housing, housing for older demographics and key worker housing. It is noted that the Murray Local Housing Strategy acknowledges that there is some demand for these housing types in the area.

4.2. Explanation of Provisions

The intended outcomes discussed above and within this report will be achieved by amending the LEP as follows:

- Amend the Land Zoning Map as it relates to Lot 611 in DP806704, from R5 Large Lot Residential to RU5 Village zone.
- Amend the Minimum Lot Size Map as it relates to Lot 611 in DP806704, from a minimum lot size of 4000m² to a minimum lot size of 450m².

An extract of the existing and proposed *Land Zoning and Minimum Lot Size Maps* are contained within Figures below.

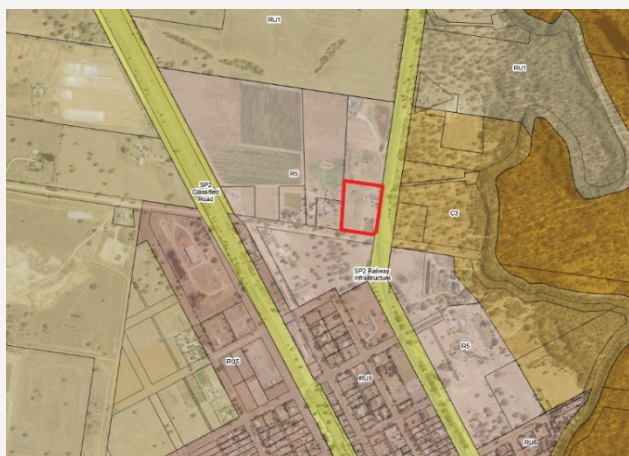


Figure 5 – Existing Land Zoning Map

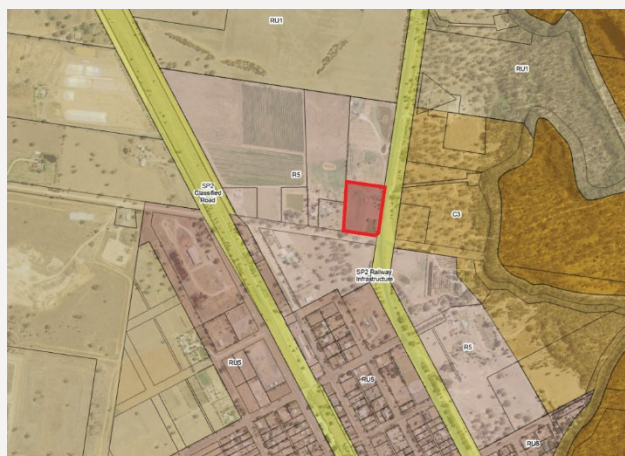


Figure 6 – Proposed Land Zoning Map

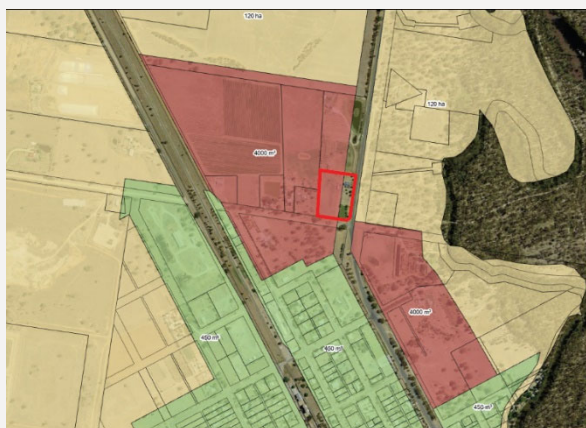


Figure 7 – Existing Minimum Lot Size Map

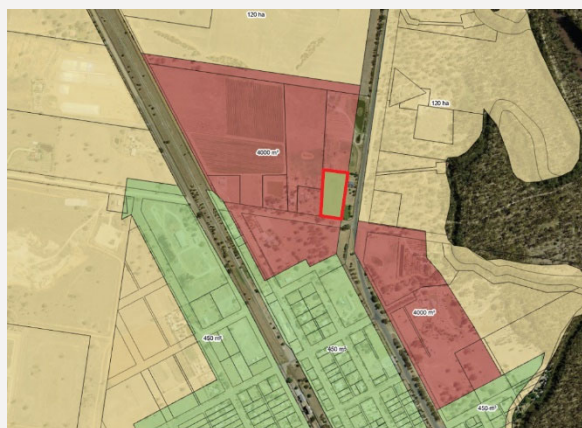


Figure 8 – Proposed Minimum Lot Size Map

In accordance with the gateway determination, the subject SP2 Infrastructure Zones are to be relabelled, aligned with their use, and correcting the following anomalies:

- Amend the digital Land Zoning Map to relabel the easterly SP2 Infrastructure Zone subtitle from “Railway Infrastructure” to “Classified Road”



Figure 9 - SP2 Infrastructure Zone to be relabelled "Classified Road"

- Amend the digital Land Zoning Map to relabel the westerly SP2 Infrastructure Zone subtitle from “Classified Road” to “Railway Infrastructure”



Figure 10 - SP2 Infrastructure Zone to be relabelled "Railway Infrastructure"

4.3. Servicing Considerations

Development of new residential development requires new and/or upgraded services and infrastructure which is typically delivered by the developer. In this instance, future development of the land will require any developer to provide suitable servicing of the land from the existing trunk and local services in the vicinity.

The subject is generally contiguous to the Mathoura urban area and it would be intended to take advantage of existing available urban services to the south of the site, by way of extension from existing locations.

Preliminary consideration has been given to the capacity in the existing network and there is understood to be no significant capacity issues that would prevent the delivery of intended residential development on the land. The studies conducted as part of the Local Housing Strategy confirmed that there is sufficient supply available, although augmentation of some services may be required for further development, subject to further analysis.

4.4. Urban expansion

It is noted that the subject land is separated from the existing Mathoura RU5 zone by one existing parcel of land, described as Lot 2 DP816258, which is immediately south of the subject land. The adjoining parcel is identified as having potential for future consideration to RU5, however from a visual analysis contains significant vegetation constraints. Further analysis of the constraints and opportunities of this adjacent parcel will need to be undertaken before a rezoning can proceed.

The Local Housing Strategy identifies that leapfrogging of development should be avoided where possible. In this instance, the progress of this Planning Proposal is not considered to be leapfrogging in the manner that the Strategy refers to. The existing RU5 zone and the subject are not significantly separated and are not likely to result in poor infrastructure outcomes. Likewise, the adjoining land to the south has not been progressed at the current time as further analysis is required of that land.

This Planning Proposal does not prevent the ability for the adjoining land to be considered at the appropriate time. The subject land is well placed, from a constraints, servicing and landowner interest perspective, to take up additional demand for housing in Mathoura and will effectively represent an intensification of existing urban land (i.e. currently R5 zoned). Surrounding properties would be expected to progress subject to appropriate assessment being completed.

In the event that the land to the south is not identified suitable for residential intensification, the land could be retained be for another purpose that supports the Mathoura urban area.

5. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, identifies the strategic planning context and outlines what the community benefit will be.

3.3.1 Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed Local Strategic Planning Statement (LSPS), strategic study or report?

The Planning Proposal has been prepared consistent with the recommendations and actions contained within the Murray River Council Local Strategic Planning Statement and the draft Local Housing Strategy.

Murray River Council Local Strategic Planning Statement

The *Murray River Council Local Strategic Planning Statement* (LSPS) sets the social, environmental and economic land use needs over the next 20 years. The LSPS provides a platform to document community priorities and aspirations which will guide our planning decisions on future land use. It addresses the planning and development issues of strategic significance to the Council through planning priorities and actions, spatial land use direction and guidance.

The LSPS gives effect to the *Riverina Murray Regional Plan 2036* implementing the directions and actions at a local level. It is also informed by other State-wide and regional policies including *Future Transport Plan 2056* and the *NSW State Infrastructure Strategy 2018 – 2038*.

The LSPS is based on three key themes as follows:

- A robust, growing and innovative economy.
- Liveable communities with social capital.
- Environment, heritage and climate change.

An assessment of the subject planning proposal has been provided in response to the Murray LSPS as outlined below.

Table 3 Consideration of the Murray River Council Local Strategic Planning Statement

Priority	Applicable to the Planning Proposal	Comment
Theme 1 – A robust, growing, and innovative economy		
Priority 1 – Grow, strengthen and sustain agriculture	Not applicable to the subject Planning Proposal	The planning proposal does not involve agricultural outcomes and does not involve any changes to rural land.
Priority 2 – Grow and strengthen tourism	Not applicable to the subject Planning Proposal	Not applicable
Priority 3 – Create an ‘open-for-business’ identity	Not applicable to the subject Planning Proposal	Not applicable
Theme 2 – Liveable Communities with Social Capital		
Priority 4 – Housing growth, supply and density	Yes.	<p>The LSPS states that this will be achieved by ensuring residential housing expands in areas that are practicably serviceable by Council’s infrastructure and services, not constrained by hazards (such as flooding or bushfire) unless the hazards can be adequately mitigated, not located in areas of important biodiversity or cultural heritage value and not considered to be important productive agricultural land.</p> <p>The subject land is already residentially zoned and this proposal seeks to make more efficient use of this land for diverse housing outcomes.</p>
Priority 5 – Recreation and open space	Not applicable to the subject Planning Proposal	Not applicable
Priority 6 – Servicing and utility infrastructure	Yes	The subject land is within an area that can demonstrate the availability of services and capacity within these services.
Theme 3 – Environment, heritage, and climate change		

Priority	Applicable to the Planning Proposal	Comment
Priority 7 – Identify and protect environmental values	Not applicable to the subject Planning Proposal	Not applicable
Priority 8 – Celebrate culture and heritage	Yes, as consideration of matters regarding Aboriginal Cultural Heritage is required under the NSW <i>National Parks and Wildlife Act 1974</i> .	<p>The Planning Proposal is consistent with the vision and actions of this Planning Priority as consideration of Aboriginal Cultural Heritage Values has been undertaken.</p> <p>The subject land is already partly developed and used for residential purposes and is therefore disturbed land. The likelihood of items of Aboriginal Cultural Heritage being present on-site is considered low.</p>
Priority 9 – Climate change and natural hazards	Not applicable to the subject Planning Proposal as the land is not identified as being subject to any natural hazards.	Not applicable.

Murray River Council Local Housing Strategy

Murray River Council has prepared a Local Housing Strategy which will guide the future growth and development of the Shire.

The preparation of this Strategy has been in response to Murray River Council's "extraordinary demand for new housing over recent years as Australians continue to relocate from capital cities to regional areas for lifestyle reasons and in response to the global pandemic."

As part of the preparation of the Strategy, a constraints and opportunities analysis has been undertaken, as well as an assessment of existing residential supply and demand and infrastructure servicing capacities and constraints.

The LHS Strategy identifies the subject land as a candidate for rezoning to provide for future expansion of residential land in Mathoura to meet projected long term demand. This outcome is also supported as the landowner seeks to pursue diverse housing outcomes on the land, namely targeting persons seeking a smaller, low maintenance lifestyle but wanting to retain private ownership, including affordable housing, housing for older demographics and key worker housing. It is noted that the draft Housing Strategy acknowledges that there is some demand for these housing types in the area and that diverse housing is underrepresented.

The LHS Strategy states:

"As the township of Mathoura has R5 land zoned that should be rezoned to extend RU5 in each direction, priority should be given to the areas that meet servicing requirements (or developers willing to invest to service the blocks), and considerations of access and hazards (including protection of biodiversity values). Additional to this, Mathoura has an opportunity to provide some of affordable housing as the price point for land for these types of development is amenable."

The landowner confirms that this site can be serviced by required infrastructure and that the intention of the development is to provide diversity in housing. This Planning Proposal is therefore consistent with the strategic aims and objectives of this draft Strategy in relation Mathoura.

The LHS Strategy also refers to the provision of housing diversity generally and sets out an objective to “Promote housing diversity and affordability”. The approach recommended by the Strategy is:

“A suite of measures are proposed, starting with a review of development standards, as well as the provision of appropriately zoned land. Housing affordability is part of housing diversity but requires a new approach. Essentially off-site manufactured dwellings offer the only realistic method of substantially cheaper production costs, although in some locations transportation costs can outweigh the savings. Development of a local complying development code provides an opportunity for localised controls that are simple and which fit local character.”

The LHS Strategy’s background paper has presented a changing demographic profile, throughout the LGA as well as in Mathoura:

Population

- Between the 2006 and 2021 censuses, Mathoura’s population increased by 6% from 653 to 691
- Over the same period, Mathoura’s median age increased from 48 to 54.
- The proportion of the population of Mathoura aged over 65 increased from 24.8% to 32.7%

(Source: ABS Census 2006, 2011, 2016, 2021)

Household Composition

- Between the 2006 and 2021 censuses, the percentage of lone person households increased from 31.4% to 42%
- In 2021, while Family Households make up, 56% of the population, 48% of those were couple family without children (26.8% of the population)
- Broadly - this represents 68.88% single person or couple family households in Mathoura.

(Source: ABS Census 2006, 2011, 2016, 2021)

Housing Stock

- Of the total housing stock (304 occupied dwellings) 92.8% are separate dwellings and 69.8% (196 dwellings) of those contain three or more bedrooms
- Mathoura dwellings contain an average of 2.9 bedrooms

(Source: ABS Census 2006, 2011, 2016, 2021)

Throughout Mathoura, as in much of regional Australia there is an increasing mismatch between the size of the dwellings and the shrinking family groups that occupy them. As the population grows and ages, the ability for Council to cater to the changing demographic profile of Mathoura will improve through the structures of land use planning.

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

The Planning Proposal is considered the best means of achieving the objectives or intended outcomes as it will allow for the subdivision of land in a manner that is compatible with the surrounding development and the recommendations of key Council strategic planning policies.

The subject land is currently within the R5 Large Lot Residential zone, which does not permit the type of development sought (multi-dwelling and diverse housing). Consequently, the intended outcome of the Planning Proposal can only be achieved through an amendment to the LEP, however it is noted there are several options:

1. *Amend the Land Use Table for the R5 zone to allow 'multi-dwelling housing' with consent.*
2. *Provide for the specific intended outcome on the subject land via Schedule 1 of the MLEP.*
3. *Change the land use zone of the subject land to RU5 Village within which 'multi dwelling housing' is permissible with consent.*

The first option is not preferred because it will create the same opportunity as that sought by the Planning Proposal on all R5 zoned land in the Shire. The circumstances of other R5 zoned land, particularly in Moama, is likely to be less suitable for multi dwelling housing than the subject land.

The second option to include multi-dwelling housing in Schedule 1 restricts consideration of such development to just the subject land and just for that purpose. This would allow Council to exercise greater control over the type of development that can be undertaken on the subject land. This option is not supported by the NSW Department of Planning and Environment.

The third option is preferred as it places the appropriate zone over the land to achieve the desired development outcome. The proposal is seen as an extension of the existing urban area of the Mathoura township and a variation to the existing residential zoning (R5). It is also noted that some land between the subject land and existing RU5 zone will remain in the R5 zone because it is constrained for development at an urban density by remnant vegetation.

Why is the RU5 zone most acceptable?

Having regard to the above considerations, it has been determined that the provision of the RU5 is most appropriate in this instance, primarily as it maintains a consistent zoning to the Mathoura urban area and will permit a range of future dwelling opportunities for the land. The consistency in zoning with the remaining areas of Mathoura will ensure character and development outcomes will be maintained across all urban areas.

It is noted that other non-urban uses may be enabled by the RU5 zoning. Despite this, future decision making in relation to development of the land would rely upon the recommendations made in the Local Housing Strategy and Structure Plan maps contained in Council's strategic documents that specify preferred outcomes within their towns and village areas. Council would also be able to consider any development on its merits, as is the case across Mathoura at present, and refuse any application which does not reflect a preferred outcome or land use within the village area.

4.3.2 Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2041* was adopted by the NSW government in 2022 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina Murray region for the next 20 years.

The Minister's foreword to the document states that the Regional Plan "provides a framework for recent government priorities around improving regional housing delivery..."

and

“promotes more housing and greater housing choice in strategic locations throughout the region.”

The Regional Plan is structured into by three (3) key parts, with 18 underlying objectives including:

- Part 1 – Environment.
- Part 2 – Communities and Places
- Part 3 – Economy

Each of these parts and objectives is supported by a number of different strategies and actions, which seek to achieve the objectives of the goal.

An assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in **Attachment A**.

Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Consideration of the *Murray River Council Local Strategic Planning Statement* and *Local Housing Strategy* have been addressed in Section 3.1.1 of the Planning Proposal.

The *Murray River Council Community Strategic Plan 2022-2032 (CSP)* is Council's local community strategic planning document. The CSP is based on an outcome framework comprising of five (5) strategic themes;

- Theme 1 – A place of environmental sensitivity
- Theme 2 – A place of progressive leadership
- Theme 3 – A place of liveable communities
- Theme 4 – A place of inclusion, culture & wellbeing
- Theme 5 – A place of prosperity & resilience
- Theme 6 – Connected communities
- Theme 7 – Tomorrow's Technologies

Underpinning these outcomes are a series of 30 goals and 80 strategic objectives that reflect the communities' key ambitions for the future. These strategies have been developed to detail how Council, other government agencies and the community can work together to achieve these goals.

The Planning Proposal is consistent with the following outcomes and strategies under the Murray River Council CSP, in particular encouraging and supporting development across the region (theme 5). It is noted that there is limited directions and objectives outlined in the CSP that are directly related to the amendment.

Overall, the proposal is considered to be consistent, where relevant with the *Murray River Council Community Strategic Plan 2022-2032*.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is consistent with other relevant State or Regional studies and strategic including *A 20 Year Economic Vision for Regional NSW*, which was refreshed in 2021.

The foreword to the Strategy states: *The 20 Year Economic Vision for Regional NSW is the NSW Government's plan to drive sustainable, long-term economic growth in regional NSW. It is the roadmap to unlock significant economic potential in regional NSW.*

Accordingly, the proposal will achieve the Priority Actions and underlying principles of *A 20 Year Economic Vision for Regional NSW* as it will support diversity in housing options for Murray River broadly, and Moama specifically.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's) is provided **attached**.

In summary, many of the SEPP's are not applicable to the Murray Shire Local Government Area and less are applicable to the circumstances of the Planning Proposal.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Section 9.1 (formerly s. 117) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning to give directions to Councils' regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's.

A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "minor significance".

An assessment of all s.9.1 Directions is undertaken and provided in the **attached**.

4.3.3 Section C – Environmental, Social and Economic Impact

Q8. 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?

No. It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this proposal.

The Planning Proposal will facilitate development on a relatively small two hectare parcel of land on the fringe of the Mathoura township. The subject land is located adjoining a State highway (Cobb Highway) with a second frontage to Clifton Street from which the current access is taken. There is no remnant vegetation on the subject land or any other vegetation that might offer habitat to native fauna species.

A modest dwelling and ancillary shedding is located in the north east corner and a large dam, in an urban context, in the south east corner. A second smaller dam is located to the west of the dwelling. The balance of the lot is vacant but highly modified from its original natural environment. The topography of the subject land is relatively flat with a gentle slope down to Clifton Street.

In the years leading to the commencement of the MLEP in 2011, the former NSW Department of Environment and Climate Change (DECC) provided Council with a mapping layer for biodiversity. This layer reflected a range of attributes including:

- *significant native vegetation (including vegetation which has been cleared from >70% of its former range, or is located in a landscape that has been >70% cleared);*
- *habitat for threatened species, and endangered ecological communities;*
- *wetlands; and*
- *wildlife corridors, including roadsides and stock routes of High Conservation Value.*

This mapping layer and accompanying model clause were included in the MLEP. An extract from the biodiversity map (Ref: BIO_005) in relation to the subject land. The extract shows that part of the subject land is within the biodiversity overlay. When the overlay is reconciled with an aerial image, it is clear that the overlay has been applied in error as there are no environmental features that warrant its application.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The assessed properties have been completely cleared of indigenous vegetation and contains very limited understorey, having been extensively cleared for previous establishment of rural uses. The future development of the land will not result in any loss of native vegetation, and particularly will be well below the thresholds to enter the Biodiversity Offset Scheme (BOS), and for a Biodiversity Development Assessment Report (BDAR) to be completed

The Bush Fire Prone Land Map for the Shire shows that the buffer to a Vegetation Category 1 hazard intrudes into the southern and northern parts of the subject land. Despite this, an Asset Protection Zone (APZ) can comfortably be accommodated within the subject land and consequently bush fire will have no environment effect.

The subject site is not identified as being 'flood prone' for the purposes of Clause 5.21 of the Murray LEP 2011. Therefore, no further consideration is considered relevant. The Local Housing Strategy notes that there is flood potential in the north of Mathoura and that further consideration of possible impacts will be required, including whether a levee bank may be required. In the interim, it is considered that future development of this land could include provision of minimum floor levels to future development to mitigate flood impacts.

The land is not identified as an item of environmental heritage within schedule 5 of the heritage map of the LEP.

The subject land is a highly modified site and has a low likelihood of containing any items of cultural heritage significance. A review of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken and it is confirmed that there are no recorded items of Aboriginal cultural significance within 50 metres of the subject site.

Q10. Has the planning proposal adequately addressed any social and economic effects?

There will be a positive social and economic effect for the Mathoura community from the Planning Proposal through a potential increase in population, particularly in that intention of the Planning Proposal is to offer opportunities for under-represented, diverse housing outcomes. This increase supports both community and commercial interests in the town.

There will be a positive social and economic impact resulting from the development through the provision of additional choice and availability of residential land and diversity of housing.

4.3.4 Section D – State and Commonwealth Interests

Q11. Is there adequate public infrastructure for the planning proposal?

The subject land can be serviced with the urban infrastructure provided to the Mathoura township. The proposed multi dwelling housing development can utilise these resources, including a reticulated water supply.

The site is located within walking distance of facilities within the Mathoura town centre. The bowling club is almost directly opposite the subject land.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities in relation to the subject Planning Proposal.

Having regard for the nature of the Planning Proposal, it is anticipated no public authority consultation at this level will be required. It is acknowledged that the Gateway determination may specify Council undertake consultation with public authorities.

5.2. Mapping

The Planning Proposal seeks to amend the following maps of the LEP as follows:

- Amend the digital **Land Zoning Map** as it relates to Lot 611 in DP806704, from R5 Large Lot Residential to RU5 Village zone..
- Amend the **Minimum Lot Size Map** as it relates to Lot 611 in DP806704, from a minimum lot size of 4000m² to a minimum lot size of 450m².
- Amend the digital **Land Zoning Map** as it relates to the subject SP2 Infrastructure Zone to relabel it from “Classified Road” to “Rail Infrastructure”.
- Amend the digital **Land Zoning Map** as it relates to the subject SP2 Infrastructure Zone to relabel it from “Rail Infrastructure” to “Classified Road”.

The draft LEP maps and associated Map Cover Sheet will be prepared in accordance with the NSW Department of Planning & Environment’s: *Standard Technical Requirements for Spatial Datasets and Maps* (Version 2.0, August 2017).

5.3. Community Consultation

This part of the planning proposal responds to Section 3.33(2)(e) of the Environmental Planning & Assessment Act 1979 which requires the details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal will be exhibited in accordance with the requirements of Part 1, Division 1, Clause 4 of Schedule 1 of the EP&A Act, the NSW Department of Planning and Environment’s: *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination (to be issued).

As the Planning Proposal is categorised as a ‘standard’ proposal, it expected to be placed on public exhibition for 20 working days or as otherwise outlined in Council’s Community Engagement Strategy. The MRC Community Engagement Strategy requires planning proposal to be exhibited for a minimum of 28 days, or the period specified by a Gateway Determination.

Written notification of the community consultation will be provided in a local newspaper and on Councils’ website. In addition to this, any affected landowner/s adjoining the subject land will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land.
- public notices to be provided in local media, including in a local newspaper and on Councils’ website.
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council’s website).

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land;
- public notices to be provided in local media, including in a local newspaper and on Council’s website;
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council’s website).

The written notice will contain:

- a brief description of the intended outcomes of the Planning Proposal;
- an indication of the land which is affected by the proposal;
- information on where and when the Planning Proposal can be inspected;
- the name and address of Council for the receipt of submissions;
- the closing date for submissions; and
- confirmation whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- the Planning Proposal;
- the Gateway Determination;
- any technical information relied upon by the Planning Proposal;
- relevant Council reports.

An electronic copy of all of the above information to be placed on public exhibition will be made available to the public free of charge.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and matters raised as part of the public hearing and will prepare a report to Council.

5.4. Project Timeline

The project timeline for the Planning Proposal is outlined in **Table 3**.

It is noted however, that there are many factors that can influence compliance with the timeframe including Council staffing resources, the cycle of Council meetings and submissions received, and issues raised. Consequently, the timeframe should be regarded as indicative only.

Table 4 Project Timeline (indicative)

Project Milestone	Anticipated Timeframe
Lodgement Lodge Planning Proposal with council and make any necessary adjustments or changes prior to council accepting the plan	2 weeks for council to review and provide any comments regarding the submitted Planning Proposal and for the report to be updated.
Council Report (seeking Gateway Determination) Council planning officers to prepare a report to council seeking council endorsement of the Planning Proposal and referral to the NSW DPIE seeking the issuing of a Gateway Determination.	4 weeks to prepare council report and include on council agenda.
Request Gateway Determination Council to request a Gateway Determination from the NSW Department of Planning to proceed to Planning	5 weeks following Council resolution and request for a Gateway determination

Project Milestone	Anticipated Timeframe
Proposal to public exhibition (including any delegation of plan-making powers to council)	
Public Exhibition Undertake public exhibition of Planning Proposal in accordance with the conditions of the Gateway Determination.	2 weeks to prepare and place a public notice in the paper and 4 weeks to publicly exhibit the Planning Proposal.
Consider Submissions & Finalise Document Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal.	6 weeks to collate, consider and respond to submissions received (if any).
Council Report (consideration of submissions) Council planning officers to prepare a report to council post public exhibition that considers any submissions received.	4 weeks to prepare council report and include on council agenda.
Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks
Notification Finalisation/gazettal of Planning Proposal	2 weeks

6. Conclusion

This report has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning and Environment (DPE) guideline *Local Environmental Plan Making Guideline* (December 2021)

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Murray River Shire.
- The proposal is consistent with the specific recommendations of the Murray Local Housing Strategy.
- The resultant development of the land will not create any unacceptable environmental or social impacts.
- The proposed changes in land use which will be appropriate to establish at the northern periphery of Mathoura and represent appropriate growth of the urban area;
- Development of this land as sought by this Planning Proposal will enable the land to be developed for diverse housing outcomes, supporting alternative segments of the housing market.
- The subject land can be provided with all urban services.

Therefore, the proposed amendment to LEP is appropriate and well-considered and warrants the support of Council before proceeding to a Gateway Determination.

Attachment A: Consistency with Riverina-Murray Regional Plan 2041

Table 5 Consistency with Riverina-Murray Regional Plan 2041

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 1 – Environment		
Objective 1 – Protect, connect and enhance biodiversity throughout the region.	The land is sited within Mathoura's R5 zone, adjacent to the Murray Valley.	<p>The subject land is located within a large area zoned R5 that is has been identified for residential purposes.</p> <p>This proposal focuses residential development in an area and avoids land considered environmentally significant.</p> <p>The development and landscaping stages represent an opportunity to further enhance the biodiversity in the local area beyond its current use.</p>
Objective 2 – Manage development impacts within riverine environments	The land is sited in Mathoura, adjacent to the Murray Valley and floodplains.	<p>The proposal is located within an area set aside for future residential growth and is set well back from mapped riverine environments or wetlands.</p> <p>It maintains access to the river, avoiding fragmentation of riverfront land or ribbon development.</p>
Objective 3 – Increase natural hazard resilience	The land is sited in Mathoura, adjacent to the Murray Valley and floodplains.	<p>The subject land is located outside of currently mapped areas of flood risk (NSW Flood Planning Map).</p> <p>The Local Housing Strategy notes that there is flood potential in the north of Mathoura and that further consideration of possible impacts will be required, including whether a levee bank may be required. In the interim, it is considered that future development of this land could include provision of minimum floor levels to future development to mitigate flood impacts.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 2 – Communities and places		
Objective 4 – Support Aboriginal aspirations through land use planning.	Not yet applicable, as the subject land is not known to contain any culturally significant land.	In the absence of any broader strategy for the area, the proposal will adhere to current legislation. Consideration of matters regarding Aboriginal Cultural Heritage is required under the NSW <i>National Parks and Wildlife Act 1974</i> .
Objective 5 – Ensure housing supply, diversity, affordability and resilience.	The proposal seeks to rezone R5 Large Lot Residential Zone to RU5 Village Zone.	The proposal seeks to increase housing supply in the Mathoura, and provide a higher density, more affordable housing product for an under-served section of the community
Objective 6 – Support housing in regional cities and their sub-regions	The proposal is not located in Wagga Wagga, Albury or Griffith.	N/A
Objective 7 – Provide for appropriate rural residential development.	Not applicable, the proposal does not relate to rural residential development	N/A
Objective 8 – Provide for short-term accommodation	Not applicable, the land is intended for long-term residential development	N/A

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 9 - Plan for resilient places that respect local character	The proposal seeks to rezone R5 Large Lot Residential Zone to RU5 Village Zone.	The proposal is for land earlier utilised for agriculture. While there will be an intensification of land use and development, it will not disproportionately change the character of the place.
Objective 10 – Improve connections between Murray River communities	Not relevant, as the proposal doesn't relate to connections between Murray River Communities	N/A
Objective 11 – Plan for integrated and resilient utility infrastructure	Not relevant, as the proposal does not relate to utility infrastructure.	N/A
Part 3 - Economy		
Objective 12 – Strategically plan for rural industries	Not relevant, as the proposal does not relate to rural industries	N/A
Objective 13 - Support the transition to net zero by 2050	Not relevant, as the proposal does not relate to energy use.	N/A
Objective 14 – Protecting and promoting industrial and manufacturing land	The proposal is related to land already set aside for future residential growth and will protect industrial and manufacturing land.	The proposal is related to land already set aside for future residential growth and will protect industrial and manufacturing land.

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 15 – Support the economic vitality of CBDs and main streets	Not relevant to the subject proposal.	N/A
Objective 16 – Support the visitor economy	Not relevant, as the proposal relates to long term residential land use.	N/A
Objective 17 – Strategically plan for health and education precincts	Not relevant as the proposal does not relate to health and education precincts	N/A
Objective 18 – Integrate transport and land use planning	Access to and from the subject site will need to be considered.	While of a small development scale, the subject site is within the established area of Mathoura, with road access to the Cobb Highway, neighbouring Moama and Deniliquin.

Attachment C: Consistency with State Environmental Planning Policies

Table 6 Consistency with State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
<i>Chapter 2 – Vegetation in non-rural areas</i>	Applies to part of the Murray River Local Government Area	The assessed properties have been completely cleared of indigenous remnant vegetation. No existing native vegetation is noted on site.
<i>Chapter 3 – Koala habitat protection 2020</i>	Not applicable as the subject land is not within the RU1, RU2 or RU3 zones	Not applicable to the current Planning Proposal.
<i>Chapter 4 – Koala habitat protection 2021</i>	Not applicable as the subject land is not identified as a prescribed zone within the 2021 SEPP.	Not applicable to the current Planning Proposal.
<i>Chapter 5 – River Murray lands</i>	Applies to part of the Murray River Local Government Area	Not applicable.
<i>Chapter 6 – Bushland in urban areas</i>	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 7 – Canal estate development</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 8 – Sydney drinking water catchment</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 9 – Hawkesbury-Nepean River</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 10 – Sydney Harbour Catchment</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 11 – Georges River Catchment</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 12 – Willandra Lakes Region World Heritage Property</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
State Environmental Planning Policy (Housing) 2021		
<i>Chapter 2 – Affordable housing</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 3 – Diverse housing</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Industry and Employment) 2021		
<i>Chapter 2 – Western Sydney employment area</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 3 – Advertising and signage</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Planning Systems) 2021		

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 2 – State and Regional Development</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 3 – Aboriginal land</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 4 – Concurrences and consents</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Precincts – Central River City) 2021		
<i>Chapter 2 – State significant precincts</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 3 – Sydney region growth centres</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 4 – Homebush Bay area</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 5 – Kurnell Peninsula</i>	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 6 – Urban renewal precincts</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		
<i>Chapter 2 – State significant precincts</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 3 – Darling Harbour</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 4 – City West</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 5 – Walsh Bay</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 6 – Cooks Cove</i>	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 7 – Moore Park Showground</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Regional) 2021		
<i>Chapter 2 – State significant precincts</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 3 – Activation precincts</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 4 – Kosciuszko National Park and alpine resorts</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 5 – Gosford city centre</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
<i>Chapter 2 – State significant precincts</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 3 – Sydney region growth centres</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 4 – Western Sydney Aerotropolis</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 5 – Penrith Lakes Scheme</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 6 – St Mary's</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 7 – Western Sydney Parklands</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Primary Production) 2021		
<i>Chapter 2 – Primary production and rural development</i>	Not applicable as the subject land has not been identified as state significant agricultural land on the draft SSAL Map prepared by NSW DPI.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 3 – Central Coast plateau areas</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021		
<i>Chapter 2 – Coastal management</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 3 – Hazardous and offensive development</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 4 – Remediation of land</i>	Applies to all land in the State.	Based on the historical use of land, the potential contamination risk for the site is considered low. The land is suitable for occupation of residential dwellings in the future.
State Environmental Planning Policy (Resources and Energy) 2021		
<i>Chapter 2 – Mining, petroleum production and extractive industries</i>	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.

Policy	Applicable to Planning Proposal	Consistency
<i>Chapter 3 – Extractive industries in Sydney area</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
<i>Chapter 2 – Infrastructure</i>	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
<i>Chapter 3 – Educational establishments and child care facilities</i>	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<i>Chapter 4 – Major infrastructure corridors</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
<i>Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle</i>	Not applicable to the Murray River Local Government Area.	Not applicable.
Draft State Environmental Planning Policies		

Attachment D: Consistency with Section 9.1 Ministerial Directions

Table 7 Consistency with Ministerial Directions

No.	Title	Applicable to Planning Proposal	Consistency
1. Planning Systems			
1.1	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is consistent with the goals, directions and actions as contained within the <i>Riverina Murray Regional Plan 2036</i> . A full response in relation to this Regional Plan has been provided as Appendix C .
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not propose any referral or concurrence requirements or nominate any development as 'designated development'.
1.4	Site Specific Provisions	Not applicable as the proposal does not propose any site-specific provisions.	Not applicable.
1. Planning Systems – Place Based			

No.	Title	Applicable to Planning Proposal	Consistency
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.14	Implementation of Greater Macarthur 2040	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.17	Implementation of Bays West Place Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
Design and Place Systems			
Nil			
Biodiversity and Conservation			
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.
3.2	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	<p>The Planning Proposal is consistent with this direction because it does not affect existing provisions within MLEP 2011 relating to the protection of known European and Aboriginal heritage.</p> <p>The planning proposal is consistent with this direction because the subject land does not contain any known 'items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance'. A heritage study has been undertaken for the Shire with all items of significance identified in the MLEP and</p>

No.	Title	Applicable to Planning Proposal	Consistency
			afforded protection by clause 5.10. None of these items are incorporated in the subject land.
3.3	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i> .

Resilience and Hazards

4.1	Flooding	No, as the subject site is not known to be flood prone.	Despite not being currently mapped as flood prone, the Local Housing Strategy notes that there is flood potential in the north of Mathoura and that further consideration of possible impacts will be required. It is considered that future development of this land could include provision of minimum floor levels to future development to mitigate flood impacts, if considered necessary under future development proposals.
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No.	Title	Applicable to Planning Proposal	Consistency
4.2	Coastal Management	Not applicable as the subject land is not located in a coastal management area.	Not applicable.
4.3	Planning for Bushfire Protection	Not applicable as the subject land is not mapped as bushfire prone.	Not applicable.
4.4	Remediation of Contaminated Land	Yes, Clause 4.4(b) of the direction triggers consideration of this matter.	<p>The Planning Proposal is considered to be consistent with this direction as:</p> <ul style="list-style-type: none"> the subject land is not identified as an investigation area under the Contaminated Land Management Act 1997, and An initial assessment of previous land uses was undertaken and found that the site was suitable for the purposes of residential development.
4.5	Acid Sulphate Soils	Not applicable, as the subject land is not identified as containing acid sulphate soils.	Not applicable.
4.6	Mine Subsidence & Unstable Land	Not applicable, as the subject land is not within a Mine Subsistence District.	Not applicable.

Transport and Infrastructure

No.	Title	Applicable to Planning Proposal	Consistency
5.1	Integrating Land Use and Transport	Not applicable as does not propose to create, alter or remove a zone or provision relating to urban land	Not applicable.
5.2	Reserving Land for Public Purposes	Not applicable,	Not applicable.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable, the planning proposal does not seek to create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	Not applicable.
5.4	Shooting Ranges	Not applicable, as the subject land is not located in the vicinity of a shooting range.	Not applicable.
Housing			
6.1	Residential Zones	Yes, as the Planning Proposal seeks to rezone land for residential purposes.	The Planning Proposal is consistent with this Direction because it will provide the opportunity for a greater diversity of housing and make use of existing urban infrastructure. In addition, the LEP already contains a provision requiring development to be adequately serviced.

No.	Title	Applicable to Planning Proposal	Consistency
6.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.

Industry and Employment

7.1	Business and Industrial Zones	Not applicable, the planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Not applicable
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable to the Murray River Local Government Area.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable, as the subject land is not located within proximity to the Pacific Highway.	Not applicable.

Resources and Energy

No.	Title	Applicable to Planning Proposal	Consistency
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	<p>The subject planning proposal will not</p> <p>(a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>

Primary Production

9.1	Rural Zones	Yes, the subject site is located in a rural zone.	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). In particular Direction (1)(a) applies to all relevant planning authorities, including Murray River Council LGA.</p> <p>Direction 9.1(1)(a) states a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p>
9.2	Rural Lands	Yes, the subject site is located in a rural zone.	<p>This direction applies to a relevant planning authority outside of the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or</p>

No.	Title	Applicable to Planning Proposal	Consistency
			<p>conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>The proposal is consistent with subsections 1(a) to (i), inclusive. Responses relating to each have been provided in previous sections of this planning proposal.</p>
9.3	Oyster Aquaculture	Not applicable as the subject site is not identified as a 'Priority Oyster Aquaculture Area' and is not identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)	Not applicable.
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.