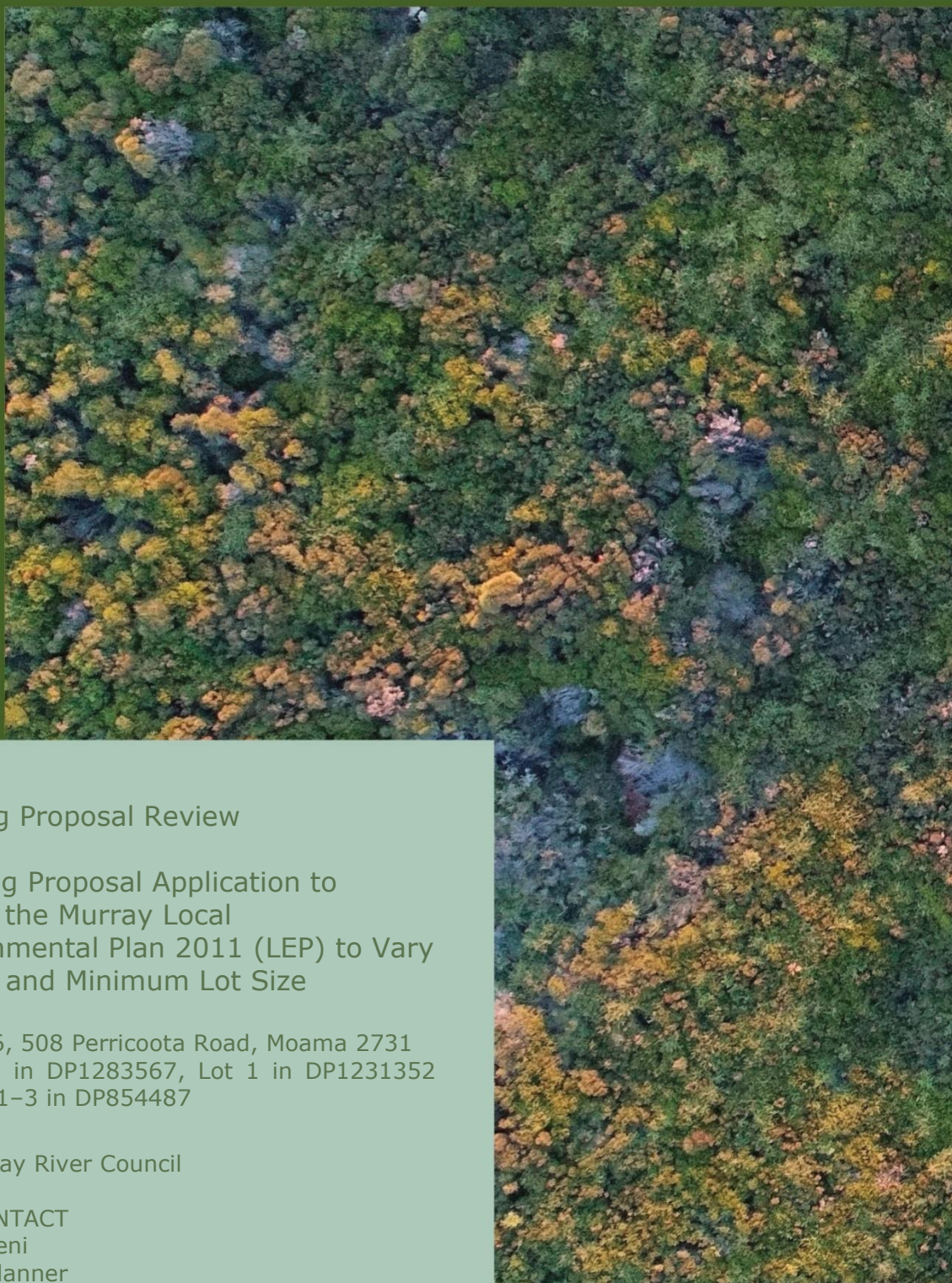


Monteath
& Powys

M &
P



Scoping Proposal Review

Planning Proposal Application to
amend the Murray Local
Environmental Plan 2011 (LEP) to Vary
Zoning and Minimum Lot Size



420, 446, 508 Perricoota Road, Moama 2731
Lots 1-2 in DP1283567, Lot 1 in DP1231352
and Lot 1-3 in DP854487

For Murray River Council

M&P CONTACT
Itto Vukeni
Senior Planner

P (02) 4926 1388
M 0477 889 494
I.Vukeni@monteathpowys.com.au

monteathpowys.com.au

Our Ref:	23/0411
Date	6 December 2023
Project	Scoping Proposal Review for Planning Proposal Application to amend the Murray Local Environmental Plan 2011 (LEP) to Vary Zoning and Minimum Lot Size
Client	Murray River Council
Author	M&P Itto Vukeni B U&E P, MPIA Senior Planner
Certification	<i>I hereby certify that this Scoping Proposal Review has been prepared in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and its associated Regulations. I certify that to the best of my knowledge, the information contained within this report is neither false nor misleading.</i>
Signature	
Reviewer	M&P Lachlan Sims Principal Planner B U&R P, MPIA
Signature	

This report was prepared by Monteath & Powys Pty Ltd.

Document Control					
Revision	Date	Revision Details	Author	Verifier	Approver
1	28/11/2023	Draft	IV	LS	IV
2	30/11/2023	Final Draft	IV	LS	IV
3	5/12/2023	Final	IV	LS	IV

PLANNING PROJECT MANAGEMENT SURVEYING 3D SPATIAL

ABN 94 000 861 110 13/125 Bull Street Newcastle West NSW 2302 info@monteathpowys.com.au
P (02) 4926 1388 PO Box 2270 Dangar NSW 2309 monteathpowys.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

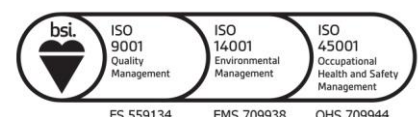


TABLE OF CONTENTS

1. EXECUTIVE SUMMARY3

2. APPLICATION DETAILS4

3. SITE DETAILS5

4. THE PROPOSAL.....11

5. STRATEGIC MERIT13

6. SITE-SPECIFIC CONSIDERATIONS21

7. PRELIMINARY PLANNING CONSIDERATIONS22

8. RECOMMENDATION22

APPENDIX A – Applicant Proposed Supporting Materials

1. EXECUTIVE SUMMARY

Habitat Planning has lodged a Planning Proposal, on behalf of the Applicant Perricoota Views Pty Ltd, with the Council over land formally described as Lots 1-2 in DP1283567, Lot 1 in DP1231352 and Lot 1-3 in DP854487. Addressed as 420-508 Perricoota Road, Moama NSW 2731 (the site).

The Planning Proposal seeks to amend the *Murray Local Environmental Plan 2011* (LEP) to vary the zoning of the site on o Lot 1 in DP1283567 and Lots 1-3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, the proposal seeks to amend the minimum lot sizes for Lot 1 in DP1283567 and Lots 1-3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m². Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.

In support of the Planning Proposal, the following plans and documentation have been provided by the Applicants:

- Development Concept Plan prepared by Terraco.
- Consistency with Riverina-Murray Regional Plan 2041 prepared by Habitat Planning.
- Consistency with State Environmental Planning Policies by Habitat Planning.
- Consistency with Section 9.1 Ministerial Directions by Habitat Planning.

The Planning Proposal has been reviewed against the relevant provisions applying to the site and proposal at the state and local levels. In this regard, the proposal is deemed to comply with the relevant provisions under the *Environmental Planning and Assessment Act 1979* (the Act), State Environmental Planning Policies, and the requirements of the NSW Department of Planning, Infrastructure & Environment's Local Environmental Plan Making Guideline. Further, the Planning Proposal is not inconsistent the with the objectives of the *Riverina-Murray Regional Plan 2041* (the Regional Plan), the council's Local Strategic Planning Statement (LSPS) and the Murray River Council Local Housing Strategy (LHS). Although minor inconsistencies were identified with the relevant provisions of the applicable assessment benchmarks, the potency of the inconsistency is not considered to undermine the intended outcome of the Regional Plan, LSPS and LHS subject to conditions.

Upon reviewing the proposal against the relevant provisions applicable to the site and the development, the following recommendations are given:

1. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lot 1 in DP1283567 and Lots 1-3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, reductions in minimum lot sizes proposed for Lots 1 in DP1283567 and Lots 1-3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m². Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.
2. The Planning Proposal be sent to the NSW Department of Planning and Environment (DPE) for a 'Gateway Determination' in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
3. Council's staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting the Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP).
4. Council notes if valid objections are received via the public exhibition process, a further report will come back to the Council for consideration.

2. APPLICATION DETAILS

The Applicants and application details for the Planning Proposal can be summarised below:

Table 1: Application Summary

APPLICATION SUMMARY	
Proponent's details	Perricoota Views Pty Ltd C/- Habitat Planning Pty Ltd
Site details	420-508 Perricoota Road, Moama NSW 2731
Legal Description	Lots 1-2 in DP1283567, Lot 1 in DP1231352 and Lot 1-3 in DP854487
Development Summary	Amend the Murray Local Environmental Plan 2011 to: <ol style="list-style-type: none"> 1. Vary RU1 Primary Production Zone to R2 Low Density Residential Zone for Lot 1 in DP1283567 and Lots 1-3 in DP854487. 2. Vary RU1 Primary Production Zone to E1 Local Centre Zone for Lot 1 in DP1283567. 3. Override minimum lot size from 100 hectares to a minimum lot size of 2,000m2 for Lots 1 in DP1283567 and Lots 1-3 in DP854487. 4. Remove the minimum lot size requirements for the proposed E1 Local Centre Zone.
Site History	N/A
Consultation	N/A
Landowner details	Perricoota Views Pty Ltd

3. SITE DETAILS

The site in this matter is comprised of four (4) allotments formally described as Lot 1 DP 1283567 and Lots 1, 2 & 3 in DP854487 and can be located at 420-508 Perricoota Road, Moama NSW 2731. Lot 1 DP 1283567 is 27.56 hectares in total area with principal road frontage to. While Lots 1-3 in DP854487 have a combined total land area of 13.80 hectares with principal road frontage to Perricoota Road. Whilst Lot 3 in DP854487 is accessed via an access handle off Perricoota Road. The topography of the sites is generally flat with minor changes in elevation observed across the site profile. **Figure 1** provides a view of the subject site.

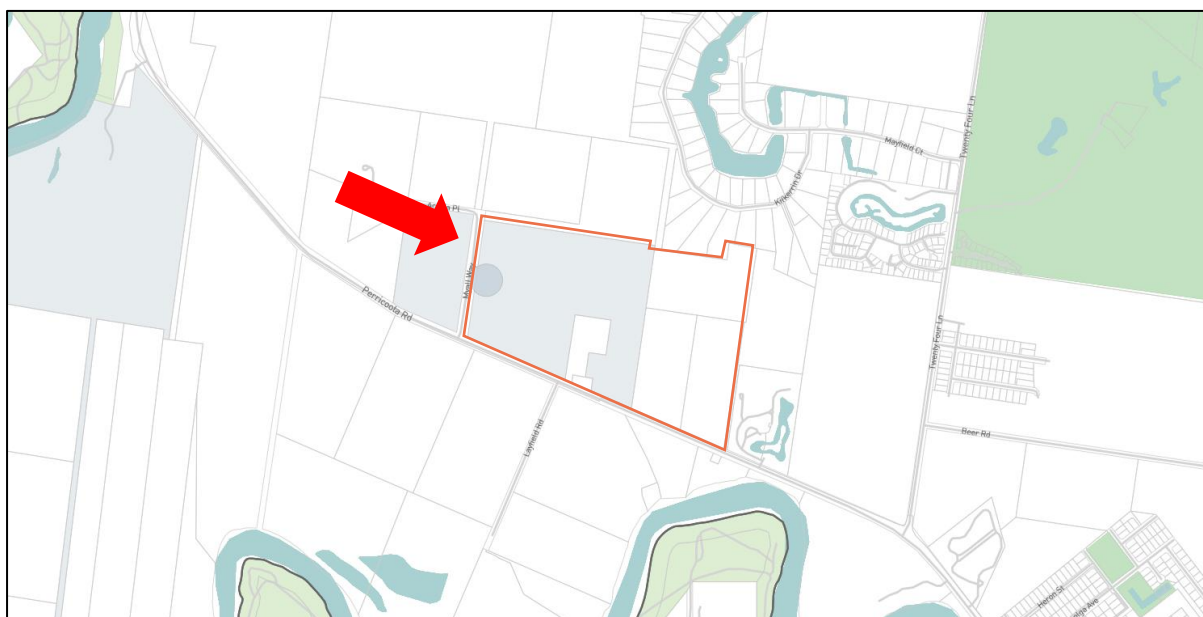


Figure 1: Satellite Photograph Extract and Subject (Archister, 2023)

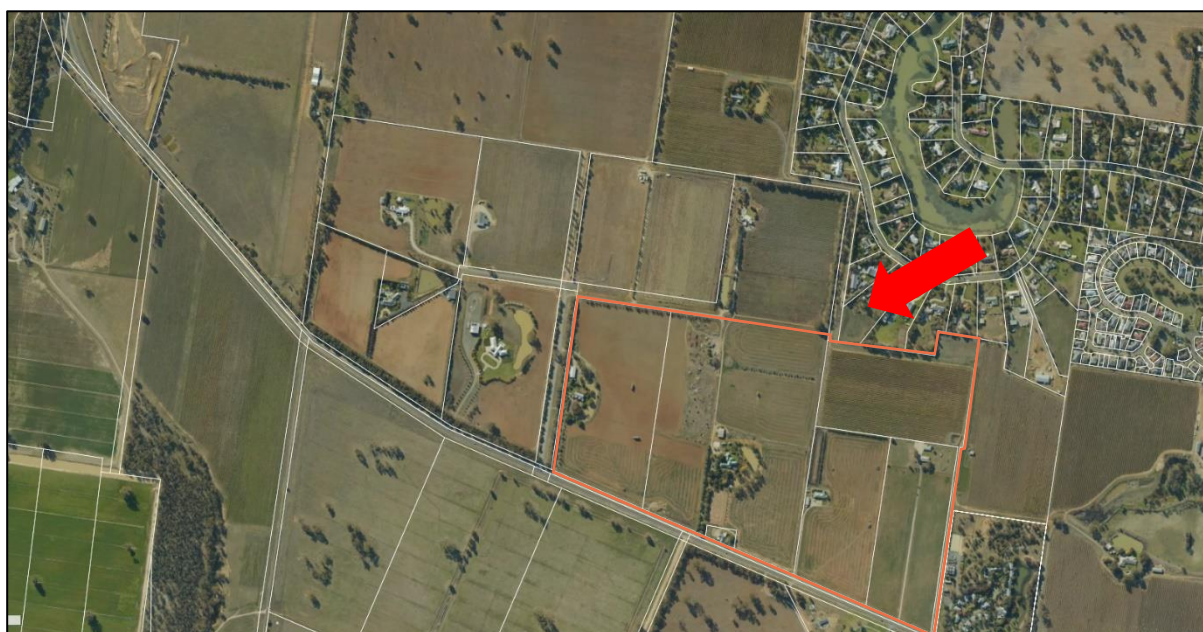


Figure 2: Aerial Photograph Extract and Subject Depiction (Metro Maps, 2023)

There is an opportunity for the site to be connected to Council's reticulated water infrastructure which traverses parallel to Perricoota Road and terminates at the southwestern end of Lot 1 in DP1283567 as per **Figure 3**.

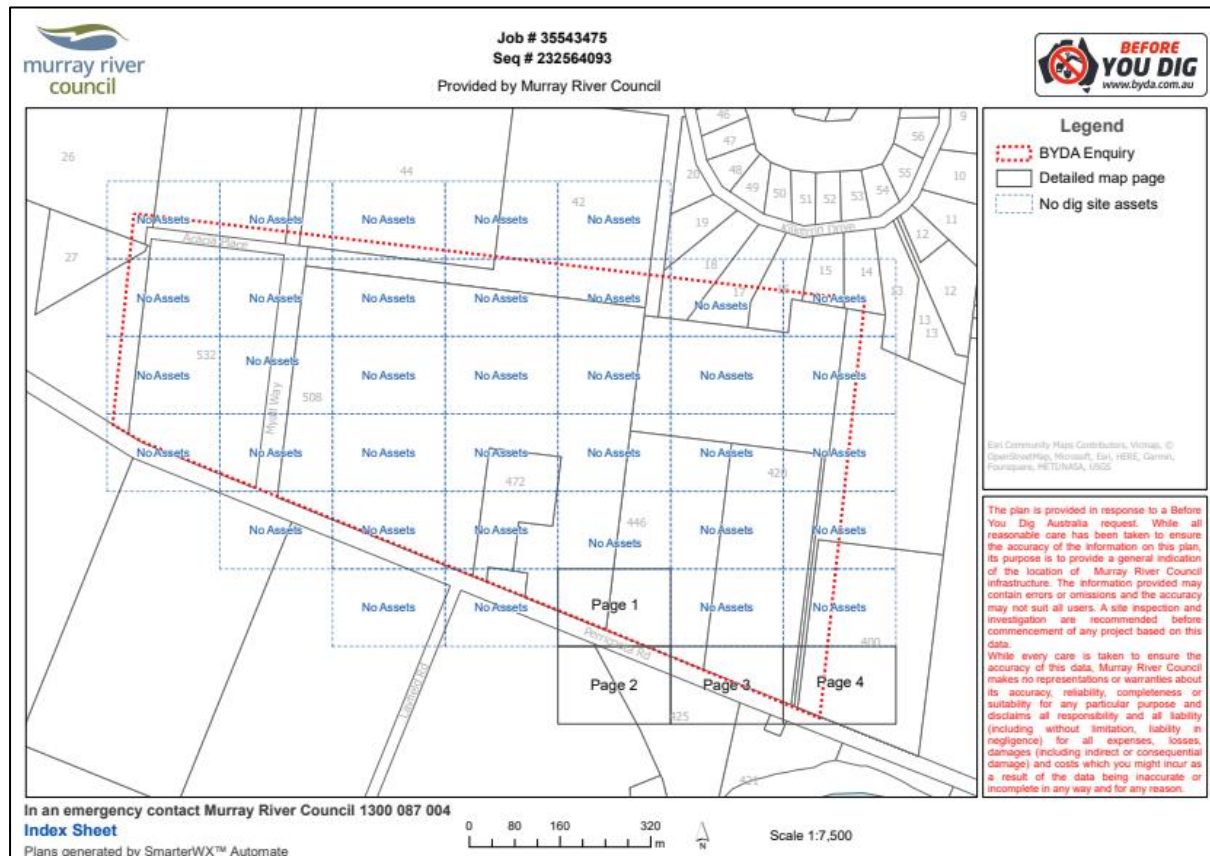


Figure 3: Before You Dig Extract (Before You Dig Extract, 2023)

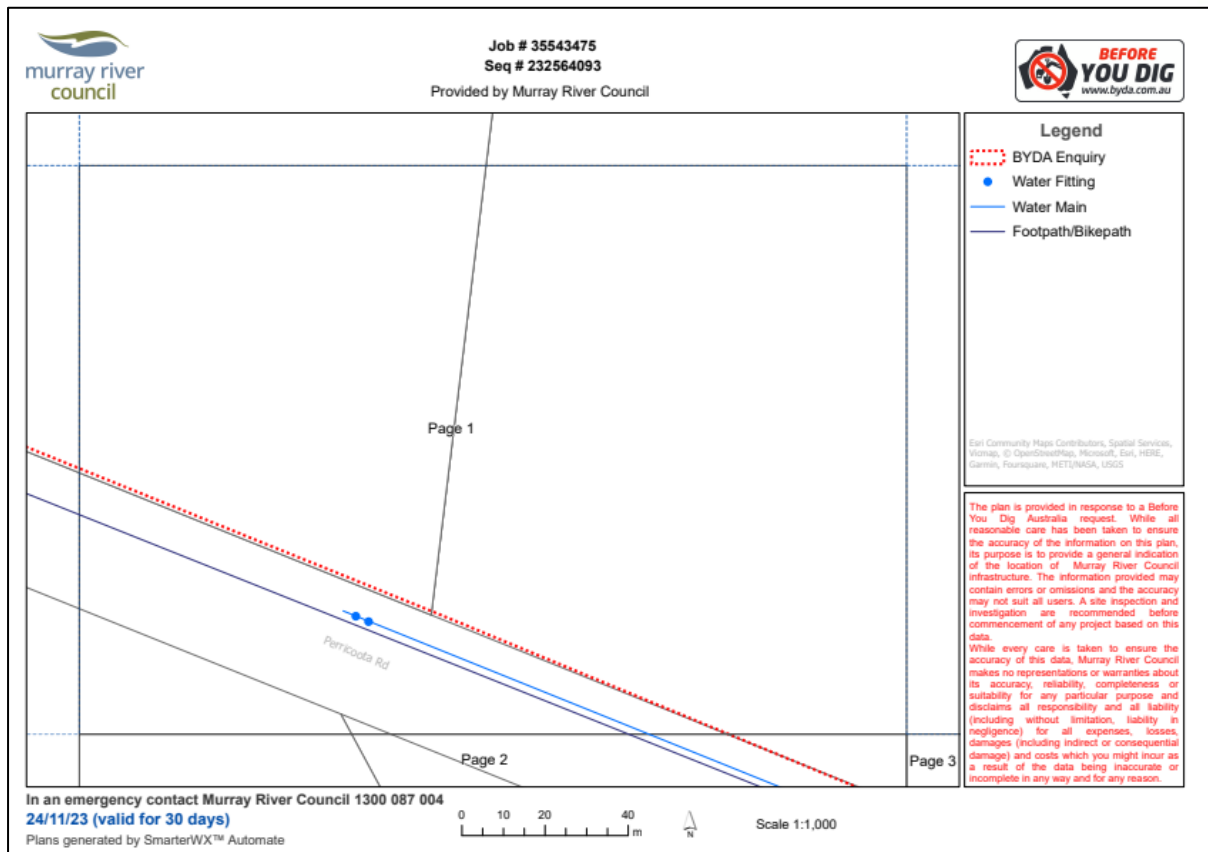


Figure 4: Before You Dig Extract of Water Infrastructure (Before You Dig Extract, 2023)

As per the extracts in **Figures 3** and **4**, there is no record of reticulated sewer infrastructure within proximity to the site.

Further, there are also opportunities for the site to be connected to electricity and telecommunications infrastructure which can be located along road frontage based on aerial imagery and Before You Dig as contained in **Figure 5**.

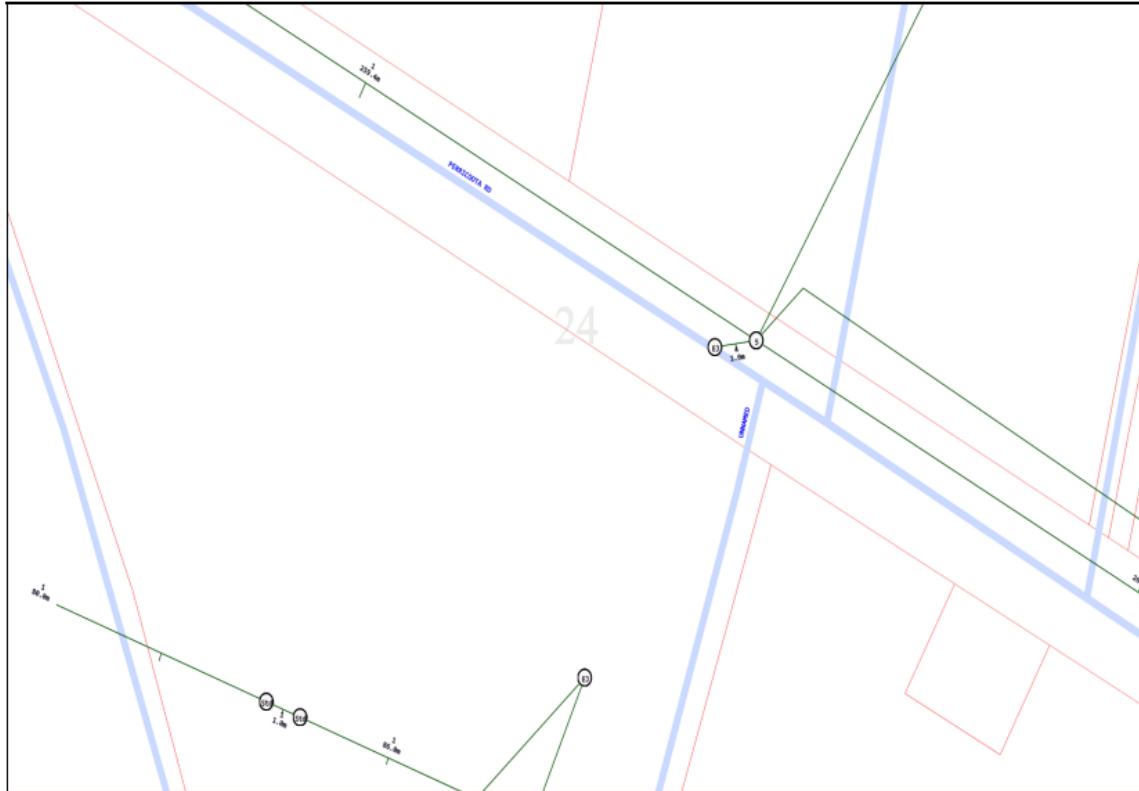


Figure 5: Before You Dig Extract of NBN Infrastructure (Before You Dig Extract, 2023)

Pursuant to the *Murray Local Environmental Plan 2011*, the subject site is zoned RU1 Primary Production. **Figure 3** provides an extract from the Planning Portal Spatial Viewer to overview the zoning of the site and immediate surrounding areas.

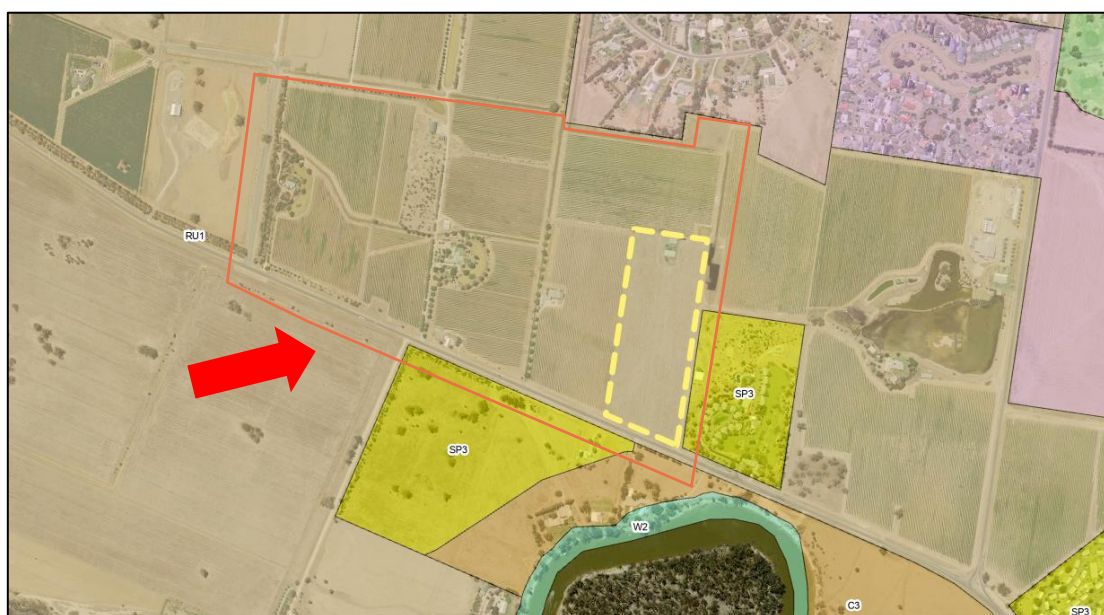






Figure 6: Zoning Map Extract (Planning Portal Spatial Viewer, 2023)

As summarised in **Table 1**, the proposal seeks to amend the *Murray Local Environmental Plan 2011* to override the existing zoning of the site and the minimum lot sizes.

The immediate surrounding landuses to the subject uses are summarised in **Table 2** and comprised of a variety of land uses such as small to medium size residential properties and primary production land.

Table 2: Surrounding Land Uses

SURROUNDING LANDUSES		
North	<ul style="list-style-type: none">• R5 zone• RU1 zone• Detached residential uses and ancillary structure• Waterbody• Primary production uses	
South	<ul style="list-style-type: none">• SP3 Zone• C3 Zone• W2 Zone• Residential use and ancillary structure• Murray River• Vegetation• Victorian boarder	

SURROUNDING LANDUSES		
East	<ul style="list-style-type: none">• SP3 zone land use• RU1 zoned land• R1 zone use• Low-density residential use and ancillary structures.• RU1 primary production landuse• SP2 classified road and continuation	
West	<ul style="list-style-type: none">• RU1 land use• Detached Dwelling Houses and ancillary structure• Murray River waterbody	

4. THE PROPOSAL

The proposal is to amend the Murray Local Environmental Plan 2011 to vary the RU1 Primary Production Zone for Lot 1 in DP1283567 and Lots 1–3 in DP854487 to propose R2 Low Density Residential Zone.

To vary RU1 Primary Production Zone for Lot 1 in DP1283567 to propose an E1 Local Centre Zone.

Override the minimum lot size for Lots 1 in DP1283567 and Lots 1–3 in DP854487 from 100 hectares to a minimum lot size of 2,000m².

To vary RU1 Primary Production Zone for Lot 1 in DP1283567 to propose an E1 Local Centre Zone to create a small scale destination retail/commercial area that complements the development and western side of Moama.

Remove minimum lot size requirements for the proposed E1 Local Centre Zone. **Figures 7** and **5** provide an extract of the Applicant's proposed plans to illustrate the potential Land Rezoning and the Minimum Lot Size maps.

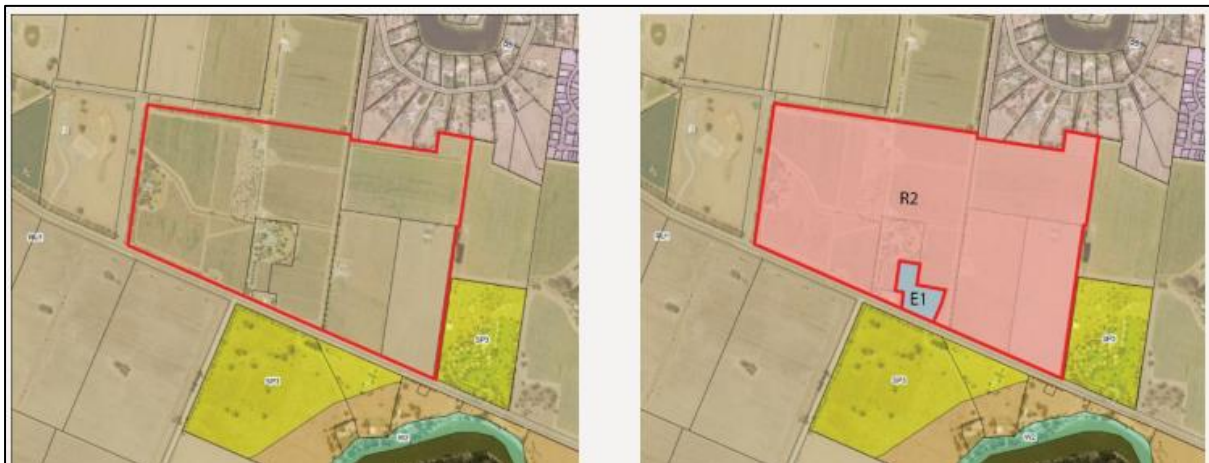


Figure 7: Existing Land Zoning and Proposed Land Zoning Map



Figure 7: Existing Minimum Lot Size and Proposed Minimum Lot Size Map

As part of the lodgement material, the Applicant provided an indicative project timeline for the proposed Planning Proposal. The Planning proposal is anticipated to take twenty-nine (29) weeks from the lodgement stage to the notification stage, subject to submissions and issues raised.

Utility, electricity, and telecommunication infrastructure augmentation are required to facilitate the development proposed over the site. The Applicant would be required to demonstrate envisaged services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed funding arrangements for infrastructure provision.

As per the application material, changes are not proposed to the existing contribution plan by the Applicant nor envisaged. Future development of the site would be subject to the contributions rate for the applicable zone under the Council's adopted Development Contributions Plans. Further, state infrastructure contributions may also apply to the future development of the site.

The planning proposal is not associated with the outcomes of a previous consultation undertaken by the Applicant and Council.

5. STRATEGIC MERIT

Riverina Murray Regional Plan 2041

The *Riverina Murray Regional Plan 2041* provides a 20-year strategic planning framework to guide decision-making and development in the Riverina Murray region. It provides eighteen (18) objectives to achieve the strategic vision for the region. The proposal is to be reviewed against the relevant provisions of the Regional Plan.

Table 3: Assessment Against Riverina Murray Regional Plan 2041

CONSISTENCY WITH RIVERINA-MURRAY REGIONAL PLAN 2041	
Objectives and Actions	Assessment Response
Part 1 – Environment	
<i>Objective 1 – Protect, connect and enhance biodiversity throughout the region.</i>	Part 1 of the Regional Plan provides objectives to deliver positive environmental outcomes. The site is not mapped as containing biodiversity values and is predominantly clear of native vegetation following a review of the Biodiversity Values Map and Threshold Tool and the Spatial Viewer mapping. Objective 1 met, future development of the site is not considered to impact biodiversity values given the historic use of the site for primary production and the unvegetated nature of the site which is not considered to contain high biodiversity values.
<i>Objective 2 – Manage development impacts within riverine environments</i>	Complies with objective 2 and its actions. The Murray River waterbody is located opposite the Perricoota Road network. Future development of the site can manage impacts within the riverine environment by implementing mitigative measures to limit erosion and sediment runoff into the Murray River waterbody and for dust generation.
<i>Objective 3 – Increase natural hazard resilience</i>	The site is not mapped as containing flood hazards pursuant to the Spatial Viewer mapping tool. However, the site is adjacent to mapped flood hazards located proximate to the front property boundary. Lots 1 in DP1283567 and Lot 1-2 in DP854487 are identified as containing bushfire buffer hazards within the front portion but not directly linked with hazardous vegetation. Given the distance from the mapped flood and bushfire hazards, the Applicant is to demonstrate natural resilience for future development of the site. Subsequently, the proposal can comply with Objective 3 and Part 1 of the Regional Plan subject to preliminary studies.
Part 2 – Communities and places	
<i>Objective 4 – Support Aboriginal aspirations through land use planning.</i>	Following a review of the Aboriginal Heritage Information Management System (AHIMS), known Aboriginal sites or places are not recorded in or near the above location within a 200m radius. However, one (1) aboriginal site has been identified within a 1km radius of the site. The proposal is consistent with Objective 4.
Objectives and Actions	Assessment Response
<i>Objective 5 – Ensure housing supply, diversity, affordability and resilience.</i>	The proposal to rezone and provide minimum lot sizes from 100 hectares to 2,000m ² can contribute to housing supply through higher yield. Housing affordability can be improved by contributing to supply and housing diversity can be achieved by different lot sizes which enables a wide range of housing typologies. Subsequently, the proposal can comply with Objective 5 subject to the demonstrated planning need for the proposed lot sizes.
<i>Objective 6 – Support housing in regional cities and their sub-regions</i>	Subject to demonstrated planning need, the proposal can support housing in regional cities and their sub-regions. Objective 6 can be met by the proposal.

CONSISTENCY WITH RIVERINA-MURRAY REGIONAL PLAN 2041	
<i>Objective 7 – Provide for appropriate rural residential development.</i>	Not applicable in this regard, the proposal does not relate to rural zoned land. Additionally, the Planning Proposal seeks to override the current LEP provisions to enable an R2 Low Density Residential Zone.
<i>Objective 8 – Provide for short-term accommodation</i>	Not applicable, the proposal seeks to rezone the land for residential use.
<i>Objective 9 - Plan for resilient places that respect local character.</i>	Moama and the character of the locality are comprised of a river lifestyle and small to large residential allotments, scenic views, and agricultural activities comprised of farmsteads, orchards, and vineyards. The proposal to rezone the land from RU1 Primary Production to R2 Low-Density Residential may undermine the agricultural character of the sites in this matter. The potency of the impacts is not considered to detract from the overall character of the locality adjoining land which includes residential uses on small to large lots. Further, the applicant is to demonstrate flood planning to achieve resilience for future residential uses over the site as part of the Planning Proposal Application. As such, it is considered that the proposal can plan for resilient places that are consistent with the local character.
<i>Objective 10 – Improve connections between Murray River communities</i>	Future development of the site can improve connections by avoiding the creation of lots with direct frontage to Perricoota Road. The provision of inter allotment roads that networks enable efficient ingress and egress can also improve the connection between Murray River Communities. Moreover, future planning of the site can include provisions for further road extensions should the adjoining properties be developed. Subsequently, the proposal can comply with Objective 10.
<i>Objective 11 – Plan for integrated and resilient utility infrastructure</i>	<p>It is noted that an Engineering Services Report has been provided by the Applicant and demonstrates that all essential services and utilities are available within proximity to fully cater for this proposed subdivision.</p> <p>The Applicant can demonstrate integrated and resilient utility infrastructure as part of the subsequent works. Therefore, the proposal can comply with Objective 11 as per the Engineering Services Report.</p>
Part 3 – Economy	
<i>Objective 12 – Strategically plan for rural industries</i>	Not applicable in this regard, the proposal does not relate to rural industries.
<i>Objective 13 - Support the transition to net zero by 2050</i>	Sustainability design principles can be embedded in the final development through planning and construction practices. The proposal, therefore, complies with Objective 13.
<i>Objective 14 – Protecting and promoting industrial and manufacturing land</i>	Not applicable in this regard, the proposal does not relate to industrial or manufacturing land.
<i>Objective 15 – Support the economic vitality of CBDs and main streets</i>	Not applicable in this regard, the proposal is not contained within a CBD or main street setting.
<i>Objective 16 – Support the visitor economy</i>	The proposal to rezone the site to R2 and E1 can indirectly support the visitor economy by improvising liveability within the area attracting regional and state migration. Migrants can attract visitors which can further support the visitor economy.
<i>Objective 17 – Strategically plan for health and education precincts</i>	Not applicable in this regard, the proposal does not relate to health and education precincts. However, there is an opportunity for the E1 Zone proposed to attract health-related tenancies upon development.
<i>Objective 18 – Integrate transport and land use planning</i>	There is an opportunity to integrate transport and land use planning to avoid direct access from Perricoota Road if required.

Murray River Council Local Strategic Planning Statement 2020 - 2040

The *Murray River Council Local Strategic Planning Statement 2020 – 2040* (LSPS) sets out the 20-year vision for land use planning in Murray River Council. It outlines how the Council will manage growth and change to maintain the high levels of environmental amenity, liveability and landscape quality that characterise the local government area (LGA). The Planning Proposal is to be reviewed against the applicable planning priorities identified within the LSPS.

Theme 1 - A Robust, Growing, and Innovative Economy.

Planning Priority 1 of Theme 1 relates to the protection of prime productive agricultural land from conflicting land uses and promoting agricultural activities and improvements. The Planning Proposal seeks to rezone an existing RU1 Primary Production land into an R2 Low Density Residential and E1 Local Centre zones effectively, which does not comply with Planning Priority 1 of Theme 1. It is requested that the Applicant provide further documentation to demonstrate compliance with Planning Priority 1.

Planning Priority 2 of Theme 1 relates to the growth and strengthening of tourism which is not applicable in this regard. The proposal relates to a residential and local centre use over the site.

Planning Priority 3 of Theme 1 relates to the creation of an 'open-for-business' identity. It is noted that new business park facilities are being investigated for incoming commercial and industrial enterprises. As per the LSPS, the proposal is development which continues the development pattern expected for Moama in a northwest direction. Following the LSPS, the Applicant is to demonstrate that the E1 Local Centre Zone will complete Echuca. Subsequently, the development is not inconsistent with Planning Priority 3.

Theme 2 - Liveable Communities With Social Capital.

Planning Priority 4 relates to housing growth, supply, and density. The vision is to provide a variety of large-lot and rural-lifestyle housing in the LGA, close to settlements. Specifically, large residential lots that range in size from 4,000m² to 8,000 m². Further, Perricoota Road is also identified within the Moama & District Rural Residential Strategy for Rural-style living catering for minimum lot sizes ranging from two to five hectares. The LSPS seeks to build on the Moama & District Rural Residential Strategy to deliver strategically planned rural lifestyle housing throughout the LGA, to provide a point of difference in the current housing market while protecting productive agricultural land.

In light of the above, the proposal to override the minimum lot size provisions for the proposed R2 Low Density Residential Zone to enable a minimum lot size of 2,000m² and remove the minimum lot requirements for the E1 zone proposed does not technically comply with the vision of Planning Priority 4 of Theme 2. Having said that this is referring to housing density only, and the proposed E1 zone relates to retail/commercial opportunity therefore the minimum lot size direction is not relevant for this component. It also noted that larger lot and rural lifestyle future residential areas has been identified in the Murray River Council Local Housing Strategy in the North-West location, which is the intent of the LSPS Planning Priority 4, and not in this location. In light of this information the planning proposal is consistent with the theme.

Planning Priority 5 relates to recreation and open space. Not applicable in this regard, the Planning Proposal relates to land rezoning for future residential and commercial uses.

Planning Priority 6 pertains to servicing and utility infrastructure. As demonstrated previously, there is an opportunity for the site to connect to reticulated water infrastructure. However, an extension is required to facilitate the connection as the existing water infrastructure does not extend to the subject lot frontage. The Applicant would be required to undertake an infrastructure servicing assessment to ensure that future water and sewer infrastructure aligns with future growth and reflects the planned housing strategy. Subsequently, the development complies with Planning Priority 6 and Theme 2 of the LSPS.

Planning Priority 6 pertains to servicing and utility infrastructure. As demonstrated previously, there is an opportunity for the site to connect to reticulated water infrastructure. However, an extension is required to facilitate the connection as the existing water infrastructure does not extend to the subject lot frontage. The Applicant is already aware and is in the initial phases of planning for water and sewer connections that will ensure that future water and sewer infrastructure aligns with future growth and reflects the planned housing strategy. Subsequently, the development complies with Planning Priority 6 and Theme 2 of the LSPS.

Theme 3 – Environment, Heritage and Climate Change

Planning Priority 7 seeks to identify and protect environmental values. As detailed above, the site is not mapped as containing biodiversity values and is clear of remnant vegetation pursuant to the Spatial Viewer mapping tool. The development is deemed to comply with Planning Priority 7.

Planning Priority 8 relates to culture and heritage celebration. Pursuant to AHIMS Web Services, the site is not mapped as containing aboriginal sites or places within a 200m radius as per the AHIMS. As such, the development complies with Planning Priority 8.

Planning Priority 9 of Theme 3 relates to climate change and natural hazards. As per the Spatial Viewer mapping tool, the site is not mapped as containing flood hazards but is partially within a bushfire buffer area. It is considered that future development proposals can incorporate sustainable development principles. Further, the Draft Echuca/Moama Flood study released has not identified this land within the flood planning area, therefore this site is not impacted by flooding. Subsequently, the proposal is deemed to comply with Planning Priorities 7, 8 and 9 and Theme 3 in its entirety.

Murray River Council Local Housing Strategy 2023-2041

The Murray River Council Local Housing Strategy (LHS) provides a guide for future growth and development of the LGA. There are 10 key challenges that are identified in the LHS and provide a lens for the Implementation Plan Framework. The key challenges are summarised as follows:

1. *Ensure adequate land supply in the right locations and the right time;*
2. *Promote housing diversity and affordability;*
3. *Reinforce commercial centres;*
4. *Protect settlement character;*

5. *Conserve primary industry land;*
6. *Conserve environmental assets;*
7. *Ensure development is sustainable;*
8. *Maintain efficient services;*
9. *Consolidate urban centres; and*
10. *Avoid natural hazards.*

Adequate Land Supply in the Right Locations and the Right Time

The proposal is to rezone the subject land to facilitate a subdivision proposal of approximately 108 lots on the fringe of the developed area in Moama. The proposal will result in the creation of larger lots that will contribute to land supply, in the right locations and the right time test as there is no large lots land supply in Moama that is currently on the market or in the immediate pipeline. Therefore, the site has been identified in the short-term development sequencing area in the Local Housing Strategy for residential development. It is however noted that the E1 zone proposed is not included in the development sequencing outline as the LHS only focussed on housing.

Promote Housing Diversity and Affordability

Housing diversity and affordability outcomes can be achieved by the proposed development through the provision of approximately 108 large residential allotments. The rate and size of the allotments can accommodate a wide range of housing typologies to cater for different housing needs. As such, the development is deemed to comply with key challenge two (2) of the Draft Housing Strategy.

Reinforce Commercial Centres

As per the lodgement material, the Planning Proposal is associated with an E1 zone to facilitate commercial centre uses. The development material does not illustrate how the inclusion of an E1 zone within the subject site will reinforce existing commercial centres within the Moama locality. However, via the landowner's pre-DA meetings with the Council and preliminary designs for this local centre E 1 zone proposed to create a small retail hub that supports not only the development but serves as a destination point to facilitate uses such as dining etc modelled on the success of the Three Black Sheep café that is situated within a previous subdivision in Moama. It should also be noted that a local business is already legally operating within the area that is identified for local centre E 1 zoning. Place-based initiatives identified for Moama mention *the desire for boutique commercial destinations, which can also be nodes for housing diversity areas*. Therefore, the proposal is considered consistent and appropriate.

Protect Settlement Character

Semi-rural primary production land use and river-style living on medium to large residential allotments make up the settlement character of the immediate locality. The Planning Proposal is generally consistent with the established residential character observed on the north and east of the premises. As such, the proposal is considered to comply by maintaining the settlement character of the immediate and surrounding areas.

Conserve Primary Industry Land

The proposal is to rezone an existing RU1 - Primary Production zoned land to an R2 – Low Density Residential and E1 Local Centre effectively. To facilitate a 108-lot subdivision for low density residential uses and a Commercial Centre. As per the Preliminary Site Investigation and applicable zone, the site is currently utilised for agricultural, commercial and residential uses. It has been indicated that the use of the site has remained relatively unchanged since the 1970s through to present times and vineyards formerly covered the majority of the site and these were gradually removed in the 2010s. The land is a small rural holding and has been used for winter cereal crops in recent years, and is considered low agricultural value land. The Planning Proposal to rezone the subject site is not considered to fragment an existing agricultural land as the entire site is small-scale and surrounded by small rural landholders. However, this area in terms of primary production land is considered as fringe residential, which is land awaiting activation for residential development in accordance with the growth development area identified in the LHS. The proposal is considered to comply with Key Issue 5 of the Draft Housing Strategy.

Conserve Environmental Assets

Impacts on environmental assets are not envisaged for the Planning Proposal. As per the aerial photographs, the site is clear of remnant vegetation and is not mapped as containing heritage impacts. Therefore, the proposal complies with Key Issue 6 relating to the conservation of environmental assets.

Ensure Development is Sustainable

The proposal is not considered to threaten the community's ecological, social or economic systems subject to detailed biodiversity studies. However, it is considered that the removal of 49.54 hectares of existing agricultural-zoned land to facilitate residential and commercial development can impact intergenerational equity given the historic and current use of the land for primary production. However, the land is a small rural holding, as is considered a low value agriculture land (growing only seasonal/winter cereal crops). Therefore, the subject land is identified within the Draft Housing Strategy as a Short-term Land Release. Therefore, the Planning Proposal is not inconsistent with Key Issue 7 in part.

Maintain Efficient Services

Servicing and Utilities Infrastructure has been included as part of the lodgement material and prepared by Terraco Pty Ltd. The report findings conclude that all essential services and utilities are available within proximity to site and can facilitate the subdivision of the site. As such, the development is considered to comply with Key Issue 8 of the Draft Strategy.

Consolidate Urban Centres

As per the Draft Housing Strategy, the subject site is wholly contained within the urban growth boundaries. As such, the proposal is considered to comply with Key Issue 9.

Avoid Natural Hazards

It has been identified that parts of the site are impacted by mapped bushfire hazard overlay. In support of the Planning Proposal, the Applicant provided a Bushfire Assessment Report prepared by Habitat Planning. The finding of the report concludes that appropriate bushfire protection measures in the form of a 10-metre APZ are to be applied along the western, northern and southern boundaries of the development. As per the Spatial Viewer, additional natural hazards are not mapped on the property. The proposal is deemed to comply with Key Issue 10 of the Draft Housing Strategy.

Part 2 of the LHS relates to The Right Place and the Right Time and seeks to implement the 10 key challenges at the local levels. In this regard, the subject site is identified in the preferred sequence and yield figure for urban land. The minimum lot specified ranges from 2,000-4,000m².

Further, Part 2 of the LHS implementation Plan provides Place-Based Initiatives at the local levels. **Table 4** provides a review of the planning proposal against the Place-Based Initiatives for the Moama Locality.

Table 4: Place-Based Initiatives Review

PLACE-BASED INITIATIVES – MOAMA		
Initiatives	Methods	Assessment Response
<ul style="list-style-type: none"> Introduce a long term place-based plan to guide local works and services including water and sewer upgrades to ensure that these are paced with development 	Engage in a catchment-based planning approach that covers the whole urban area, but also which addresses logical staging within each water and sewer sub-catchment which may include a longer-term approach out to the urban boundary area.	Future planning proposal over the site is to consider local works and services including water and sewer upgrades and to understand and characterise the community.
<ul style="list-style-type: none"> Establish a confirmed and detailed urban growth boundary around Moama. This should accommodate the potential future rezoning areas as shown in the report and consideration of other land uses including commercial and industrial land together with any associated rezonings.. 	Implement as an overlay through an LEP amendment as part of the consolidated instrument. Consider including rural residential and rural smallholding areas.	As per the Draft Housing Strategy, the site is wholly contained within urban growth area for Moama.
<ul style="list-style-type: none"> Within an overall place-based approach to planning for Moama, introduce a precinct-based model at a smaller spatial scale, hubbed around walkable neighbourhood centres or boutique commercial destinations , which can also be nodes for housing diversity areas. 	Engage in broad-based community collaboration in establishing the theme and character of new precincts as well as identifying existing and valued character of current developed areas.	Can comply, the Applicant can engage with the broader community as part of the Development Application to establish theme and character requirements as required by the Council. It is further noted that the proposal includes a boutique commercial destination node represented as a small local centre E1.
<ul style="list-style-type: none"> Avoid rezoning additional residential lands, except for some intensification areas in the existing town area. 	Ensure effective use of the residential land monitor to guide decisions regarding future land zonings.	Not applicable in this regard, the proposal is to rezone an existing RU1 Primary Production Zone for residential use.
<ul style="list-style-type: none"> Work with Echuca on an integrated planning approach 	Look to the total offering of land across the twin towns and recognise where one has a natural advantage over the other.	Can comply, the site is identified in the preferred sequencing and yields figure and is within the urban growth area for Moama.

As demonstrated above, the Planning Proposal is consistent with Part 2 of the LHS.

6. SITE-SPECIFIC CONSIDERATIONS

The subject site is zoned RU1 Primary Production under Murray LEP 2011 and the immediate adjoining land zoning ranges from SP3 and R5. Non-urban land to the south are zoned C3 and W2

Key features of the site and surroundings that could affect or be affected by the proposal are summarised in **Table 5**.

Table 5: Key Site Features and Surroundings Summary

KEY SITE FEATURES AND SURROUNDINGS	
Key Considerations	Assessment Response
existing development and uses	Primary Production and Dwelling house including ancillary structures and dam
surrounding development and uses	Primary Production Tourist and accommodation Dwelling Houses, ancillary structures and dams Murray River waterbody. Perricoota Road Large lots Small lot
topography	The topography of the site is generally flat and minor changes in the elevations are observed.
hydrology	Drains south following the site topography.
scenic and culturally important landscapes	Not mapped
heritage (aboriginal and non-aboriginal)	Not mapped
access and transport	Access via a driveway off Perricoota Road
major infrastructure (roads, rail, pipelines, transmission lines)	Perricoota Road
Services (water, wastewater, stormwater etc) and utilities (gas, NBN etc)	Within proximity to the site
community and social services	Parks and walking trails

As identified, the subject site is not mapped as containing flood hazards. However, the site is contained within a mapped buffer zone with respect to the bush but is not directly linked to hazardous vegetation. Furthermore, the site is not identified as contaminated land following a review of the contaminated land registered.

Table 6: Opportunities and Constraints

OPPORTUNITIES AND CONSTRAINTS	
Opportunities	Constraints
<ul style="list-style-type: none"> Site rezoning to R1 with a minimum lot size of 2,000m² Site rezoning to E1 with no minimum lot requirements Establishment of a growth boundary following rezone execution. An inter-allotment road network 	<ul style="list-style-type: none"> RU1 Primary Production Zoning Direct access off Perricoota Road will likely be constrained. Bushfire risk – the site is within a buffer area to bushfire-prone land and any future urban development will likely require appropriate consideration for bushfire risk and the provision of Asset Protection Zones.

7. PRELIMINARY PLANNING CONSIDERATIONS

The matters requiring further assessment in the planning proposal, including supporting technical documents are provided below:

Table 6: Preliminary Planning Considerations

PRELIMINARY PLANNING CONSIDERATIONS	
Key Considerations	Study or Investigations
Preliminary environmental analysis	<ul style="list-style-type: none"> Environmental constraints analysis to depict the existing site conditions.
Preliminary Transport investigation	<ul style="list-style-type: none"> Transport investigation to detail potential traffic impact and access consideration for the site following the proposal to rezone. Including details of road widening proposed to facilitate the future development of the site.
Preliminary Stormwater Management Investigation	<ul style="list-style-type: none"> Stormwater Management Investigation to demonstrate non-worsening outcomes for stormwater quality and quantity given the reduced lot sizes. The investigation report is to include the methods proposed for managing stormwater.
Public acceptance of the proposed development	<ul style="list-style-type: none"> Consultation to be carried out with the local community to inform the preparation of the Planning proposal.

As part of the Planning Proposal Application, the Application is to provide a response to address the relevant matters listed above.

8. RECOMMENDATION

In reviewing the Planning Proposal against the local planning context, the existing site conditions, and the strategic merits applicable to the premises and proposal. It is considered that there are sufficient grounds to endorse the Planning Proposal application to enable a Gateway Determination by the Department of Planning and Environment (DPE) for the proposal. Therefore, the following recommendations are provided:

1. Council endorse the Planning Proposal prepared by Habitat Planning Pty to amend the Murray Local Environmental Plan 2011 (LEP) to vary the zoning of the site on Lot 1 in DP1283567 and Lots 1–3 in DP854487 from RU1 Primary Production Zone to R2 Low Density Residential Zone. Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone. Subsequently, reductions in minimum lot sizes proposed for Lots 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m². Further, the minimum lot size for the E1 Local Centre Zone is proposed to be abolished.
2. The Planning Proposal be sent to NSW Department of Planning and Environment (DPE) for a 'Gateway Determination' in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
3. Council's staff complete all actions, as outlined in the Gateway Determination and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's Opinion and drafting of a new/amended Murray Local Environmental Plan (LEP).
4. Council notes if valid objections are received via the public exhibition process, a further report will come back to council for consideration.

APPENDIX A –
Applicant Proposed Supporting Materials

Amendment to Murray Local
Environment Plan 2012
420-508 Perricoota Road, Moama

MAY 2023

Contact

David Hunter, Director
Ashley Mackey, Consultant

Habitat Planning
409 Kiewa Street
Albury NSW 2640
02 6021 0662
habitat@habitatplanning.com.au
habitatplanning.com.au

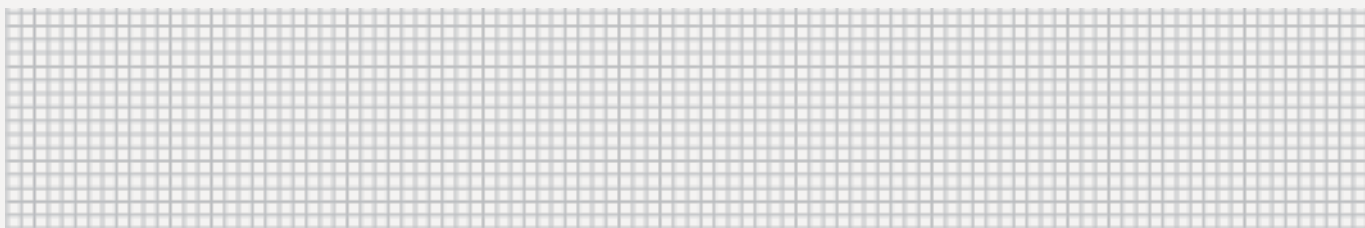
Habitat Planning Pty Ltd
ABN 29 451 913 703
ACN 606 650 837

Document Control

The information contained in this document produced by Habitat Planning is solely for the use of the person or organisation for which it has been prepared. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of Habitat Planning.

PROJECT NUMBER
21164

REVISION NO	REVISION DATE	VERSION STATUS	AUTHOR	APPROVED
1.0	25/05/2023	Final	DH	DH
2.0	11/08/2023	Revised	AM	DH



Contents

Executive Summary	6
1. Introduction & Site Description	7
1.1. Overview.....	7
1.2. Scope and Format of Planning Proposal	7
1.3. Supporting Plans and Documentation.....	8
2. Site Description	9
2.1. Site Location and Context	9
2.2. Site Description	10
2.3. Surrounding Development.....	11
3. Proposed Amendment	12
3.1. Objectives and Intended Outcomes	12
3.2. Explanation of Provisions	13
3.3. Justification.....	14
3.4. Mapping.....	21
3.5. Community Consultation	22
3.6. Project Timeline	23
4. Conclusion	25
Attachment A: Concept Plan.....	26
Attachment B: Consistency with Riverina-Murray Regional Plan 2041	27
Attachment C: Consistency with State Environmental Planning Policies	32
Attachment D: Consistency with Section 9.1 Ministerial Directions	42

Figures

Figure 1 – Site Map	9
Figure 2 – Aerial image of the site (Nearmap, November 2020)	10
Figure 3 – Conceptual subdivision layout following rezoning	12
Figure 4 – Existing Land Zoning Map	13
Figure 5 – Proposed Land Zoning Map	13
Figure 6 – Existing Minimum Lot Size Map	13
Figure 7 – Proposed Minimum Lot Size Map	13
Figure 8 – Preferred development sequencing in the Local Housing Strategy. Note the subject land indicated.	17
Figure 9 – Extract of the recommended Zoning and Minimum Lot Size Maps for Moama.	17

Tables

Table 1 Attachments to Planning Proposal	8
Table 2 – Consideration of the Murray River Council Local Strategic Planning Statement	14
Table 3 Project Timeline (indicative)	23
Table 4 Consistency with Riverina-Murray Regional Plan	28
Table 5 Consistency with State Environmental Planning Policies.....	33
Table 6 Consistency with Ministerial Directions	43

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).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it relates to the rezoning of lots to R2 Low Density Residential Zone, consistent with the recommendations of the Murray Local Housing Strategy 2023.

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 consistent with the strategic planning framework including State, Regional, District and local planning strategies for Moama.
- The proposal is consistent with the recommendations of the recently exhibited *Local Housing Strategy* that identifies the site as Low Density Residential with a 2,000m² minimum lot size.
- The resultant development of the land will not create any unacceptable environmental or social impacts.
- Development of this land as sought by this Planning Proposal can be fully integrated with residential development surrounding, both existing and proposed.
- There is clear evidence and demand for this form of residential product.
- The density of development is sustainable for the subject land.
- There will be a net benefit for the community.
- 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 to undertake the following:

- Amend the Land Zoning Map as it relates to Lot 1 in DP1283567 and Lots 1–3 in DP854487, from RU1 Primary Production Zone to R2 Low Density Residential Zone.
- Amend the Land Zoning Map as it relates to Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone.
- Amend the Minimum Lot Size Map as it relates to Lot 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m².
- Abolish the Minimum Lot Size requirement as it relates to the proposed E1 Local Centre Zone.

1. Introduction & Site Description

1.1. Overview

This Planning Proposal Scoping Report has been prepared by Habitat Planning on behalf of Perricoota Views Pty Ltd and is submitted to Murray River Council in support of a Planning Proposal to amend the Murray Local Environmental Plan 2011 (the LEP) as it relates to Lots 1-2 in DP1283567, Lot 1 in DP1231352 and Lot 1–3 in DP854487 at 420-508 Perricoota Road, Moama.

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 will demonstrate 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.

1.2. 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.

1.3. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical and design 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 1 Attachments to Planning Proposal

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

2. Site Description

2.1. Site Location and Context

The subject land to which this application relates comprises four allotments described as Lot 1 DP 1283567 and Lots 1, 2 & 3 DP854487, which are addressed 420-508 Perricoota Road, Moama. These lots form a generally rectangular parcels that each address Perricoota Road to the south and form a total collective area of approximately 48 hectares.

The site is located within a rural-residential area that is transitioning into higher density residential properties, to the north west of the Moama township. It is located along Perricoota Road, which forms one of the primary roads into Moama. The land is located near the Murray River to the south and the Rich River Golf Club to the south east.

Figure 1 below shows the location of the subject in context to the broader area of Moama.

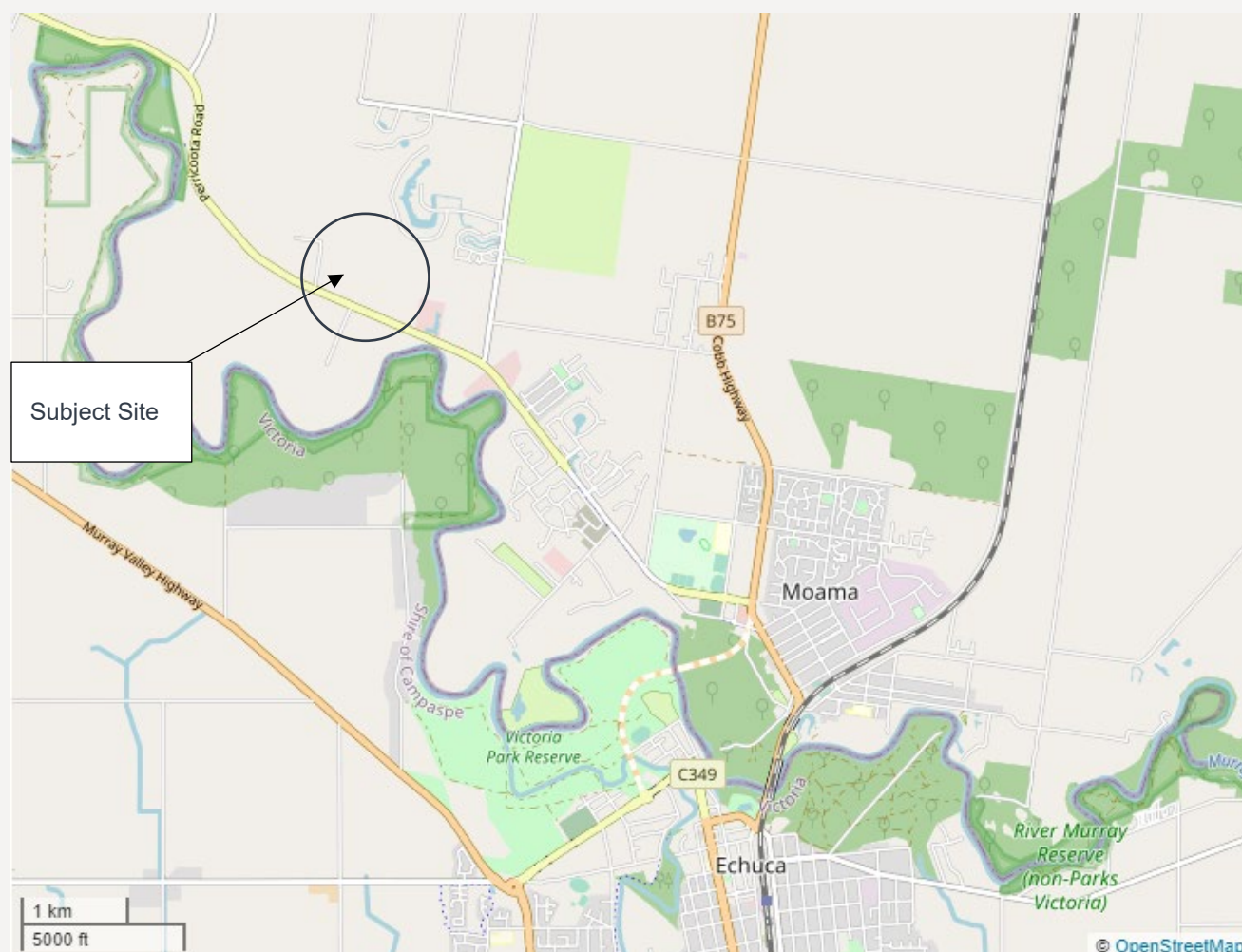


Figure 1 – Site Map

2.2. Site Description

The land is generally cleared rural land which has been used for intensive agricultural production and associated residential dwellings. Existing buildings and structures are located on each of the four existing lots, including dwellings and associated sheds.

The topography of the site is flat with little change in elevation across its profile. The site was formerly used for vineyards, with the produce trees having been cleared. As a result of this, the land is predominantly cleared and disturbed at the ground layer. Some overstorey vegetation is located throughout, notably in linear strips along most of the boundaries, and around each of the dwellings.

Vehicular access is provided to each existing allotment via independent driveways from Perricoota Road. Each of these driveways are well constructed with gravel finish. Perricoota Road itself is a sealed main road that provides appropriate rural access to the site with long sight lines.

The property is located within a transitioning rural to residential area and the land itself comprises existing rural properties. An existing electrical connection is available to the land and services the existing dwellings. Reticulated water and sewer are presently not available to the site, however are expected to be extended from adjoining residential estates as the area develops.



Figure 2 – Aerial image of the site (Nearmap, January 2023)

2.3. Surrounding Development

The subject land is located in a transitioning rural area, currently comprising primarily of rural, rural lifestyle and establishing urban development. Land to the north comprises residential development that extends from the Rich River Golf Club to the east. Land around this residential estate consists of transitioning rural land.

Land to the east contains an accommodation land use known as the Perricoota Vines Retreat holiday park. A nearby winery is also located further east. Land further east and southeast, comprises primarily residential urban development at the outskirts of the Moama township. Perricoota Road extends southeast away from the site towards the Moama CBD, approximately 5 kilometres from the site.

Land to the south opposite Perricoota Road consists of larger lot residential properties located along the Murray River foreshore. A houseboat construction yard is also located south along the foreshore further south. Land opposite the river comprises recreational parkland extending from the riverbank within Victoria.

Land to the west of the site consists of rural-residential properties containing dwellings and static water and shed arrangements similar to those found on the subject site. Similar development continues further west to the bank of the Murray River, which meanders nearby.

3.2. 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 1 in DP1283567 and Lots 1–3 in DP854487, from RU1 Primary Production Zone to R2 Low Density Residential Zone.
- Amend the Land Zoning Map as it relates to Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone.
- Amend the Minimum Lot Size Map as it relates to Lot 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m².
- Abolish the Minimum Lot Size requirement as it relates to the proposed E1 Local Centre Zone.

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

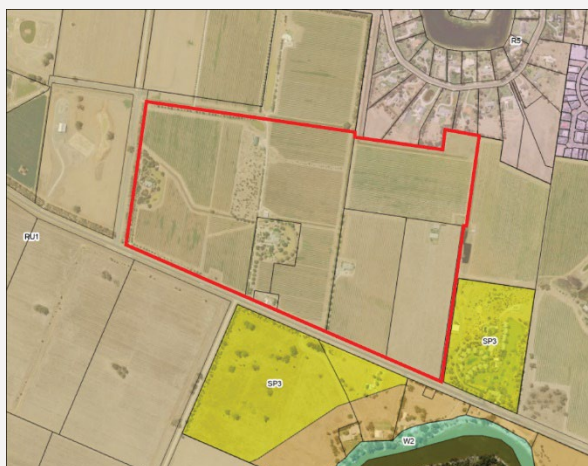


Figure 4 – Existing Land Zoning Map

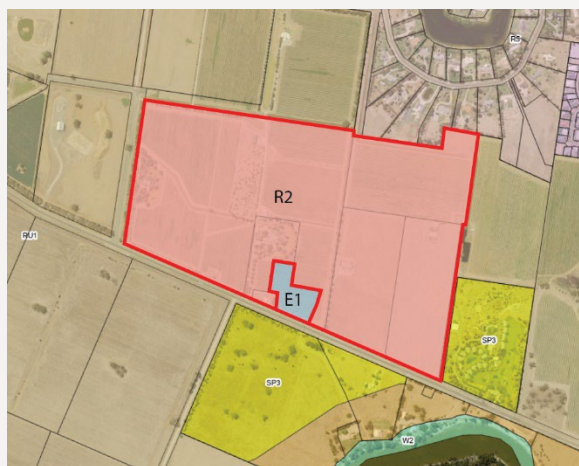


Figure 5 – Proposed Land Zoning Map

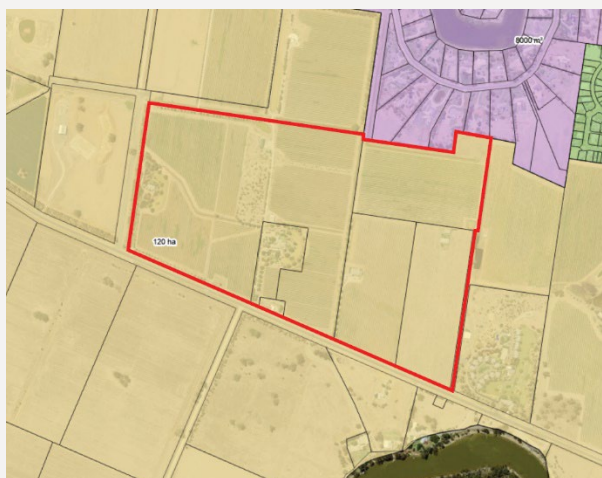


Figure 6 – Existing Minimum Lot Size Map

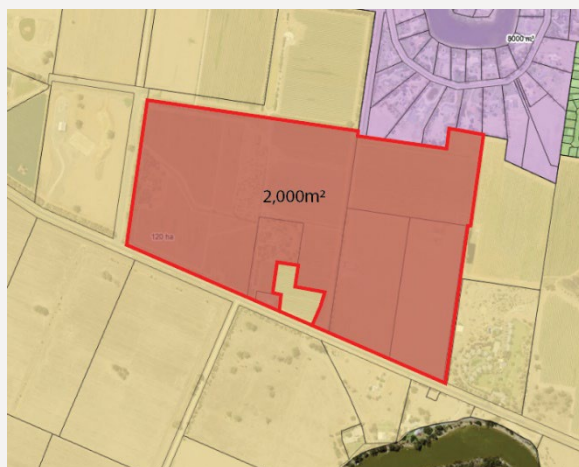


Figure 7 – Proposed Minimum Lot Size Map

3.3. 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

Is the planning proposal a result of an endorsed strategic planning statement, 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.

Further details regarding both of these strategic plans are provided below.

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 2041* 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 2 – 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	<p>The planning proposal does not seek agricultural outcomes.</p> <p>Whilst it is acknowledged that the subject proposal does seek rural outcomes, the loss of rural land for urban development is considered appropriate in this instance.</p>

Priority	Applicable to the Planning Proposal	Comment
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.	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.
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 is identified for short term growth and which will extend Council's existing servicing infrastructure

Theme 3 – Environment, heritage, and climate change

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>Following a review of the subject, the likelihood of items of Aboriginal Cultural Heritage being present on-site is considered low as the subject land is heavily disturbed and does not contain any identified landscape features.</p>

Priority	Applicable to the Planning Proposal	Comment
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 (Draft)

Murray River Council are currently in the process of finalising the *Local Housing Strategy*, which will guide the future growth and development of the Shire. The Strategy has completed public exhibition and Council are now in the process of preparing the final Strategy for adoption.

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 was undertaken, as well as an assessment of existing residential supply and demand and infrastructure servicing capacities and constraints.

The Strategy notes that a key challenge for Murray River Council is to "ensure adequate land supply in the right locations and the right time". This means ensuring adequate residential land availability is crucial in meeting housing demands in suitable areas, regularly monitoring housing capacity and promptly providing land to meet future needs not only reduces land fragmentation but also facilitates efficient infrastructure development while preventing sudden price hikes due to supply shortages.

In relation to Moama, the Strategy notes that there is a predominantly larger lot character when compared to Echuca, and that this is one of the key drivers for market interest in Moama. It also notes that while there a number of subdivisions and developable land in the area, there has been significant upward pressure on land in the area. The strategy nominates a need for short term supply to be provided to the north-west, including the subject land.

To address the identified and expected growth rate for Moama, the Strategy identifies a number of recommended land zoning and minimum lot size changes as outlined in **Figure 9** below.

The preparation of this Planning Proposal is consistent with the strategic aims and objectives of this draft Strategy.

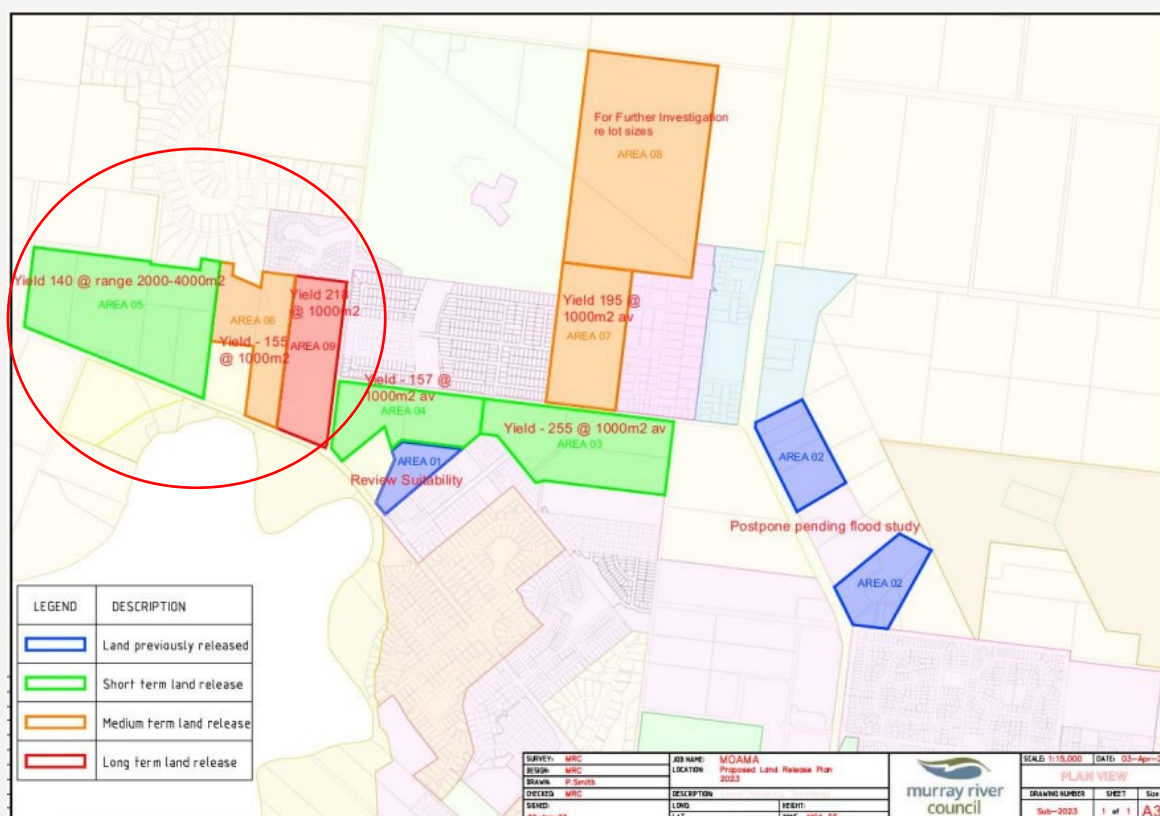


Figure 8 – Preferred development sequencing in the Local Housing Strategy. Note the subject land indicated.

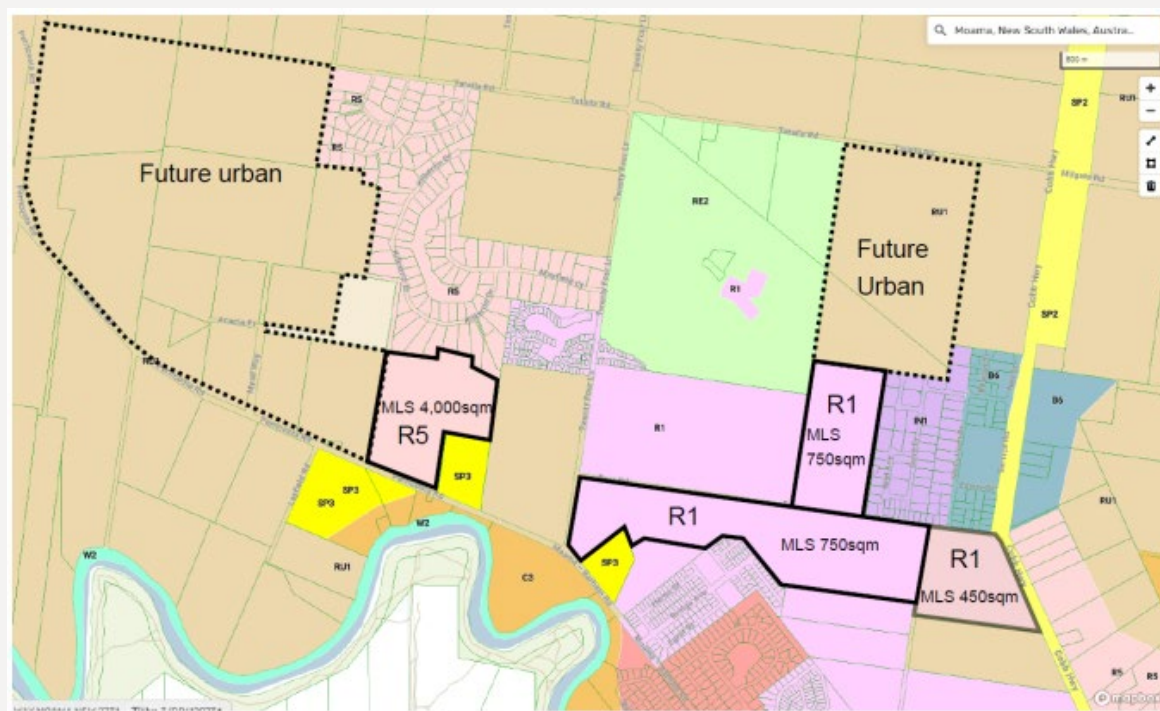


Figure 9 – Extract of the recommended Zoning and Minimum Lot Size Maps for Moama.

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 objective and intended outcome aims to facilitate the development of the subject land for low density residential purposes consistent with the theme of adjoining land uses, particularly the establishing northern portion of the land.

The lot size map as applied to the subject land would prevent the creation of lots down to 2,000m² as it currently limits lots created by subdivision to 120 hectares. Consequently, the intended outcome can only be achieved by a Planning Proposal to change the zoning and the associated minimum lot size for subdivision.

Therefore, the approval of a site-specific Planning Proposal is considered the best option as it will allow for the further development of the site consistent with the recommendations of the draft Local Housing Strategy.

4.3.2 Section B – Relationship to Strategic Planning Framework

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 B**.

In summary the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant goals, directions and actions of the Regional Plan as detailed in **Attachment B**.

Will the planning proposal give effect to a Council's endorsed local strategic planning statement or another endorsed local strategy or strategic planning?

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*.

The *Moama North West Masterplan (2010)* is the most relevant local strategic document to specifically identified land release areas. The subject site has been marked as suitable for short term development.

Noting the intended local activity centre at the corner of 24 Lane and Martin Road has not begun to be developed in accordance with the plan, the proposal also seeks to provide a small E1 Local Centre zone to provide a suitable level of local service and amenity to the newly created residential area.

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

An assessment has been provided in **Attachment C** outlining whether the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant SEPP's.

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 in **Attachment D**. In summary, the Planning Proposal is either consistent, or justifiably inconsistent with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

4.3.3 Section C – Environmental, Social and Economic Impact

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 land has historically been used for intensive horticultural activities, and has been highly modified as a result.

In summary, the Test of Significance for the site concluded the following;

“The property is not in a declared area of outstanding biodiversity value, the proposed development area is not mapped as Vulnerable or Sensitive Regulated Land according to the State Environmental Planning Policy (Vegetation) 2017, and is also not mapped as an area of Biodiversity Value (DPIE 2021e); the adjacent Murray River corridor is an area of Biodiversity Value, but the proposed development area is wholly out of this mapped area.

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

Consideration of other likely environmental effects resulting from the Planning Proposal have been considered and are addressed below.

Biodiversity

The assessed properties have been completely cleared of indigenous woody vegetation, except for one immature River Red Gum found on the southern boundary of 472 Perricoota Road, and a mature, hollow-bearing Grey Box found just north of the northern boundary of 472 Perricoota Road. Given the intensive agricultural land use of all four properties, they are dominated by introduced ground layer species; indigenous ground layer species are found as small patches and as individual plants, but at a very low abundance. The subdivision will result in the removal of 1 immature River Red Gum which is non-hollow-bearing.

The generation of a Biodiversity Offset Scheme Entry Threshold Report (BOSET Report) reveals that the minimum Lot Size according to the *Murray Local Environmental Plan 2011* (New South Wales Government 2021) is 0.8 ha, and that the Area Clearing Threshold required to enter the Biodiversity Offset Scheme (BOS), and for a Biodiversity Development Assessment Report (BDAR) to be completed, is 0.25 ha.

Therefore, for development to avoid entering the BOS and requiring a BDAR to be undertaken, native vegetation clearance must be < 0.25 ha; the loss of the one immature River Red Gum with an estimated canopy area of 30 m² (0.003 ha), is clearly significantly less than the clearance threshold of 0.25 ha.

A Test of Significance has been completed by Hamilton Environmental Services and is attached.

Natural Hazards

The subject land is identified as bushfire prone on Council’s bushfire prone land map. The primary risk presented from the land to the surrounding boundaries is grassland hazards, and will remain and require suitable Asset Protection Zone and design outcomes, until those areas are developed for urban purposes.

A Bush Fire Assessment Report has been prepared in support of the development and is attached for consideration. The BFAR considers the proposed layout and identified that the proposed lots can accommodate the required APZ and other necessary bushfire protection measures. Asset Protection Zones are to be established within the subject land to provide protection to future dwellings.

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.

Heritage

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.

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

The proposed subdivision will provide greater variety in lot sizes and housing provision within Moama and within the Murray River region in general. The development also increases the opportunities for low density residential living within a preferred location of Moama. The development will also increase the permanent population within Moama.

There will be a positive social and economic effect for the Moama community resulting from the development through the provision of additional choice and availability of residential land. The new residents will increase support for both community and commercial interests in the town and will provide an overall positive economic and social impact. The development provides an increase in land availability in Moama and encourages greater investment in preferred lifestyle areas of the Murray River LGA.

4.3.4 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The subject land adjoins existing developed land that is currently being developed for low density residential purposes. Therefore, the subject land has readily available access to reticulated infrastructure and services including water, sewerage, stormwater drainage, road access, telecommunications, electricity and gas.

It is noted that the Local Housing Strategy has noted that the short and medium term release areas, which includes the subject land, are based on the availability of infrastructure. The land is within the 'proposed urban growth boundary' of Moama, which is understood to have adequate servicing capacity.

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 circumstances of the subject land and nature of the Planning Proposal, no public authority consultation has been undertaken.

Notwithstanding, any consultation requirements with relevant public authorities and service providers will occur in accordance with the conditions of the Gateway Determination.

3.4. Mapping

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

- Amend the Land Zoning Map as it relates to Lot 1 in DP1283567 and Lots 1–3 in DP854487, from RU1 Primary Production Zone to R2 Low Density Residential Zone.
- Amend the Land Zoning Map as it relates to Lot 1 in DP1283567 from RU1 Primary Production Zone to E1 Local Centre Zone.
- Amend the Minimum Lot Size Map as it relates to Lot 1 in DP1283567 and Lots 1–3 in DP854487, from a minimum lot size of 100 hectares to a minimum lot size of 2,000m².
- Abolish the Minimum Lot Size requirement as it relates to the proposed E1 Local Centre Zone.

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).

3.5. 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 is 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.

3.6. 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 3 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 Proposal to public exhibition (including any delegation of plan-making powers to council)	5 weeks following Council resolution and request for a Gateway determination
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).

Project Milestone	Anticipated Timeframe
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

4. 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 consistent with the strategic planning framework including State, Regional, District and local planning strategies for Moama.
- The proposal is consistent with the recommendations of the recently exhibited *Local Housing Strategy* that identifies the site as Low Density Residential with a 2,000m² minimum lot size.
- The resultant development of the land will not create any unacceptable environmental or social impacts.
- Development of this land as sought by this Planning Proposal can be fully integrated with residential development surrounding, both existing and proposed.
- There is clear evidence and demand for this form of residential product.
- The density of development is sustainable for the subject land.
- There will be a net benefit for the community.
- 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: Concept Plan

Attachment B: Consistency with Riverina-Murray Regional Plan 2041

Table 4 Consistency with Riverina-Murray Regional Plan

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 the RU1 zone and this	<p>The subject land is located within a large area zoned RU1 that is has been identified for future urban purposes, and which has limited agricultural capability and is not currently being utilised as such.</p> <p>This proposal focuses residential development in an area which 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 near to and north of the Murray River.	<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 near to and north of the Murray River.	The subject land is located outside of currently mapped areas of flood risk (Echuca Moama Torrumbarry Flood Study, updated 2022)
Part 2 – Communities and places		

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
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 RU1 Primary Production to R2 Low Density Residential Zone.	The proposal seeks to increase housing supply in the Echuca-Moama area and offer a diversity of larger lots than are currently available in urban areas.
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.	Moama is noted within the Strategy as a <i>“town in the region that provide rural residential development that support a larger urban centre, including....Echuca, Victoria.”</i>	The proposal seeks to increase the supply of R2 Low Density Residential housing within an area supporting the larger urban centre of Echuca.
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 is for land earlier used to	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	Moama is part of the Echuca-Moama cross border community.	As a residential rezoning, the intent of the proposal is not to directly contribute to connections between the two towns.
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

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
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.
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	The subject site sits within the Echuca-Moama cross border community.	The subject site has been chosen in an earlier land use strategy to be proximate to Moama and enjoys access to Perricoota Road to the south.

Attachment C: Consistency with State Environmental Planning Policies

Table 5 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 woody vegetation, except for one immature River Red Gum found on the southern boundary of 472 Perricoota Road, and a mature, hollow-bearing Grey Box found just north of the northern boundary of 472 Perricoota Road
<i>Chapter 3 – Koala habitat protection 2020</i>	Applies as the subject land is located in the RU1, RU2 or RU3 zones	It is considered that the development is likely to have low or no impact on koalas or koala habitat. This is evidenced by the Test of Significance prepared by Hamilton Environmental Services that states;
<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.	A Preliminary Site Investigation (PSI) has been carried out for the site to determine the potential for any site contamination. The results of the PSI indicate that the potential for contamination arising from historical land use activities is considered low to moderate and that site will be suitable for occupation of residential properties 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 6 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.	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.
3.3	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
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.	Not applicable.
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.

No.	Title	Applicable to Planning Proposal	Consistency
4.4	Remediation of Contaminated Land	Yes, Clause 4.4(b) of the direction triggers consideration of this matter.	The Planning Proposal is considered to be consistent with this direction as: <ul style="list-style-type: none"> the subject land is not identified as an investigation area under the Contaminated Land Management Act 1997, and A Preliminary Site Investigation 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			
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.

No.	Title	Applicable to Planning Proposal	Consistency
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 choice and supply of housing and make use of existing urban infrastructure. In addition, the LEP already contains a provision requiring development to be adequately serviced.
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

No.	Title	Applicable to Planning Proposal	Consistency
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			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	The subject planning proposal will not (a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or

No.	Title	Applicable to Planning Proposal	Consistency
			(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.
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 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>

No.	Title	Applicable to Planning Proposal	Consistency
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.

Monteath & Powys

ABN 94 000 861 110

13/125 Bull Street
Newcastle West NSW 2302

PO Box 2270
Dangar NSW 2309

P (02) 4926 1388
info@monteathpowys.com.au

monteathpowys.com.au