

Proposed Amendment to Murray Local Environmental Plan 2011

420-508 Perricoota Road, Moama

MAY 2024

Submitted to Murray River Council
Prepared on behalf of Perricoota Views Pty Ltd

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Executive Summary

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

This Planning Proposal 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.

The purpose of the Planning Proposal is to give effect to recommendations of the *Local Housing Strategy* adopted in 2023 to deliver an integrated residential development of the land with an associated 'neighbourhood scale' commercial activities. The proposal is supported by a conceptual Master Plan and Servicing Strategy which demonstrates the suitability of the site for development.

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.

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

1.1. Overview

This Planning Proposal 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.

The purpose of the Planning Proposal is to give effect to recommendations of the *Local Housing Strategy* adopted in 2023 to deliver an integrated residential development of the land with an associated 'neighbourhood scale' commercial activities. The proposal is supported by a conceptual Master Plan and Servicing Strategy which demonstrates the suitability of the site for development.

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 | Proposed Conceptual Master Plan | Terraco |
| B | Commercial Centre Master Plan | Lloyd Sage |
| C | Servicing Strategy | Terraco |
| D | Consistency with Riverina-Murray Regional Plan 2041 | Habitat Planning |
| E | Consistency with State Environmental Planning Policies | Habitat Planning |
| F | 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 the property addressed as 420-508 Perricoota Road, Moama, which is made up of Lot 1 in DP 1283567, Lot 2 in DP 1283567, Lot 1 in DP854487, Lot 2 in DP854487, Lot 3 in DP854487 and Lot 1 in DP1231352.

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.

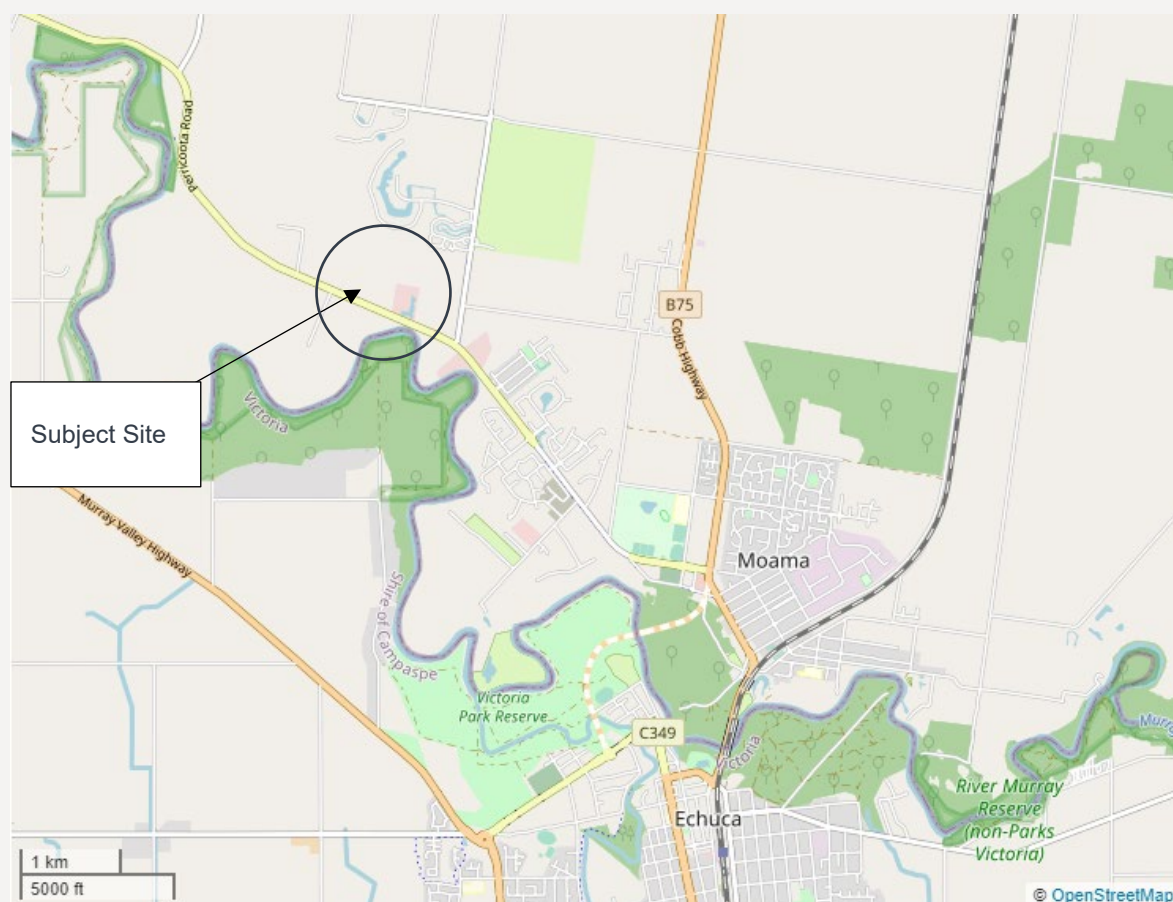


Figure 1 – Site Map

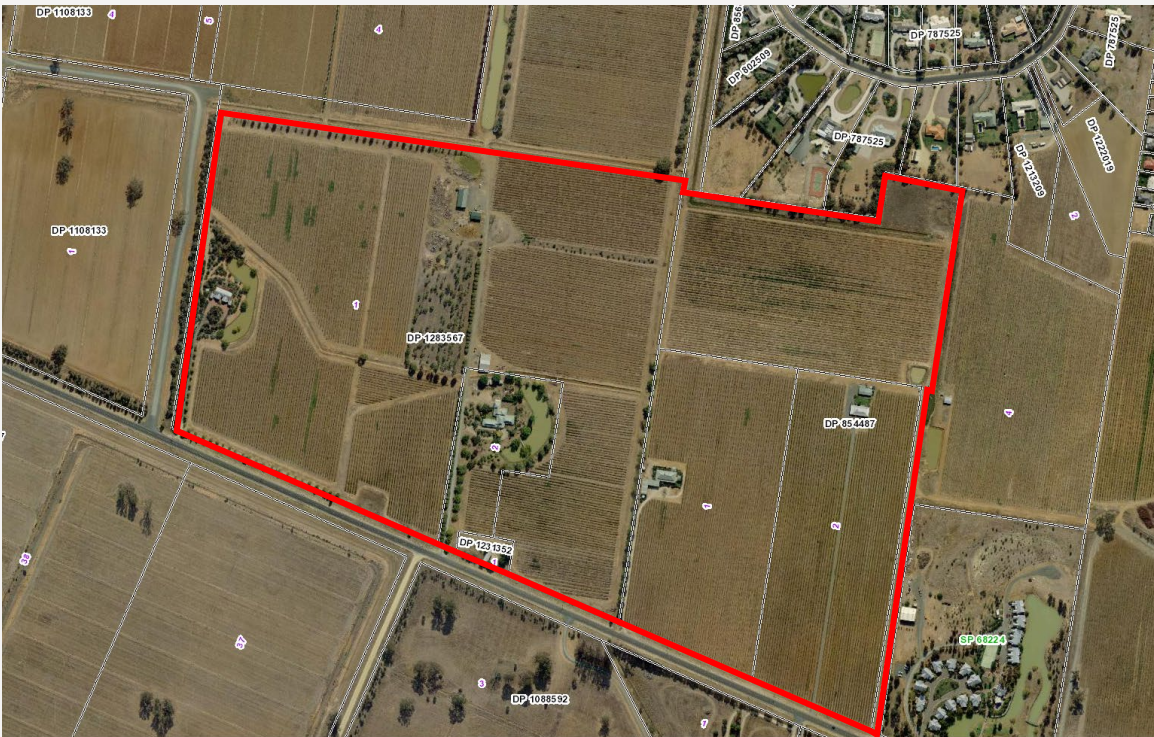


Figure 2 – Overview of land affected by the Planning Proposal

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.

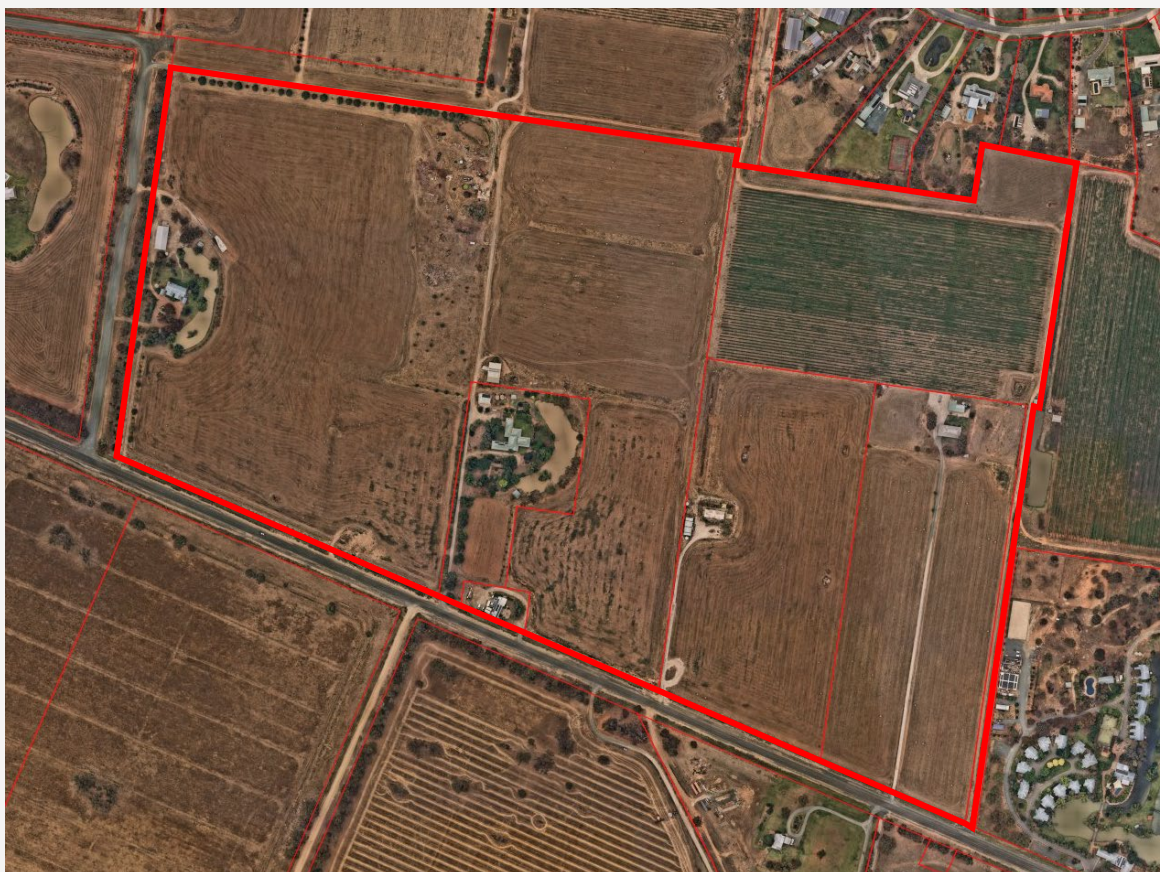


Figure 3 – Aerial image of the site (Nearmap, December 2023)

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. Proposed Amendment

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

3.1. Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the Murray Local Environmental 2011 to enable the land to be used for residential and local neighbourhood scale commercial development, consistent with the surrounding low density residential precinct to the north and in accordance with the recommendations of the *Murray River Local Housing Strategy*, adopted in 2023.

The Planning Proposal is sought to enable the future development of the site for 140 residential lots, creation of new reserves and drainage infrastructure and a small neighbourhood commercial area. The subdivision concept for the site envisages generally larger lots, ranging predominantly between 2,000-4,000m², which is entirely consistent with the recommendations of the *Murray River Local Housing Strategy*. An indicative master plan for the future development of the subject land is shown at **Figure 4** below.

The proposal also seeks to provide a small neighbourhood commercial area is proposed in the location of Stage 2a, adjacent to the proposed Perricoota Road access point. This area is intended to be zoned E1 Local Centre, representing its proposed role as a 'neighbourhood scale' centre in the overall Moama retail hierarchy. This location is intended to serve a neighbourhood service function to the existing and future community and will take advantage of its highly accessible and central location along a major transport route. It is noted that this location already contains an existing industrial retail premises known as Pacdon Park, which provides a service role to the surrounding community. A master plan of the proposed neighbourhood centre, which expands on the existing node created by Pacdon Park and the proposed road entry to the development, is provided within and attached to this Planning Proposal.

It is intended to take advantage of available urban services and enable new low density residential development within a portion of land that is contiguous with approved subdivision and integrated to the establishing low density precinct of Moama. The development of new residential and urban areas generally will require new and upgraded services and infrastructure to accommodate the expected growth. The subject land is located within Moama's residential growth front and therefore has access to a range of infrastructure and services with other upgraded services expected to be delivered along with this development.

A Servicing Strategy, with associated plans, have been prepared for the property and demonstrate the site can be serviced by essential services. The Servicing Strategy is attached to demonstrate the ability of the site to be adequately serviced, without detriment to the existing conditions or function of existing services.

A key outcome of the amendment is to add to the supply of residential land in Moama and provide additional choice in location and living environments for future residents. It is intended that the development of the subject land will provide for the strong demand for residential lots in the Echuca-Moama.

The site plan illustrates the layout of a proposed restaurant and an adjacent play area. The building footprint is divided into four tenant units (T1, T2, T3, T4), a WC, and a proposed restaurant. The restaurant includes an outdoor area. To the right of the building is a water park and play ground. The site is bordered by a utility area, a parking lot, and a road. Dimensions are provided for various sections and overall areas.

Building Layout:

- TENANT 01:** 7.8m x 10.0m
- TENANT 02:** 7.8m x 10.0m
- TENANT 03:** 12.3m x 5.8m
- TENANT 04:** 12.8m x 10.0m
- WC:** 7.8m x 10.0m
- PROPOSED RESTAURANT:** 20.0m x 10.2m
- RESTAURANT OUTDOOR AREA:** 8.3m x 10.0m

Play Area and Water Park:

- WATER PARK:** 41.00m x 41.00m
- PLAY GROUND:** 35.43m x 34.54m

Overall Dimensions:

- Overall Width:** 47.85m
- Overall Length:** 30.00m
- Overall Area:** 1437.75 sqm

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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 1–2 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 and Lot 1 in DP1231352 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.
- Remove the Minimum Lot Size requirement as it relates to part Lot 1 in DP1283567 and Lot 1 in DP1231352 (in relation to the proposed Zone E1 Local Centre).
- Insert 'Zone E1 Local Centre' into the Land Use Table of the LEP, as per the *Standard Instrument – Principal Local Environmental Plan*

3.2.1. Zone and Minimum Lot Size Changes

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

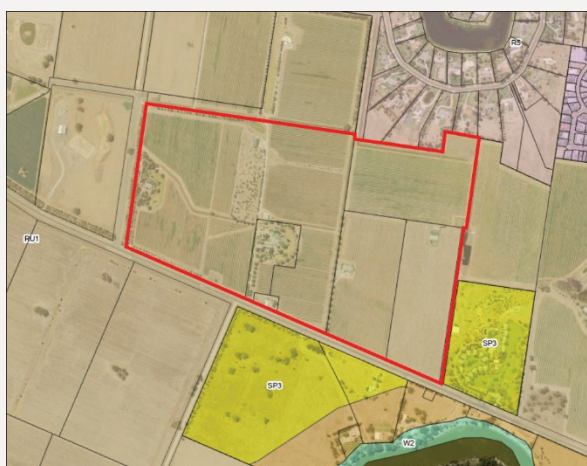


Figure 6 – Existing Land Zoning Map

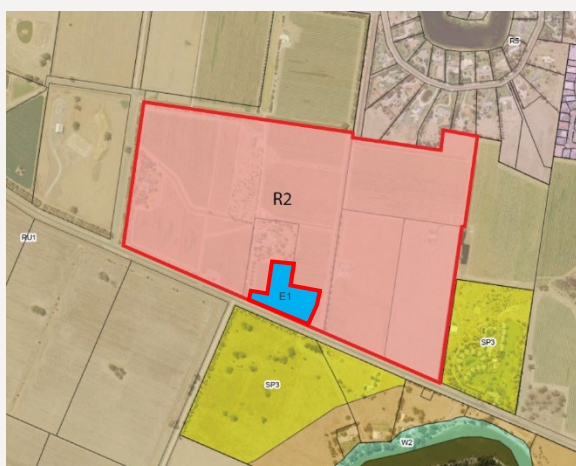


Figure 7 – Proposed Land Zoning Map

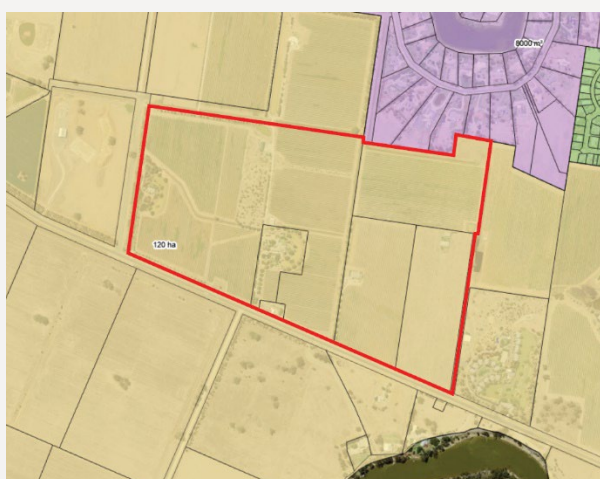


Figure 8 – Existing Minimum Lot Size Map

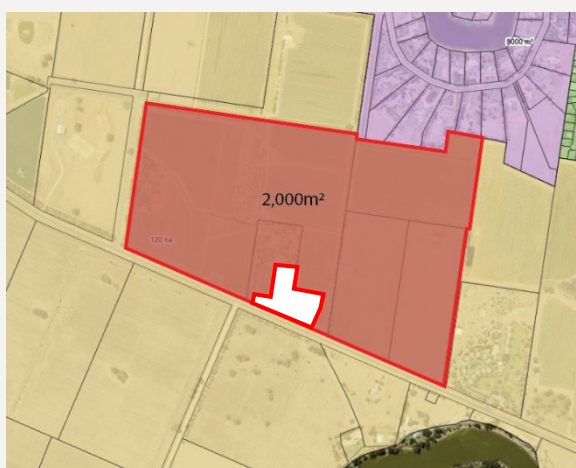


Figure 9 – Proposed Minimum Lot Size Map

3.2.2. Proposed Zone E1 – Local Centre Addition

The Planning Proposal seeks to zone the land at part Lot 1 in DP1283567 and Lot 1 in DP1231352 at the southern frontage of the site as E1 Local Centre. The addition of this zone is shown in the figures above.

Zone E1 Local Centre is not presently contained within the Murray Local Environmental Plan 2011 and is therefore sought to be added to the land use table by this Planning Proposal. It is proposed to adopt the zone generally as per the *Standard Instrument – Principal Local Environmental Plan*.

The table below sets out the provisions of the proposed Zone E1 – Local Centre in terms of the zone objectives and permissible and prohibited land use. Additions to the land use table from the standard instrument are shown in italics, and deletions are shown struck out.

| | |
|-------------------------------------|---|
| 1. Objectives of zone | <p>To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</p> <p>To encourage investment in local commercial development that generates employment opportunities and economic growth.</p> <p>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</p> <p>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</p> |
| 2. Permitted without consent | Home-based child care; Home occupations |
| 3. Permitted with consent | <p>Amusement centres; <i>Artisan food and drink industries</i>, Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; <i>Creative industries</i>, Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; <i>Any other development not specified in item 2 or 4</i></p> |
| 4. Prohibited | <p><i>Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Recreation facilities (major); Research stations; Rural industries; Rural worker's dwellings; Sewerage systems; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities</i></p> |

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

Murray River Council endorsed the *Local Housing Strategy* in 2023 which will guide the future growth and development of the Shire.

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

As part of the preparation of the Strategy, a constraints and opportunities analysis 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.

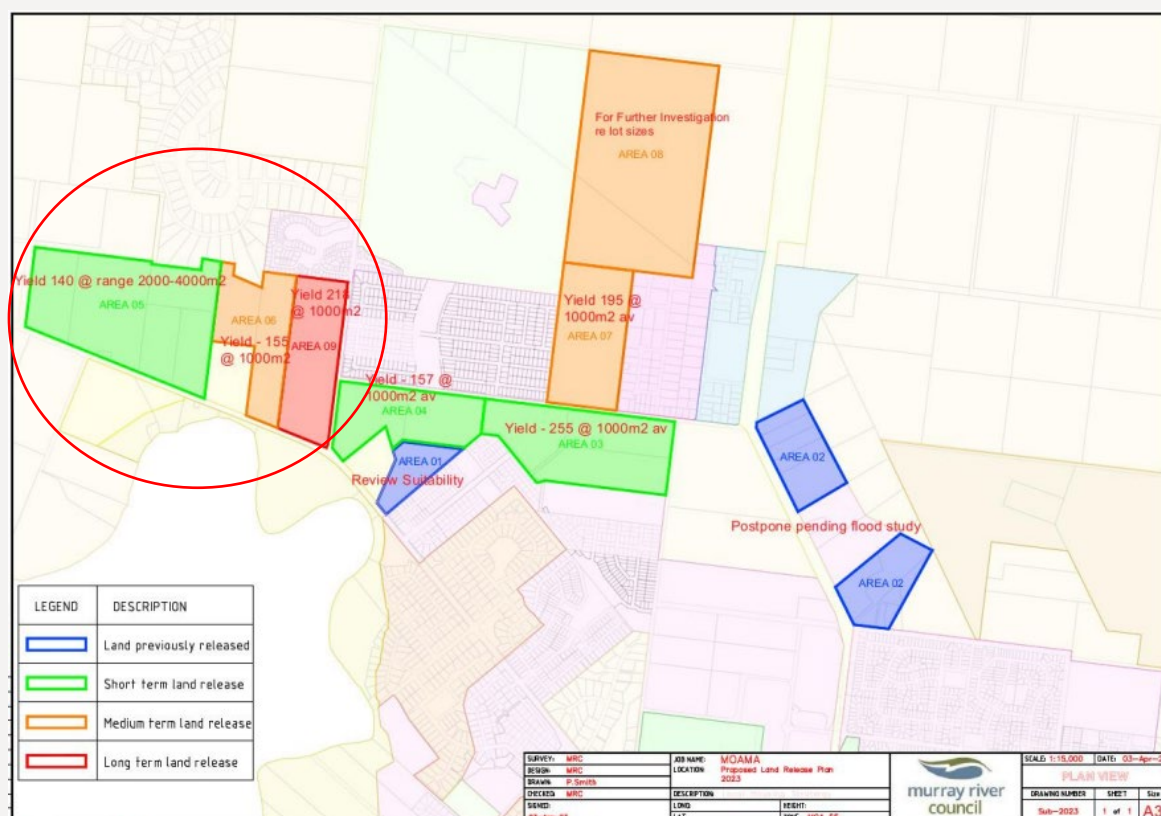


Figure 10 – Preferred development sequencing in the Local Housing Strategy. Note the subject land indicated.

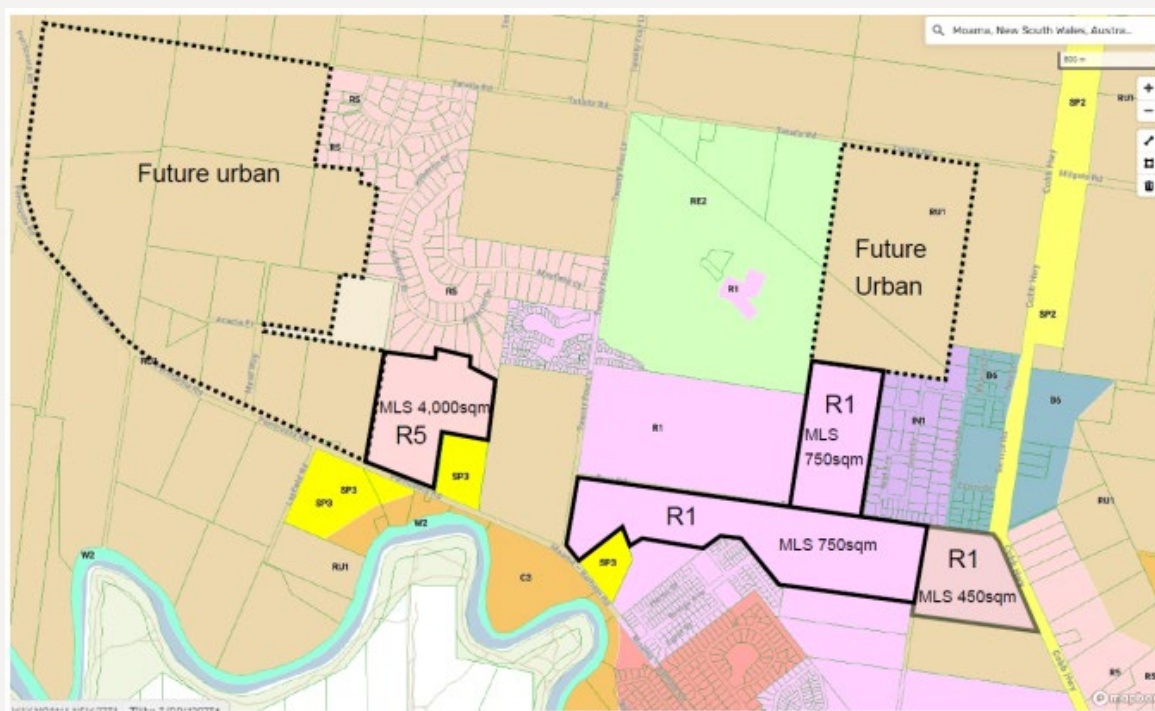


Figure 11 – Extract of the recommended Zoning and Minimum Lot Size Maps for Moama.

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 future 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.

The Planning Proposal also seeks to introduce a small area of E1 Local Centre, with the objective to provide associated 'neighbourhood scale' commercial development to support the expanding population to the east of the existing Moama urban area. Specifically, this zone has been selected to avoid any potential that may compromise the primacy of the Moama CBD area and to reflect the 'neighbourhood' role that this area will have in the overall retail hierarchy.

Therefore, the approval of this 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** demonstrating consistency of the Planning Proposal 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**.

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?

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.

It is noted that Council have recently undertaken the Local Housing Strategy process, which was assumed to have included a component of consultation with any relevant agencies.

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 1–2 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.
- Remove the Minimum Lot Size requirement as it relates to Lot 1 in DP1283567 and Lot 1 in DP1231352, for 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 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. |

| Project Milestone | Anticipated Timeframe |
|---|--|
| Consider Submissions & Finalise Document Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal. | 6 weeks to collate, consider and respond to submissions received (if any). |
| Council Report (consideration of submissions) Council planning officers to prepare a report to council post public exhibition that considers any submissions received. | 4 weeks to prepare council report and include on council agenda. |
| Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition. | 4 weeks |
| Notification Finalisation/gazettal of Planning Proposal | 2 weeks |

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.

Appendix A: Proposed Conceptual Master Plan

Appendix B: Commercial Centre Master Plan

Appendix C: Servicing Strategy

Attachment D: 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. | <p>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.</p> <p>The provision of a new Local Centre zone will also provide a much needed 'local neighbourhood' scale activity centre along Perricoota Road in the primary future growth area. This outcome assists with delivering new commercial activities along major transport routes.</p> |

Attachment E: 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 Koala's or Koala habitat. This is evidenced by the Test of Significance prepared by Hamilton Environmental Services which concludes that the site has little to no connectivity through the site of potential Koala habitat and that there have been no public records of Koala's within a 10 kilometre radius of the site. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|---|-----------------|
| <i>Chapter 6 – Bushland in urban areas</i> | Not applicable to the Murray River Local Government Area. | Not applicable. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|---|---|
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | Applies to all land in the State. | Not applicable to the current Planning Proposal. |
| 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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|---|--|
| 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 | | |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|---|--|
| <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. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|---|--|
| <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. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|---|---|--|
| <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. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|--|--|
| <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. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|--|---|---|
| <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. |
| <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. |

| Policy | Applicable to Planning Proposal | Consistency |
|---|---|--|
| <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 F: 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 Pymont 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 | Applicable as the Planning Proposal includes the rezoning of land to an Employment Zone and the introduction of Zone E1 Local Centre into the Land Use Table | The Planning Proposal is consistent with this direction as it seeks to apply an appropriate Employment Zone at an identified node with a growth area of Moama. It will reflect a local neighbourhood scale development, which has been master planned as part of an integrated residential development and considered within the drafting of the Murray Local Housing Strategy. It will not diminish or adversely impact the operations of the primary business areas of the Moama CBD and will enhance the daily needs of the community within the growth areas of Moama. |
| 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. |