



Gateway determination report – PP-2023-2003

Rezone land and reduce the minimum lot size at Beer
Road and Perricoota Road, Moama

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Planning Proposal – prepared by Habitat Planning, dated July 2023

Ordinary Meeting Agenda and Minutes 27 February 2024 – Murray River Council,

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Murray River Council
PPA	Murray River Council
NAME	Rezone land and reduce the minimum lot size at Beer Road and Pericoota Road, Moama (243 homes, 0 jobs)
NUMBER	PP-2023-2003
LEP TO BE AMENDED	Murray LEP 2011
ADDRESS	Beer Road and Perricoota Road, Moama
DESCRIPTION	Lots 2 & 3 DP 1213161 and Lot 15 DP 1273625
RECEIVED	16/05/2024
FILE NO.	IRF24/1089
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 enable the subject land to be utilised for residential development. The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Murray LEP 2011 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production.	R1 General Residential
Minimum lot size	120 hectares	500m ²
Number of dwellings	0	243
Number of jobs	N/A	N/A

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

1.4 Site description and surrounding area

The land affected by this proposal (as submitted) is identified as Lots 2 and 3 DP1213161 and Lot 15 DP1273625. The site has a combined area of area 31.2 hectares. The Moama CBD is located approximately 5 kilometres south east from the site.

The land adjoins existing R1 General Residential to the north and south east, the Murray River Resort zoned SP3 Tourist to the south west and RU1 Primary Production zoned land to the east and west. The site is currently utilised for viticulture. There are no buildings or structures located on the lots.

Vehicular access is provided to each lot via informal access from Beer Road and Twenty-Four Lane with unconstructed vehicle crossovers noted at both frontages.



Figure 1 Subject site (source: Council Report)

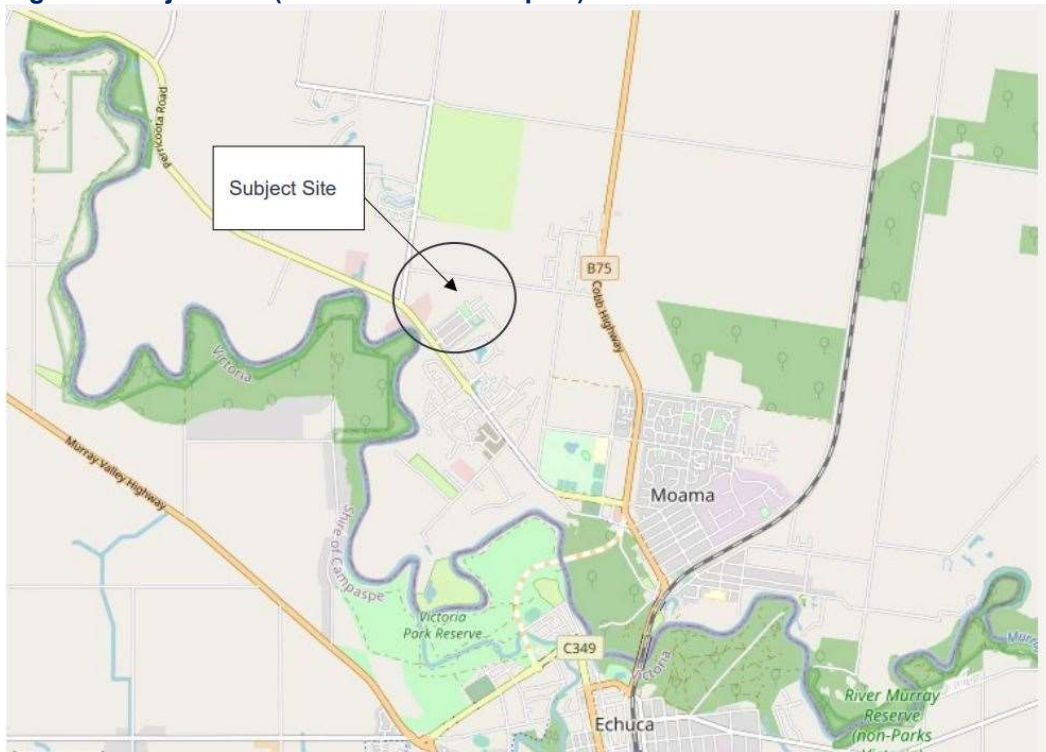


Figure 2 Site context (source: Planning Proposal)

The site does not contain any known heritage items and the land is not known to contain biodiversity values.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and minimum lot size maps, which are suitable for community consultation.



Figure 3 Current zoning map (Source: Planning Proposal)



Figure 4 Proposed zoning map (to R1 General Residential) (Source: Planning Proposal)

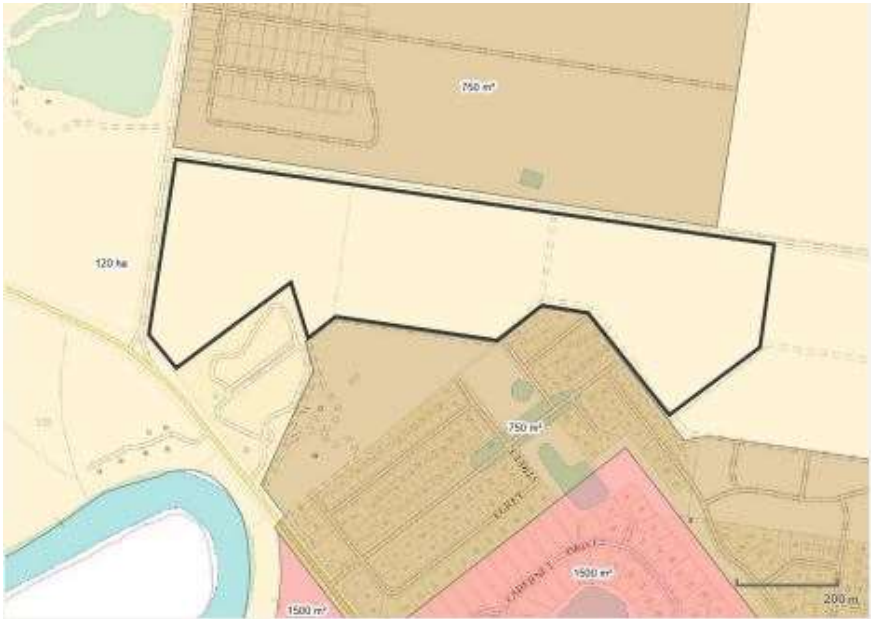


Figure 5 Existing minimum lot size map (source: Planning Proposal)



Figure 6 Proposed minimum lot size map (to 500m²) (source: planning proposal)

2 Need for the planning proposal

The proposal has been prepared to implement actions from Murray River Council's Local Housing Strategy to diversify housing choice in Moama by providing more opportunities for residential development. The proposal suitably demonstrates the need for the planning proposal (see explanations in Sections 2.1 and 2.2 of this report).


2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2041.

It is noted that the planning proposal addresses the Riverina Murray Regional Plan 2036, not the Riverina Murray Regional Plan 2041. The Council Agenda of 27 February 2024 provides a detailed assessment of the proposal against the 2041 Regional Plan. It is recommended the planning

proposal be updated to address the 2041 Regional Plan prior to community and agency consultation.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
OBJECTIVE 3: Increase natural hazard resilience.	<p>The planning proposal is not identified as being subject to any natural hazards.</p> <p>The planning proposal states the site is not identified as containing flood hazards. While it is noted that Council's report of 27 February 2024 identifies Lot 3 of the site in the Draft Echuca Moama Flood Study as adjacent to the Murray River and that this presents flood risks. However, Figure 7 shows the subject land is not directly affected by flooding.</p>  <p>Figure 7 Extract Echuca-Moama-Torrumbarry Flood Study – Online Map</p>
OBJECTIVE 5: Ensure housing supply, diversity, affordability and resilience	<p>The proposal is consistent with the following components of Strategy 5.3 of the RMRP 2041 as it seeks to:</p> <ul style="list-style-type: none"> • avoid constraints and hazards and sensitive land with biodiversity or heritage value • integrate with Perricoota Road network and complement the residential development character of the immediate area. • provide suitably serviced land via extension of Council's infrastructure <p>Objective 5 of the RMRP 2041 identifies regional housing supply is dominated by large, detached dwellings that do not align with demand for smaller, accessible and affordable housing. The proposal does indicate a lot size smaller than proposed in the LHS and smaller than surrounding residential estates This would encourage a greater housing choice in this location.</p>
OBJECTIVE 11: Plan for integrated and resilient utility infrastructure	<p>The Council report has indicated that the subject land can be serviced. The area proposed to be rezoned directly adjoins an existing residential area.</p> <p>The sequencing plan included within the Murray River Local Housing Strategy indicates that this land can be adequately serviced in the short term.</p>

2.2 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
Local Strategic Planning Statement	Priority 4 - Housing growth, supply, and density: The proposal is consistent with the objectives to respond to housing demand by providing varying housing densities in serviceable locations free of hazards, biodiversity, important cultural heritage, and important productive agriculture.
Local Housing Strategy 2023 (Implementation Plan).	<p>It should be noted that the Department has not endorsed the Local Housing Strategy (LHS).</p> <p>The planning proposal identifies the LHS as in draft form. A recommendation of the Gateway determination is to update the planning proposal to reflect the adoption of the final LHS by Council in 2023.</p> <p>The subject land is located within the LHS Urban Growth Boundary and the land is identified for short-term release (Area's 3 and 4) (See Figure 8). The sequencing map of the LHS (p40,) suggests this land should be developed in the short term for lots 750m² and p36 of the LHS suggests a R1 General Residential zoning be applied.</p>

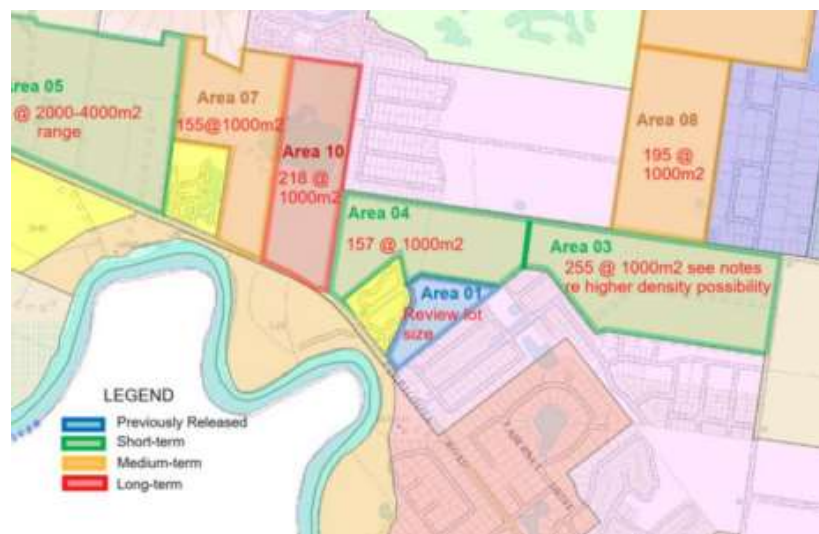


Figure 8 Extracts of the LHS recommendations for the subject land

There is a discrepancy between the planning proposal identifying a 500m² lot size and the LHS identifying a 750m² lot size. However, the proposal is generally consistent with the LHS desired outcome for residential development on the site. Increasing the opportunity for smaller lots is considered consistent with the LHS and general housing policy to promote the development of smaller dwellings or other housing products to cater for more housing choice.

2.3 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
1.1 Implementation of Regional Plan	Yes	As discussed in Section 2.1 of this report, the proposal aligns with the strategies of the Riverina Murray Regional Plan 2041.
4.4 Remediation of Contaminated Land	No	<p>The planning proposal has noted that an initial investigation of previous land uses was undertaken and determined that the site was suitable for residential development.</p> <p>No documentation to demonstrate how this assessment was undertaken has been submitted with the planning proposal.</p> <p>A preliminary site investigation is recommended as a condition of Gateway to determine if the site is suitable for residential development, given the previously intensive agricultural use (vineyards) of the site. The planning proposal's assessment of this issue will also need to be updated prior to community consultation.</p>
5.1 Integrating Land Use and Transport	Yes	<p>The planning proposal report has identified that this direction is 'not applicable', however it is relevant to the proposal as it is rezoning to a residential land use.</p> <p>Connection to existing vehicle, walking and cycles routes can be achieved via extension of nearby infrastructure. The proposal is earmarked within the LHS as a suitable location for short term housing release and will extend available infrastructure to service the development. Consultation with Transport for NSW will also be required given the intensity of development proposed within the Moama area.</p>
6.1 Residential Zones	Yes	<p>The LHS specifically identifies this site for short term urban release, and the site is located within an urban area.</p> <p>The planning proposal is therefore consistent with</p>

		this Direction.
8.1 Mining, Petroleum Production and Extractive Industries	No	As the land is currently RU1 (open cut mining permitted) and the proposed R1 General Residential prohibits open cut mining, the proposal is technically inconsistent with direction 8.1. However, this inconsistency is of minor significance as the land is not known to contain coals, minerals, or other extractive materials, is not mapped as mineral or resource land and the land is not currently used for this purpose.
9.1 Rural Zones	No	The proposal is inconsistent with Direction 9.1(1)(a) as it seeks to rezone land from a rural zone to a residential zone. However, as the LHS specifically identifies this site for short term urban release, the inconsistency is supported by local strategy aimed at delivering broader housing choice in compatible areas.
9.2 Rural Lands	No	The proposal does not adequately address Direction 9.2 and is inconsistent with 9.2(1)(e), (f), (g), and (h). However, the inconsistency is of minor significance as it is supported by local strategy which specifically identifies this site as compatible for future housing in the short term. The LHS and proposal material conclude this site has minimal agricultural production value.

2.4 State environmental planning policies (SEPPs)

The proposal is consistent with the aims of SEPP (Resilience and Hazards) 2021- Chapter 4 Remediation of land. However, a Preliminary Site Investigation (PSI) has not been undertaken to quantify any known contamination risk, as discussed in Section 2.3 of this report. Despite this, Council is satisfied the land will be suitable for all the proposed development. It is recommended that a PSI be undertaken for the subject land given its current land use.

The remaining SEPPs in force are either not triggered for application at planning proposal stage, relate to development assessment stage, or relate to specific application areas outside of the subject land.

3 Site-specific assessment

3.1 Environmental

As discussed in earlier sections of the report, the proposal does not pose significant environmental impact. The land is not mapped as containing sensitive biodiversity or known cultural heritage items and is located amongst low density residential, lifestyle blocks, tourist, and small-scale commercial development.

3.2 Social and economic

The proposal is anticipated to produce a positive social impact, by increasing varied forms of housing stock to meet demand in Moama. The proposed residential development is considered to

provide positive social impacts to the town. The proposal is anticipated to pose a positive economic flow on given incoming population and business will be located in Moama and subsequently contribute to local spending within the Murray River Council economy.

3.3 Infrastructure

A Servicing Report has not accompanied the proposal, however given that the site is located within an existing urban area, it has or will have access to all essential services necessary to service future development. Council has confirmed that servicing of the site is feasible.

4 Consultation

4.1 Community

Council proposes a community consultation period of 28 days, or the period specified in the Gateway determination. The Local Environmental Plan Making Guideline (August 2023) recommends a “standard” planning proposal be exhibited for a minimum of 20 working days.

An exhibition period of 20 days is considered appropriate and has been included as a condition of the Gateway determination.

4.2 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 30 working days to comment:

- Department of Primary Industries (Agriculture)
- Transport for NSW

5 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends the LEP be completed within 12 months, considering the upcoming Caretaker Mode for Local Government Elections in September 2024, and in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

6 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

7 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - remove assessment of the *Riverina Murray Regional Plan 2036* and include instead assessment against relevant parts of the *Riverina Murray Regional Plan 2041*.

- reflect Council's adoption of the *Murray River Local Housing Strategy 2023* and any implications for the subject land.
 - reflect the outcomes of a Preliminary Site Investigation in accordance with the *Contaminated Land Planning Guidelines 1998* and update the assessment of Section 9.1 Direction 4.4 Remediation of Contaminated Land.
2. Consultation is required with the following public authorities:
- Department of Primary Industries (Agriculture)
 - Transport for NSW
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.


Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 6 June 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 6 June 2025



5/6/2024

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